

CITY COMMISSION MEETING MINUTES  
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO  
CITY COMMISSION CHAMBERS, 405 W. 3<sup>RD</sup> St.  
WEDNESDAY, MARCH 27, 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  
OJ Hechler, Community Services Director  
Luis Tavizon, Chief of Police

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

**2. SILENT MEDITATION:**

Mayor Hechler: We lost another Police Officer, Justin Hare on March 15<sup>th</sup>. This is the second one we lost in New Mexico this year. Jonah Hernandez was stabbed to death on February 11<sup>th</sup>. The total line of duty deaths this year was 27 nationwide. This is pretty ridiculous. Some policies have to change. Letting criminals out on the streets is a major problem here, and a lot of these folks that died in the line of duty were a result of people who had lengthy rap sheets and records. If you are so inclined, please give a prayer for these folks and join me in a moment of silence to remember our Police Officers.

**3. PLEDGE OF ALLEGIANCE:**

Mayor Hechler called for Mayor Pro-Tem Forrister to lead the Pledge of Allegiance.

**4. APPROVAL OF AGENDA:**

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

**C. PRESENTATIONS:**

**1. Proclamation and Certificate of Appreciation to Chuck Wentworth for 24 years of service as our local news reporter.**

Mayor Hechler presented a Plaque and Proclamation to Chuck Wentworth for 24 years of service as our local news reporter.

**D. PUBLIC COMMENT (3 Minute Rule Applies):**

**Tim Kuzdrowski addressed the Commission with comments related to:**

- He is an Elephant Butte resident, so he was not able to vote in the election pertaining to Ordinance No. 756. He did support it in other ways. He hopes that the city moves forward with the plans and funding sources and pledging for the PD, and that they are made crystal clear for the citizens.

**Carissa Trujillo addressed the Commission with comments related to:**

- She is a program Specialist with NMSU Enterprise Centers. We help New Mexico entrepreneurs connect to resources. We help start-up and mature businesses. We received a grant from the Small Business Administration that gives us accelerated programs throughout the state of New Mexico. This coming April, we will post an online business program in TorC. We extend an invitation to all entrepreneurs in Sierra County to apply to this program. The course will focus on developing, evaluating, and streamlining current business models. The program will encourage connections with other entrepreneurs as well as provide access to professional advisors. Will prepare a formal presentation for next meeting.

**Ron Fenn addressed the Commission with comments related to:**

- He feels there's a great divide between the Commission and the people of Truth or Consequences. He discussed the results of the recent special election. He thinks there's a problem at the police department that can't be resolved by moving to a new building. He discussed the number of police department employees that have left over the last 8 years. He feels that management is the problem.

**Shelly Harrelson addressed the Commission with comments related to:**

- The Ordinance was not passed because of misinformation. When you point a finger there are 3 pointing back at you. You should take into consideration what you can do to be physically responsible for our community.
- In 2023 we had over 60 IPRA's. She discussed the work involved in providing these documents and the financial burden they place on the City of TorC. The requests are frivolous and place a strain on our city employees.

**Cathy Mears Martin addressed the Commission with comments related to:**

- She provided an update on current MainStreet happenings, including moving out of their Main Avenue address, and into the Chamber of Commerce office.
- They are actively working with the Fiesta committee, as well as continuing the workshops being offered for local businesses.
- They are putting together a quarterly breakfast, and working on a grant application.

**E. REPORTS:**

**City Manager Gonzales reported the following:**

- The Commission previously approved the city to work with the Sierra County Business Center Training Division for a USDA RISE Grant. The grant was listed as closed. The application will be cancelled. Updates to notices, website, and grants are in the works. Everything else is in the agenda other than McAdoo Street. We're leaving it alone until the film is finished. I'm approving the permits. Jagger and I are working with the film crew on what's going on. Thanks to the community for being patient with them. I'm looking forward to this summer when we can see the results of the GRT and Lodger's Tax. I think it's going to be a positive jump for us. I would like to see that I have actual numbers in a few months to be able to show that. Thank you for your patience. Everything I've heard from the film group has been really positive. Any negatives, they've been able to work through. We appreciate the community working with us and I appreciate the commissioners being supportive.

**City Commission Reports:**

**Commissioner Hoepfner reported the following:**

- I think they're doing a great job with the movie, especially when it comes to public relations between the movie people and the citizens of downtown. Of course, there are a couple people who don't come in if they can't park directly in front of the store. Unfortunately, some people feel that walking a bit extra to support a local business is too much. Some feel it's the fault of the movie, but they are pretty much done when it comes to road closures. In May, it will be all indoors.
- PNC Bank closed. When I saw the empty building and lot, I thought it would be a good idea for the city to purchase. I reached out to one of the managers. Mr. Tom Jones contacted me the next day with information, and I forwarded it to the

City Manager. The building is very reasonably priced, so I would hope that the Commission agrees we should maybe look into purchasing the building for any kind of purposes. I see it as possibly an alternative for a Police Station because the bank vault would be a safe place for evidence, and the drive-thru can be turned into a garage. It has a lot of potential. I hope the City Manager would be allowed to look into it, and see what we can do, and how it would work for the city, and give us an opportunity to put a bid down. They said it would be on the market in two weeks.

**Commissioner Fahl reported the following:**

- The Turtleback Trail group is meeting every month. I met with the County Manager to talk with them more about their role in the trail and things they need to start working on. They're very glad to start working on that.
- I also attended the March County Commission meeting.
- I went to the Rock & Gem show. It was pretty cool, even as cold and windy as it was. They had a pretty good turn out this year.

**Commissioner Mitchell reported the following:**

- The members of the academic challenge for Hot Springs High School attended the Southern New Mexico Quiz Bowl on Saturday. Two of our team members made it in the top 10 scores in Southern New Mexico. I'm very proud of Flint Pape and Anthony Murillo for that.
- Our Hot Springs High Drama Club is working with the New Mexico Film Prize Jr. They just wrapped up their film as soon as this film started. We were filming at the Chamber of Commerce, and the movie theater downtown. They will be showcased at the New Mexico Film Prize Festival that will take place on April 5, 6 & 7. I'm very proud of them for all their hard work.
- We have a Fiesta Cash Party coming up this Saturday, and I have tickets left.
- We are going to be bringing the circus to town again on April 11 for children and April 12 for adults. We have tickets available for those as well. It's a good chance to get out and do something with your kids in the community.
- The New Mexico Outdoor Equity Fund has a bunch of money they're trying to give away. This came from Rebecca Dow. They're trying to do it specifically for trail developments. I just wanted to share that resource.

**Mayor Pro-Tem Forrister reported the following:**

- One of our small businesses downtown got a hold of me. They were having some problems with people trying to get into their building because of parking. I called our mayor, and he put in a call. They went and talked to him, and got it resolved pretty quickly. I appreciate you doing that. I know some of that parking downtown is kind of inconvenient, but what a cool thing that's going on in our community right now. Not to mention people staying in our hotels and eating food. It's nice that those actors aren't hiding. They're out in our community. They were at the Rock & Gem show. They go to the Brewery, and Los Arcos. They're really interacting. I can't imagine being a famous person and having to take 20

million selfies, but they're really embracing that. I think it's a cool and interesting time.

- On Friday, April 5, we're having something really exciting in the den at the gym. UTEP minors and local volleyball are coming to play an exhibition game in our gym. It's really cheap. We want everybody to show up and go. I think it's \$1 for anyone 18 and younger and \$3 for adults. Come out and bring the family. We have people coming from all over to come and watch that game, so we have a great opportunity to watch a game that you would have to travel 2 hours to go watch.
- Unfortunately, Mr. Fenn, stepped out. If you guys cannot see that people care more about winning than our community, then you're not paying attention. I like what Commissioner Harrelson said about when you point a finger, and there's 3 pointing back at you. You want to know why people leave this community, look in the mirror. It's unfortunate that we cannot refurbish a building that we already own, but we're looking at wanting to take out a loan for something that we don't.

**Commissioner Fahl added:** I want to say something about the movie. This is a funny thing. As Amanda said, it's great. It's exciting to have all of that. I just have to give kudos out to Bullock's because they're going to be in it, and he's getting his groceries at Bullock's. That's just exciting. I think he should put his own picture up there after Pedro Pasquale's is gone.

**Mayor Hechler reported the following:**

- Mayor Pro-Tem, you didn't warn me that when I became Mayor that it'd be this busy. It's been an interesting journey. I've only been Mayor for two months, and I feel like I've been here for 10 years. Carissa, thank you for your presentation. I actually have a granddaughter at Arrowhead right now. She's going to graduate this year. It's an excellent program. She's in an accelerated program where you get college credit for attending high school. It's a wonderful school. I'm a little biased. I know she's a great person, but a lot of that has to do with what you guys do there. Thank you for that.
- There are a couple things that were mentioned in public comment. This community is not divided. I've never seen this community more together. One issue does not divide this community. Yeah, we have some losses, and we have some wins, but we're not defined by one loss. It's a setback, but it doesn't mean that we don't live to find another way to get things done. We just got the ball rolling on it already to move forward with some type of support for the police department. We will continue to do that. Don't listen to the negative part of that stuff because this community is not divided. We do a lot of good things in this community. A lot of positive things are happening. We're getting a lot of support from our government our state government in particular. I'm optimistic and looking forward to the future, and things are really looking bright.
- One of the positive things that are happening is that I had a citizen call me not too long ago. She wanted to establish a coffee fund for the construction company doing the roundabouts. She saw the positive things they're doing up there with the landscaping. The roundabouts started out a little bit controversial.

As they moved through, and you saw how good the business access looks and the landscaping is improved, the company is doing a wonderful job. Some of us have recognized it. If you're so inclined, if you can go by the Coffee Express at the north end of town and make a small donation, there's an envelope set up there for a coffee fund. When the regular crew is back in a couple weeks, we're going to buy them all coffee and a donut or whatever on the town to appreciate what they've done for our community. That's a wonderful and positive thing.

- On March 16, I met with the Envirothon kids. We had a trash pick-up. We cleaned up the north end of town. There's a homeless camp there that needed some cleaning up. I think we hauled out about 6-700 pounds of trash. These kids, I tell you what, Mark Hedge does a wonderful job with these kids. I got to talk with him personally. I was listening to Mark as he's talking. He said to the kids, their job is community service, giving back to the community, and to study. They've been in the nationals and have won nationals several times, and they're going to go back this year. For a little town of Truth or Consequences to have a group of kids that work that hard to actually take first place at a national competition is wonderful and that says a lot about our kids.
- On March 20, I met with Representative Cody McCarty with U.S Representative Gabe Vasquez's office regarding funding opportunities. Traci and I have been working on some things to apply for funds. What I learned about last year and this year is I got into the game way late last year. We start now for things that we want to get next year. The ball is rolling and we got a chance to start doing some things right now. There are 2 or 3 projects we're going to apply for funding for this community. We're not going to leave any stone unturned. We're going to be aggressive and work as hard as we can to get those things done.
- On March 22, I met with Representative of the Governor's office, Daniel Werewath. He's a senior housing policy advisor talking about affordable housing for our community. One thing that I hear from the CEO at the hospital, the Veteran's Administration, and our school superintendents, is we can hire all the professionals we want, but we don't have a place for them to live. Meeting with those folks that have funding available for incentives like 2 year loan without any interest to get people started. The model for one of our investment groups is they'll build 2 or 3 homes together or in a condominium type thing, sell it to one person then that person can pay for his house by renting the other 3 out. That's kind of their business model and how they want to look at it. There's an opportunity for young entrepreneurs to actually get into a home and have help with their mortgage because they're renting the other properties out. We're working on things like that.
- Yesterday, I got a call from a Representative from the Governor's office. She's going to come here. I met her when I was meeting with the Governor. She'll be here on April 9 to tour our town to look at our water issues. Our plan of attack for that is pretty simple. We're going to show her all the information that we've gathered over the last year on the issues that we've dealt with and the issues that we're going to deal with. Then I'm going to roll into the issues that we're going to have next year. This year, we're handling our water issues. Next year, I want to try to work on our wastewater issues. The presentation will entail the

things that we've doing with water. We were able to get over 20 million dollars this year for water issues and water related things. It's not going to fix everything for us, but it's going to get us on the road. As I said before, water comes in. Sewer goes out. We've got to fix this problem too. We'll present that as part of the meeting.

**Commissioner Mitchell added:** I meant to mention that we are having a Fiesta meeting today, but because of the filming downtown, it will take place here at the Commission Chambers at 4:00. If anyone's interested in volunteering or attending that meeting.

**City Attorney Rubin reported the following:**

- I want to state that I agree with your comments regarding the community working together, cooperating, and the effects of the referendum election. I think the commission should be very proud of itself, and the community should be very proud of itself for the fact that the correct legal process was followed throughout. As I have emphasized before, when this issue first arose, it was put on the agenda. The commission listened to public comment. There was a lot of positive support of the ordinance. The commission took it all into account, and when you voted to approve the ordinance, you did what you thought was best for the community. There's no question about that. We have to keep in mind that there's a process involved here. All of us have different roles to play. After the commission approved the ordinance, the City Clerk did a good job certifying that the signatures that were brought before her in the petition, and setting forth a resolution for an election. It was brought back to the commission, and all these things were done properly. The voters of course, played their role regarding the results that were obtained. We had some challenges, but i'm really proud of the community quite honestly for the way this was conducted.

Mayor Pro-Tem Forrister added: We only had like 29% voter turnout, so it's not really divided or anything like that.

Mayor Hechler: It was a new process for us. A lot of voters threw it away quite frankly, and thought it was junk mail. We have to figure out a better way to better educate our community.

City Attorney Rubin: From a legal standpoint, it was done the way it was supposed to be done.

**F. PUBLIC HEARINGS (5 Minute Rule Applies)**

- 1. Public Hearing/Discussion/Action: Final Adoption of Ordinance No. 764 An Ordinance Amending the City of Truth or Consequences Municipal Code of Ordinances, by adding a new section 14-49 establishing Electric Connection Fees.**

Bo Easley, Electric Division Director: I am bringing back to you Ordinance No. 764. It went out to publication and now we are here for the public hearing and final adoption. This is for electric connection services fees. The connection services are available to the customers who desire to upgrade their electrical system. The service upgrade is 100 amp to 400 amps. It goes over the facilities provided and the upgrade size, and the primary line extensions and additional charges and fees.

Mayor Hechler: When you charge labor per hour, is that per position that's there? Or how does that work?

Bo Easley, Electric Division Director: We always have to have two people there. If someone gets hurt, someone's on the ground, they can call for help. Labor is always at cost per person, so it'd be \$35 per person.

Mayor Hechler: Because last time you guys fixed a transformer near my property, you had like 7 people there, which was okay. You had to do a lot of different work, so it would be \$35/hour for each one of those people?

Bo Easley, Electric Division Director: It just depends on the situation of the job. Sometimes we have a guy operating backhoe. It's pretty much that equipment plus the cost of that person.

Mayor Hechler: I just want to be careful. I know sometimes, you bring extra bodies because you don't know what's going to happen. I don't want to pass that cost on to the customer if people are kind of standing around. Not that they're not doing anything because if something happens, they have to be there. As long as we're pragmatic in that on a must need.

Mayor Pro-Tem Forrister: This is only if they're upgrading their service, correct?

Bo Easley, Electric Division Director: Right.

Commissioner Fahl: Or new service?

Bo Easley, Electric Division Director: Or new service.

City Attorney Rubin: This ordinance is actually limited in scope. I'm glad we're able to organize this better from what we had at this point in publication. Paragraph 1 talks about



the services that are available. 2<sup>nd</sup> page, paragraph 2 talks about the additional charges of fees. The important thing to remember is that there's going to be a resolution that's going to come back to you. You're not really approving monetary amounts today. We're saying here's the services, and here's the potential costs that are involved. Then we're going to come back with a resolution to actually set forth what the fees are.

Mayor Pro-Tem Forrister: We can set forth the fees when we come back on that? Ok, then I'm going to request, can we see what Sierra Electric charges so that we're just comparable to them? I know you have rates, but I would like to see something just so that we're comparable to them.

City Attorney Rubin: Take a look at the last sentence in the ordinance on the 2<sup>nd</sup> page. Charge of fees were based on actual cost of equipment time, labor, and materials needed to install the city service as per a resolution. Basically, it just tells you, you can use the services and what are available, and we're going to come back with a resolution to explain the charges.

Mayor Hechler: Are we currently charging for those services now?

Bo Easley, Electric Division Director: Yes.

Mayor Hechler: So, we are in some semblance charging for the use of the trucks, the manpower, and all that. What's the breakdown of that? If we have a couple different comparables? I think that would be good so we can make the decision. I think that's a good point. Any other Commissioners have any further comments or discussion?

Mayor Hechler opened the public hearing.

**Proponents:**

There were no proponents.

**Opponents:**

There were no opponents.

Mayor Hechler closed the public hearing.

**Commissioner Fahl moved to approve Final Adoption of Ordinance No. 764 An Ordinance Amending the City of Truth or Consequences Municipal Code of Ordinances, by adding a new section 14-49 establishing Electric Connection Fees. 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. 41 23/24 Establishing new Disc/Frisbee Golf fees at the T or C Municipal Golf Course.**

Alan Hansen Begg, Golf Course Superintendent: I'm just going to give you a quick history of what's going on with the disc golf at the golf course. At the golf course, we're always looking for different ways to increase revenue and involve community members. In 2021 disc golf was added. The golf course was given 9 baskets, and help with the Parks & Recreation 9 baskets, we had an 18 hole course installed in September of 2021. At that point, they charged \$2 per round. Actually, worse than that. It was \$2 a round or \$2 a day. Within 5 months, over 1100 rounds were played, and those baskets were simply paid for. The superintendent, at that time, realized there was an opportunity and bought another 18 baskets and formed another course. We had the first two course facility in the state, and more and more rounds are being played. We get a lot of people from the highway. We get a lot of locals playing the course. Now that we have two courses, this resolution would establish new fees to eliminate the old agreement and give us a little bit of an increase. There are about 180 golf courses in America that also have disc golf. Our fee at \$2 is the lowest by far of any of those courses. This new ordinance would move the fee from \$2 to \$3 per round and give the option for \$5 per day. This would give those people a pass to come back all day long if they want to play a round, go have lunch, come back. This would bring us at least a little closer to what other courses are charging, but we will still be very reasonably priced. Hopefully, down the road, we'll get some other things like season passes and things like that.

Commissioner Mitchell: Approximately how long does it take to play a round?

Alan Hansen Begg, Golf Course Superintendent: 2 hours for the 18 holes.

Commissioner Mitchell: I know that in order to enter the swimming pool it costs you \$5 if you're an adult. Roughly sessions are 2 hours. I think that you're still way too low. As I was looking over this in the packet, I was thinking \$3, that's pocket change for me. I'd like to see if we could charge \$5 per round because that's 2 hours of entertainment. I think that's reasonable especially if you compare it to bowling at Sidekixx or anything else you could do and then \$10 a day. I think that would be much more reasonable than raising your fees by \$1. What do we charge to play a round of golf? \$80?

Alan Hansen Begg, Golf Course Superintendent: \$21 if you're walking.

Commissioner Mitchell: At a bare minimum to play golf walking is \$20, but if you want to disc golf, it's 3 bucks? I think we should make it a little bit more comparable to that. It's my opinion. I don't know what the Commission thinks.

Mayor Pro-Tem Forrister: What does another disc golf place near here charge? What is something comparable?

CITY COMMISSION MARCH 27, 2024 REGULAR MEETING MINUTES

Alan Hansen Begg, Golf Course Superintendent: We don't have many that charge. There is a golf course in Albuquerque, and it's \$14.

Mayor Hechler: If we did change it to \$5, would it have a negative impact on the number of players that would play?

Alan Hansen Begg, Golf Course Superintendent: That's a good question. I don't think it would, but I do recognize that our community is not as affluent as even Albuquerque. That would be where I guess we would maybe consider a season pass or a half year pass for the locals to purchase to make it more economical for them. I wouldn't be opposed at all to that suggestion. I chose \$3 because we're currently \$2, and that is a 50% increase.

Mayor Pro-Tem Forrister: I'm with Commissioner Mitchell. If you're comfortable with that, and you don't think that's going to go anything into lack.

Alan Hansen Begg, Golf Course Superintendent: That could be something that we'd have to see. I come from Minnesota originally. I'm a resident here now, but I do know a lot about what goes on there. The most popular course in the state of Minnesota just has one fee \$8 only. If we went to say \$4 and \$8, there is going to be some point at which we go too high, and people choose not to play at all. We don't want that.

Mayor Pro-Tem Forrister: Do we want to approve this and then maybe come back fairly soon or do you want to go like \$4/\$8?

Alan Hansen Begg, Golf Course Superintendent: I don't think we should go higher than \$8 until we see how it plays out.

Mayor Hechler: Mr. Begg what percentage of users are from community, and what percentage of users are from out of the area just generally?

Alan Hansen Begg, Golf Course Superintendent: It's about 50/50 since 2021, and I consider Las Cruces in our area.

Mayor Hechler: Are these recommendations from you or are these recommendations from the Parks & Rec Advisory Board?

Alan Hansen Begg, Golf Course Superintendent: I presented them to the Parks & Rec Board.

Mayor Hechler: Would you feel comfortable going back to the Rec Board and discussing what we said here? Maybe going a little bit higher? Consider things like a \$4 and \$8 fee. Give us a couple of different variables.

Alan Hansen Begg, Golf Course Superintendent: I would be comfortable doing that, but the Rec board changed to quarterly.

Mayor Hechler: If so inclined, we could approve this today and then you'll have an opportunity to go back to the Park & Recreation Board and discuss it further if you like. I would be interested in a season pass, a quarterly pass, or a semi-annual pass. Those types of things certainly for our locals that play several times a week, that would be beneficial.

Mayor Pro-Tem Forrister: I think we're open to a higher rate if that's comfortable for you. I think we should approve what you have, and if you want to work on something else and take it to Recreation Board, I think we're open to that.

Commissioner Mitchell: I will add one more suggestion because I really having worked at the pool and changed the prices every year for 20 years. The thing that's going to be in your favor is the research on it and the data. If we have January through March whatever it currently is, then you take April, May, June at these new rates \$3 and \$5. You compare them. Did I gain people? Did I lose people? Did I break even? Was the money roughly the same? Then you can go back to the Recreation Board and be like hey, this actually worked. It increased our play or something like that. Maybe we'd be able to do another raise, and then also kind of like we talked about with State Parks, offering maybe a local discount. Show your Sierra County driver's license and say you get \$2 off a round or \$1 off a round. Something like that to make it easier for those people who are economically strapped but have an insane desire to play disc golf every day. That's why I haven't played yet because I know I'm going to get addicted.

Mayor Pro-Tem Forrister: I think we should have a commissioner disc golf tournament.

**Mayor Pro-Tem Forrister moved to approve Resolution No. 41 23/24 establishing new Disc/Frisbee Golf fees at the T or C Municipal Golf Course and instruct city administration to come back when they feel the need to raise the fees again. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

## **H. NEW BUSINESS**

### **1. 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 Mitchell made a motion to approve the Purchase Requisitions over \$20,000. Commissioner Fahl seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

Chief of Police Tavizon reported the following:

- The movie has been an experience, and the cast and crew have been great. They stopped by and visited with us. We had a unique experience to address some issues with the movie, so that's been fun.
- They had a huge turnout at the Rock and Gem show.
- I'm excited to see our rodeo arena being used with this bull riding that's coming up here in April. There is a lot of fun stuff going on. It's always fun and great to see the community gather and have something to do. Its super exciting.
- There was comment earlier about turn around and stuff. Every police agency across the country is dealing with some kind of pension issue. We are just fortunate that this time that the uncertified officers to take them off academy to attend to their schedules graduate from the academy one of them graduate with bachelor's degree so we have that. They are all willing to give up pay. Our officers are great. Our officers are dedicated to our community. On the 16<sup>th</sup> of this month there was and easter egg hunt that the housing authority put on. I shot an email out there a text message out there to see if anyone was interested in put up a table at that event and the amount of response I got back and people that showed up for that. Even from out of town was remarkable. Our officers are extremely dedicated and loyal to our community I'm very proud to have them serving our community and thankful for them.
- As far as our calls for service. I'm assuming they will continue to get busier as soon as the summer months come. So, for the month of March up to the 25<sup>th</sup>, we had approximately 956 calls for service. Our Animal Control Officers are extremely busy too. As you are all aware they service the entire county. Out of that 956 they took 131 calls.
- We had 16 motor vehicle accidents, so this train keeps on coming.
- Earlier this month I had Lieutenant do a crash analysis to determine if it is happening in a specific area, or what causes these are. He came back and gave me a map of all the crashes. There were crashes in residential areas where there shouldn't be crashes. It wasn't unique to where it gave me a specific area like the roundabouts, or downtown. It was scattered all over the city. The biggest majority of the reason for was driver attention. We are going to come up with a plan to address some of these crashes and try and bring those down. As you aware it affects us all our insurance purposes, if we could get those down a little bit get those worked out.
- My School Resource Officer had 7 calls for service.
- We had 11 Ski referrals.
- Our detective and officers conducted 34 follow-ups.
- Officers arrested 4 DWI for the month of March.
- Our Code Enforcement Officer has been busy training our Animal Control Officer. We only have the one, so he's been working 2 jobs. He's working on 4 different properties as well.
- The Officers conducted 196 traffic stops, and they issued 59 citations. They had 11 arrests for the month. We are also at a point in the beginning of March when a lot of things are due. There is mandatory paper work that Santa Fe requires.

## CITY COMMISSION MARCH 27, 2024 REGULAR MEETING MINUTES

- The law enforcement academy, we have to show that we provided the required training that's required by the state. So, we have to do an affidavit sign and notarize and send it up of what's submitted on that fire arm reporting.
- We're continuing with our training. We're at a point where we have instructors to teach the basic minimum requirements that Santa Fe requires to include additional advanced trainings.
- We continue to collaboratively work with other organizations were trying to get Casa going. I think that's a resource we are not taking advantage of so we have a meeting tomorrow to see what we could do to better service our community with unitization with Casa.
- We are working great with sheriff's department.
- Our officers all sign a commitment to the community they are serving 3 years. The ones that we have now will train them. We're hoping they will want to stay. If they are wanting to go, we will send them off as trained individuals. We are constantly battling the state as you aware. The state got another big raise for state police, so we got to do what we can at our level.
- Thanks to you guys, we are able to fix our infrastructure with the internet.
- A lot is going on right now. I believe they have a 2 week schedule before they get us online. Once that happens, we will be able to get a new formatted system. I have 2 individuals who are in the law enforcement executive program. Part of their classes came up with a stash study on how to make improvements, so I'm going to utilize their stash study. I had to do that a couple years ago, so we implemented that into this office. Once they're done with it, we'll add a few steps.

City Manager: Chief what about your training? What about the training you brought to our employees?

Chief Tavizon: we brough a company they teach law enforcement about supervision. Its supervision liability course. The majority of foreman and supervisors from the city were able to attend the training. It was a 2-part training. The first was recently there will be another one April 1<sup>st</sup> for the remainder of the supervisors. Positive thing for the city across the board.

Commissioner Fahl: Chief I just wanted to thank you for everything you do for our community. I think as a community we need to always express our gratitude to what you guys do for us. We can't tell you enough how grateful we are for your leadership and how much you progress our department since you've been here. So, thank you.

Mayor Hechler: You know I find it interesting how some citizens in this community are anti police we've heard from some of them today and you can tell by the rhetoric that they use and how they use it. I understand the vacancies and the things that have happened here and I also understand how policing works I was one for a long time and officers move from agencies. They move to where there are opportunities you know it happens. It happens with our chiefs it happens with our officers and until we have parity with other departments which are now realizing when we have that then we have people that stick around for a while. And I think we have that opportunity now. So, I think you full now you

have all your position full that's what we've worked for its positive and we can let those other comments bring us down there is no need for them. And you have to consider the source in those situations. I thank you for your efforts and your work and keep on fighting.

Commissioner Mitchell: You said that most of the officers that you trained they signed a contract for 3 years. Do we have any of those retention funds that we could use for after that 3-year period or is it only being set up specifically for those first 3 years?

Chief Tavizon: They are just specific as of right now. I know there working on reupping that program we are looking forward to that. They're going to have to do something with.

Commissioner Mitchell: I was just curious if there was funding available for that. Thank you. And thank you for everything you do. You guys are amazing.

**2. Discussion/Action: Variance at 401 Hwy. 181 to allow a mobile home that exceeds the age limit.**

Assistant City Manager Alvarez: This item was presented by public hearing to our planning and zoning commission on March 11<sup>th</sup> it was recommended for approval no opponents or proponents. This mobile home is more of a modular home. We don't have an actual date on it but we know that its was put in place prior to 2004. It's the old modular home that use be on the Anderson home building lot. They did have to move it prior to actual approval due to the film company. They just moved it to their lot and its temporarily I think it's still hooked up on the trailer pending approval. It will be for RY Construction there lots located in a commercial district it meets all the requirements once they hopefully gain approval from the commission, they will completely remodel the outside of it. They are going to be using it as an office not a dwelling unit. The inside interior is in great shape they just want to do some work on the outside and make it look really nice.

Commissioner Forrister: When these come because we have something in place that says after 20 years it says they have to come to us for approval. What are some of the stipulations that have to be met?

Assistant City Manager Alvarez: They have to meet the standards for any mobile home. It needs to have the skirting on it, the tires removed, the tung hidden permanent foundation, the steps have to be securely attached. Thers is a section in our municipal code specifically for manufactured housing.

Commissioner Forrister: I ask that because I don't know of some of these questions if our planning and zoning are asking because they are requirements or they were just asking.

Assistant City Manager Alvarez: We really try guide the planning and zoning commission to the finding and facts. Which is what them supposed to base their discussion on. Both myself the clerk's office, whoever's there at the meeting as well as even when our attorney is attended. We really try and explain that to them. It doesn't always stay in that lane.

City Attorney Rubin: One thing you do have the power to do as a commission you can have a conditional variance in order to grant the condition things are going to be done. That's in your discretion if you want to do that.

Commissioner Forrister: I wasn't asking that. Some of these questions are little out there on what they were asking these people on what they were going to do with their office.

Commissioner Fahl: He explained very well what happened the circumstances and what he tends to do.

Mayor Hechler: I'm a little intrigued by attorney Rubin by what you just said. I happen to know the contractor and I know he's a good contractor and I know he's going to go in there and take care of business. But just looking at this modular right now I would say no. It looks pretty rough but knowing the contractor and maybe we should grant it, but we should come up with the stipulation that within 6 months or so, he gets things fixed up to our satisfaction.

Commissioner Forrister: It's in there right 90 to 120 days. You also have to think of where this is located it's not a home that you drive by down town. It's down across from Bartoo.

Assistant City Manager Alvarez: It's one the edge of the city.

Commissioner Forrister: Before you make a motion. I also just want to point out and Mary Jo we have talked lots about personal property rights. I just want to make sure our planning and zoning just remembers that were not trying to impede on anybody's personal property rights and that the people that are wasn't proponents or opponents to this nobody else has a vested interest in this. So, we need to be very cautious of doing that. Go head with your motion.

**Commissioner Fahl moved to approve the Variance at 401 Hwy. 181 to allow a mobile home that exceeds the age limit. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

**3. Discussion/Action: Permitted Uses with Conditions - 401 Hwy 181 – Construction Yard and Storage units.**

Assistant City Manager Alvarez: This is the same address and the same company. Per our Municipal Code, the construction company, as well as storage units are allowed in the C-1 district, per approval as conditional use by our Planning & Zoning Commission. This technically didn't have to come to the City Commission, but I always feel better bringing it to you as well. In order to operate a construction yard, they have to keep it neat and clean. The storage unit that they want to potentially put up there will not be for their storage, but for rental storage units out to the public. This was recommended by the



Planning & Zoning Commission, and a public hearing wasn't necessary, but we didn't have anybody there to speak in opposition.

**Commissioner Forrister moved to approve the Permitted Uses with Conditions - 401 Hwy 181 – Construction Yard and Storage units. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

#### **4. Discussion/Action: Master Drainage Report Amendment 1 Fee Proposal.**

Assistant City Manager Alvarez: The Commission as a whole had voiced some concerns regarding the information that was provided to them at the public meeting on October 11<sup>th</sup> pertaining to the downtown drainage master plan. We did a lot of outreach at that time to try and get a lot of public to show up at the meeting. We did the social media post, and we posted it in multiple areas within the city. We had the email address for people to reach out to our engineer. They didn't get a lot of public comment in, but per the Commission's concerns, I did reach out to them with the potential of holding at least one to three more public meetings. They are at 90% completion of the plan, and so any further public meetings we hold where the Commission feels that plans need to be changed, there could be potential costs incurred. I included a proposal from them in the packet for almost \$36,000 to move forward with a minimum of two more public meetings with the option for a possible third meeting. I am looking for Commission direction, and how you would like for me to move forward with this. This will come out of local funds. We do not have any grant funds for this. We already exceeded that amount with the plan that they have done so far. This would have to potentially come out of my budget, or the Street budget. Either way, it comes out of the general fund.

Commissioner Fahl: Do you know how many comments they received?

Assistant City Manager Alvarez: The only comments that they received were from the Commission and I think he said he received two other emails. I can follow up on that. Very little public comment was received as a whole.

Mayor Pro-Tem Forrister: What is your recommendation?

Mayor Hechler: So, for \$99,000 we are supposed to have a completed plan., but there are some things that I don't think were answered. Gordon Edelheit said something about lift stations, and drainage ponds. Things of that nature, which I think was a legitimate request. I haven't heard anything about how they would address that. It seems like this plan addresses one way to deal with this. It doesn't give us any options, and the one way to deal with this is to take out streets and reverse them, instead of having drainage on the outside with crowns. They want to dig up the middle and put drainage down the middle of our streets which I think is a lot of work, and it is expensive. That is a \$10 million dollar project. I thought that there might have been some viable options to that. That sounds a little bit too problematic for me. I wanted some options, and they didn't provide us the

CITY COMMISSION MARCH 27, 2024 REGULAR MEETING MINUTES

options that I thought were brought up during the planning stage, and now they are wanting more money to give us more answers, and I don't know if I like that.

Commissioner Mitchell: How much money are they requesting from us, and what are they going to give us in return?

Assistant City Manager Alvarez: I included the task order in the packet.

Commissioner Fahl: This isn't going to get us anything:

Mayor Pro-Tem Forrister: So, we should just say that we are done here.

Assistant City Manager Alvarez: I could have the Commission email me separately, all of your questions, and concerns, and see if they could answer those questions, and to see if they made any changes, and maybe there would be a minimum to little cost with getting an answer back that way. Otherwise, I could ask them to revise this task order for just one more public meeting as opposed to two, with an option of three. There are some different ways to go, and it is all a Commission directive.

Mayor Hechler: I know we can't shop for the answers that we want, but we should get more than one answer. I would like to get a little more rounded view of this thing, other than just this one idea that they have.

Commissioner Fahl: When you are planning most plans, there are normally two or three options. So, if you tried everything to get the public to attend, and we had little to no response, I don't know if that would be the answer. We need to have more discussions with them, because they are not giving us a product that we are going to be satisfied with. There's got to be more than just one answer.

Assistant City Manager Alvarez: Just a reminder, the first section in your packet is what the commission approved for the \$99,000, and what their deliverables were, so I think that's why they are coming back with the amendment because to them, they provided the deliverables for that \$99,000 that the commission approved at that time.

Commissioner Fahl: Are you saying in the future when we are doing a task order, we need to specifically ask for multiple options?

Assistant City Manager Alvarez: I think that the commission does have that option. It all depends on your engineering. You have some engineers that are very specific with what their deliverables are, and if you step outside that box a bit, they are going to charge you, and then you have other engineers that do things for us that their deliverables may be a set standard, but if the commission requests more, they are more than willing to take a look at that and still work within our funding.

CITY COMMISSION MARCH 27, 2024 REGULAR MEETING MINUTES

Mayor Hechler: What if we accept the plan, and what would it cost to get somebody else to review that plan and give us an alternate recommendation? Would that \$35,000 be better spent somewhere else?

Mayor Pro-Tem Forrister: I think we should hold their feet to the fire on this.

Assistant City Manager Alvarez: We have to go out for request for proposals for this project, and we only received two proposals. A few of the other engineering companies came back and said, you know, we think it is a really great idea, but we don't feel that the amount you are willing to compensate is feasible enough to give you a good plan, so they declined to propose. I could reach out to some of our other engineers and ask them what the cost would be for a revision of this plan and see what we get. I would recommend, if you can get me your questions and concerns, I will reach out to this engineering firm to see if I can get some viable answers. If we know in the end, they are going to come back with a planning document that gives three different alternatives, and then you guys will have the option to choose those alternatives, and maybe we would be okay moving forward that way. If that is not what we are going to end up with, then maybe we need to look at something else.

Mayor Pro-Tem Forrister: I think in the future, we need to ask for three options because it is absolutely ridiculous that they give us a minimal plan, but we still have to pay them that amount.

Commissioner Fahl: If the scope of work didn't detail it, then they did the scope of work. I think we dropped the ball because most firms will do that.

Assistant City Manager Alvarez: Right. We usually get a draft presented, and then you guys review and talk about it, and then they come back with a final draft. I guess the ones that I have done in the past, but most of the planning documents that I have been involved with were for infrastructure, so I just thought that was the process.

Mayor Hechler: Another concern I have is that NMDOT is coming in and they are going to remove 3 inches of asphalt throughout our entire downtown area. They are going to mill it, get it out of there, and then they are going to put new paving on. How is that going to interact with what they are proposing here. I just don't think that it is going to work for us. I think we should go with Traci's recommendation. Traci, would you also forward the plan back to the commissioners so we can review it.

**Commissioner Fahl made a motion to postpone the Master Drainage Report Amendment 1 Fee Proposal. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

**5. Discussion/Action: First Amendment to Lease Agreement with Lightning Bar A Hangars, LLC.**

Assistant City Manager Alvarez: 20 years ago the city commission approved a lease agreement with Lightning Bar A Hangars, LLC, what we call the Auge hangars for reference. They constructed the 13 T-hangars out at the airport. The term of the lease was 20 years. They did a dollar a year with the right to extend it for two additional 10 year periods. This is the first amendment to request to extend the agreement for an additional 10 years. They had originally proposed a lease agreement of \$100 per month. They did provide some comparables. Our airport management services did some of their comparables as well and came back with \$184 which they agreed to, so at this time we are requesting approval of an amendment extending for 10 more years with Lightning Bar A Hangars, LLC. They are a great asset to our airport. We don't have any concerns with proceeding forward.

**Mayor Pro-Tem Forrister moved to approve the First Amendment to Lease Agreement with Lightning Bar A Hangars, LLC. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

**6. Discussion/Update: Lease Extension to Lease Agreement with RBR, Inc.**

Assistant City Manager Alvarez: This is another hangar lease agreement that we have with RBR, Inc. This is what we normally refer to as the LaFont hangars. In 1998, the city entered into a 25 year lease agreement with RBR. There again, it was done at \$1 per year. They were to construct their hangars, which they did do as well. The intention of that was 25 years ago that those hangars would then revert back to the city after that time frame. There was a plan for the city to be able to rent those out. Maybe a portion of that could be used as the terminal building. Quite the discussion. I included in the agenda packet some of the minutes from those past meetings. Back in February of 2020, a lease unbeknownst to us when we started looking into this, a lease extension was authorized and signed not to start until July of 2023 for an additional 25 years for the sum of \$8,000. Then they would be adjusted by the CPI as well. That wasn't something that came to Commission. I was unaware that the amendment had been signed. Being as we were bringing this other lease agreement in for approval, I wanted to bring this in and update the Commission to let you know that we do have that one for 25 years.

Mayor Pro-Tem Forrister: Who signed that dang thing? I'll go to the bottom and find out myself.

City Attorney Rubin: The former City Manager back in 2019, asked me to draft a lease, which I did. It actually called for it to be signed by the mayor, which contemplated to come back to the city. As we found out, apparently, this lease was approved and the signature changed to the City Manager.

CITY COMMISSION MARCH 27, 2024 REGULAR MEETING MINUTES

Assistant City Manager Alvarez: We actually had to reach out to the LaFont's to get a copy of it. The clerk's office didn't have a signed copy, executive admin, our attorney. We don't know when or why the decision was made to execute that amendment. LaFont's are great stewards of our airport. They have done a ton for the airport. I think it was just kind of a shock that it had been done for 25 years. That's a long time.

Mayor Pro-Tem Forrister: That's crazy, and the monetary amount is not.

Commissioner Fahl: Did the hangars revert back? Do we own the hangars?

Assistant City Manager Alvarez: No. That was taken away from us with the amendment that was done.

Mayor Pro-Tem Forrister: Jay, since that wasn't approved by the Commission, is that a standing agreement?

City Attorney Rubin: I think you have the difficulty of trying to say that it would not be at this point. There are a couple things that occurred because I was asked that question. For years, we never really defined what agreements had to come before the Commission and what the City Manager could approve. We finally resolved that a couple years ago when Bruce Swingle prepared the resolution that says if it's over a certain amount it has to come to you. He could approve other documents that's below that. We really actually never had anything in place up to that point. I think the problem we run into is the lessee would take the position as well that they were dealing with the City Manager and had no way of knowing who is really in charge at that point and they were going in good faith with what the City Manager was telling them. I think it would be a problem at this point 3 years later saying that you want to void the agreement.

Mayor Pro-Tem Forrister: I get that, but in the termination clause, I'm reading that you can give 30 days notice.

City Attorney Rubin: You have to have a cause though I think if I recall.

Mayor Pro-Tem Forrister: Well because we just did an agreement that doesn't match that.

City Manager Gonzales: Neither party shall have a right to terminate without cause. You have to have cause.

Mayor Pro-Tem Forrister: Our cause is that it was done incorrectly, and we want to re-do it correctly.

Assistant City Manager Alvarez: If I can jump in for a second, I will jump in and say that this was kind of above what I wanted to tackle on my own, so I did reach out to the mayor. We did have a sit down with the LaFont's, and I think that at least at this time, we could be jeopardizing a great relationship.

Mayor Hechler: We did meet with them. We were going to play hardball and ask for at least \$12,000 a year or more because we thought that was more in line with what those things were actually worth. Then we found through our searching and actually the LaFonts brought this to us. They had a signed agreement. I'll just call it what it is – a rogue decision by the City Manager at the time, and it should have been made before our Commission. We're going to put changes into our operational procedures so that we won't have that happen in the future. It's not that we don't trust you, Ms. Gonzales. It's that our Commission should make these decisions especially in long-term contracts.

City Attorney Rubin: I think your current resolution does say that. I think it was passed in 2022, I believe.

Assistant City Manager Alvarez: Do you know what the dollar amount was? That was my only concern. Because this is a low dollar amount, right? But it obligated it for 25 years.

City Attorney Rubin: I don't have it in front of me. I think that the \$20,000 figure we use for like any of the other resolutions is what we bring to Commission. I think that same figure applied here. I don't remember off hand.

Assistant City Manager Alvarez: But in essence, I mean do we look at that? I mean, moving forward, right. Does that \$20,000 all-inclusive because \$8,000 for a year is what he signed the contract.

City Attorney Rubin: I think it would have come back to Commission for something like that. When you have \$8,000 times 25 years is going to be more than \$20,000. I think \$20,000 total.

Assistant City Manager Alvarez: I think my biggest concern with the amendment on this or the thing that bothered me the most was this agreement wasn't set to expire. He signed it in 2020, but this agreement doesn't start until 2023.

Commissioner Fahl: That was not a good thing, but we can't undo it. Even in the amount.

Mayor Pro-Tem Forrister: So, they're paying us \$8,000 per year?

Mayor Hechler: Plus, the CPI every year, so it does adjust it every year for the cost of living.

Assistant City Manager Alvarez: So, the LaFont hangar is more of a singular hangar that's used. They do use it. They do buy a lot of fuel. They also donated the courtesy car at the airport, and upon talking with our airport manager, \$8,000 for what we would consider a land lease, isn't out of the realm. That's not a bad fee.

Mayor Pro-Tem Forrister: That's what I was about to say. The fee actually is okay. It's not that big of a deal.

Assistant City Manager Alvarez: It's just the idea that you plan moving forward when you have potential plans when this lease is due to expire in the next couple years talking a couple years ago and not realizing that it had been renewed, and we were not going to have that access.

Mayor Hechler: We thought it was going to be a City asset.

Assistant City Manager Alvarez: Yes, correct.

Mayor Hechler: It wasn't because we had some ideas to put a mechanic shop in there and some other things.

Assistant City Manager Alvarez: We could have rented out that hangar for quite a bit.

City Attorney Rubin: It may be a small consolation, but under this new agreement, Paragraph 7 does say when this expires the property does belong to the City.

Mayor Hechler: We do agree that our hands are tied. We have a great relationship with the LaFont's. This may not be the best contract for our city, but I think it's manageable.

Mayor Pro-Tem Forrister: Like I said, we're not totally off. Like you said, the monetary value's not off. It's just a long contract.

Assistant City Manager Alvarez: More than anything, I just wanted to bring it to your attention. There's a good reason to have the rules in place that prevent that kind of signatory.

#### **7. Discussion/Action: Approval of the 24/25 Sierra County Recreation and Tourism Advisory Board Annual Contract.**

Kim Skinner, Sierra County Recreation and Tourism Advisory Board: This is just our annual request. It's the same amount, same allotment, \$17,000. You all have in your packet all the details. If you have any further questions, I can get those answered for you. All of our social media is tied to the New Mexico Tourism Department. We do have their staff. Monitoring our data, looking at other suggestions, viewership, all of that. They send that to me – suggestions, updates, certifications and all that. We do have a whole other layer of professional eyes looking at this all the time. That's basically what the proposal is. Thank you so much for your time, and I stand for any questions.

City Attorney Rubin: I spoke to Ms. Gardner about this earlier. The \$17,000 we're talking about, that's actually after services are rendered, and then the invoice is submitted?

Kim Skinner, Sierra County Recreation and Tourism Advisory Board: Right. We do not get money up front. We submit invoices after. I understand about public funds.

Mayor Pro-Tem Forrister: I want all the people that come to us for money to do it that way.

Commissioner Fahl: I serve as your representative on that board, and they do a lot of very detailed stuff and a great benefit to our community. I believe it's certainly worth our investment.

Kim Skinner, Sierra County Recreation and Tourism Advisory Board: Honestly, there's a whole other lobby coming to this and our board. I know Angie gets copies, and I copy Rolf on all of our emails. We'll have our meeting shortly. Even yesterday, I was talking to Cabinet Secretary, Lansing Adams, from the Tourism Department. He sent a letter this morning that I passed onto Angie. I will send you a copy. Lansing did call me back this morning after he sent the letter. We had a conversation about the State Parks and park fees. I have our letter that we all signed off on, so I was able to share that information. There is a whole other lobbying arm that is really effective. We have been partners like Lansing says with the Tourism Department since 2010 that I know of. That we've been a client for the Co-op. We've been around. We know everybody, and everybody knows us. They do feel comfortable texting and calling on a personal level, which is a really good relationship.

Mayor Hechler: You have a lot of great statistics to back up what you're talking about.

Kim Skinner, Sierra County Recreation and Tourism Advisory Board: Honestly, when Joanie does her presentation, she has to have these. These are her statistics that we have to provide to the Tourism Department. This is a whole other level.

**Commissioner Mitchell moved to approve the 24/25 Sierra County Recreation and Tourism Advisory Board Annual Contract. Commissioner Fahl seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

**8. Discussion/Action: Dam Maintenance pertaining to Cuchillo Negro Dam, Marie Street Dam, and St. Anne's Dam.**

City Manager Gonzales: Everything is in the packet. We have discussed this since January. Mayor, Commissioner Fahl, and I were invited to meet with Flood Commissioner Jones and we got to meet with Miss Jan. There is funding available for flood prevention projects. It is our funding, ours as in the County/Municipality. It is the citizens' funding. It is off of a mil, so it comes to the County, and it stays in this County. We had discussed. I have created a RFP and can update it. This RFP that I have goes right off of the St. Anne's Dam, Cuchillo Negro Dam, and Marie Street Dam inspections. Those were 2022. What's in your packet is the 2019 and now also the 2022 inspections. What I was going to do is do a dam safety maintenance project. What I had done is taken off the scope of work. We were talking about how important that scope of work is in the bid. I am really nervous about this scope of procurement. I went right off the inspection requirements that



they're asking us to do. Toward the back says the required actions of the owner for each of those 3 dams. I have done all of that. Then I heard Mayor Pro-Tem mention that she was kind of iffy about expending funds on something that we could do in house. I also heard from Commissioner Fahl that we just need to get it done. Both of you are right. That's why it's on the agenda. I want you guys to give me a clear action item for me to go forward with. Before you do though, Commissioner Fahl, we have discussed and I have definitely heard. I'm not saying that I understand, but I do get it that St. Anne's Dam is classified as high-hazard potential therefore an operations and maintenance manual is required as per subsection of the New Mexico Administrative Code. The owner is referred to the website for information on preparing this manual. The dam is classified as high-hazard. Therefore, an emergency action plan is required per NMAC. It just so happens I ran across a gentleman who is an expert on dams, and he is working for us. The group is working on the Cantrell Dam. Traci and I met with him. I think Buster was in on it. We chatted for a little while, and I just made the comment of what would it take for the professional engineers to be able to get in here and take this operations and maintenance manual to knock that out, to do the emergency action plan knock that out. We were actually planning for the future projects on this funding. We have handed you the document. This one is the Wilson document February 29<sup>th</sup>. It's a proposal. It's sizable. They did not respond to anything on Cuchillo Negro. That one was not part of the discussion.

Commissioners asked why it was not part of the discussion.

City Manager Gonzales: After looking at this, I'm kind of glad we're just phasing it because we don't want to be greedy. We can assume that St. Anne's and Marie Street. You're going to see the price, and you're going to be aware. Probably more than likely, I was just talking and they took it and did not really realize that Cuchillo Negro needed to be involved.

Commissioner Fahl: And Morgan Street is a high-hazard dam too. That has to be included when we start planning.

City Manager Gonzales: We can, but these right now, I had actual documents in my paws and I was able to go to these gentlemen and show them what I have. In my mind this is how I thought. This is an audit. Here's my audit findings. What do I need to do to fix them? That's kind of how I simplified it into my understanding. It's going to take a lot to fix them. St. Anne's is \$146,372. Marie Street is \$119,596. Third party costs are all part of the geotechnical investigation. Pipe condition videos, which they are asked to do within these inspection documents. To do the two dams, \$348,468 not including GRT. We know we have a funding source. We would obviously procure properly. We will obviously do everything we need to do properly for any requests. I'm going to let you guys send me in the direction you'd like to send me in.

Mayor Hechler: I had a lengthy discussion with Sandy Jones our Flood Commissioner. It's been a couple of weeks now. We talked about all these projects. He's got some funding available. He offered the original \$100,000, but I talked to him a little longer, and

he may have some additional funds. I don't know what the extent of those additional funds are. I'm not going to speak for him, but I'm comfortable sending him this entire quote and seeing what he can do. His stipulation was this: I'd rather not have in kind services. I'd rather hire a company to come in and take care of business. It puts people to work. It's a nice collaborative. That kind of thing. I understand. He's got the money for it. If he wants to do it that way, he's the one with the paycheck. He can do it that way. I'd like to have some control in that I want to make sure if this comes to fruition, Sandy is able to pay all or a portion of this that Buster is involved on the ground acting as our liaison to make sure that we're getting the repairs needed repaired, and kind of that communication back and forth that we're getting what we're getting.

City Manager Gonzales: We can absolutely see that Buster would be our basically project manager.

Mayor Hechler: Having that extra control and that rapport is important. I trust him to do that, and I think that would be a good approach. That's the way I'd like to work this thing, and I'd like to have further discussion on it. It's a good start on 3 of the dams then we can form a plan of action for the others down the road. This at least gives us some idea. This pays for things possibly out of somebody else's funds and we can take care of business that way. That's what I know to this point. I'll open it up for further discussion.

Commissioner Fahl: The inspections and the scope of work that needs to be accomplished, some of that requires an engineer. Some of it, you need a surveyor to do. I suggest we break those into three different kinds of jobs. Some of it, city staff can do. Some of it, you can hire a contractor to do instead of paying a big company to do it all. Engineers don't normally do a lot of the work on those structures except for the emergency action plan and operation maintenance manuals that need to be done by an engineering firm. A lot of the other work doesn't have to be, and it would be cost effective if you didn't have to do an RFP as a whole for each one of them. You split it up, and it would probably save us money for the work outside of the EAP. To run the camera up there and check it out, you could probably get that under a professional services agreement and not do that as an RFP as a whole. That would save money. In regards to doing the emergency action plan and the OMM, those are average costs. Now, talking to the engineers that I work with all the time, the average cost of an approved emergency action plan alone is \$150,000. I would suggest very strongly that I don't know if Wilson & Company has ever had one approved, but it's an arduous process, and if we're going to do a contract with somebody, we should definitely hire a firm that has had them approved. As I said, I've worked with these people for years. It has taken some of them 13 or 14 attempts on an emergency action plan to be approved. That department will send it back because they don't like the punctuation. They don't like the letters that you use. They don't like the font. They'll send it back years. We need to get it done using the Sierra County Flood Commission funds. It's a levy. Everybody pays into that, so it is good that he's letting the citizens of T or C reap the benefits of the funds that they're putting into that. That's an excellent use of those funds. We need to do that. It's great that Wilson & Co. gave you a quote, but we should use firms that have had them approved. There's not very many of them that have got them approved. You have to know exactly what they're

looking for in order to get it done in a timely manner. I think we should be smart and use a company that's done it and has been successful. Those amounts are close to what they cost. 10 years ago, it was only \$50,000. Now, it's \$150,000. I heard that some new law, under new funds through CBDG, you can get planning grants to pay for EAPs now too. It's stated in there. That's another way to use those funds. I think we should take advantage of the commission, but if we can get other funds to do that too. We need to get into compliance. We've been out of compliance for a long time, and the liability from that is very frightening that we're not taking care of those dams.

Mayor Hechler: Are you suggesting we need to get some other quotes?

Commissioner Fahl: Definitely. We need to get them from companies that have gotten them approved.

Mayor Pro-Tem Forrister: Merry Jo, that's way over my head. What is our next step?

Commissioner Fahl: Besides the emergency action plans and the operation maintenance manual, we can divide that into different components and just hire somebody under a professional service agreement to run the camera. You can split that then we don't have to go through the RFP process and not make it so burdensome on staff and time consuming. To knock all of those things off, you could do that pretty quickly. A construction company can do some of it. A portion needs to be surveyed. You could just piece meal that out and save money, and they could go faster. If you choose not to, you could do that too.

City Manager Gonzales: If you decide to piece meal it and Buster and I are on it, of course, Buster is a street dude, he's going to know all of this stuff. If somebody brings me an inspection of the outlet conduits including an interior inspection of the outlet works conduit provide an inspection report, and then I'm going to call Mr. Head.

Commissioner Fahl: You're going to send it to him, and he will say it's okay or it's not. I would call him and ask for more detail on what he wants. You can hire someone to do that. You could have an engineering firm do all of that for you, but then we're going to pay them to do all of that. Instead, let's just break it up then we don't have to go out for bids. Or have a conversation with James Head then he'll tell you what he wants to see. He is very hard to appease. I've known that from years of experience. Everybody who works with him will tell you that. If you get what he wants, then he'll be happy. That's what I think we need to do. Call him say that we're going to get this off our list then we're going to start working on our EAPs.

City Manager Gonzales: That would definitely be part of it. As you guys hand this to me, I'm going to try to thread it out and figure it out.

Commissioner Fahl: A good person to talk to is John Gwen. He's done this for years. He knows more about the details. He'd be a good person to bounce your ideas off of too. He's really very helpful, and he's done it for many, many, years, and they have tons of

money. He has to do inspections. He has his own engineers, and he can tell you step by step. He's worked with Mr. Head for a long time. That would be the best person to walk you through that. It has to be somebody who knows James Head very well.

Mayor Pro-Tem Forrister: Where do we start on getting this money?

Mayor Hechler: I don't think Sandy's going to have any money for planning. I think he wanted to funds into take care of business. We have inspection reports, and we can do that. That's the first thing we need to get out of the way. We need to RFP our price on those.

Mayor Pro-Tem Forrister: Regardless, we have to go out to bid for anything.

Commissioner Fahl: Not if you broke it up.

City Manager Gonzales: For RFP, the threshold is \$60,000.

Mayor Hechler: Ok, we can talk in circles here, but what we need is a real answer. Merry Jo, instead of sitting on the side and guiding from a distance, can you be involved directly?

Commissioner Fahl: I will do anything you want me to do. I'll come see you every day. We could meet right away and discuss breaking things up.

Mayor Hechler: I work a lot better when there's A, B, & C to do. That's what we need is a list.

Mayor Pro-Tem Forrister: Sandy wants to use his money for something to get done so he can see it this fiscal year.

Mayor Hechler: Angie, let's you and I sit down with the idea that we're going to get a list of things to do and knock them out. I'm confused. Meeting here every two weeks and talking about it isn't going to solve anything. We need to get down to nuts and bolts and actually do it at the office.

Commissioner Mitchell: So, would we make this as a motion to postpone this decision?

Mayor Pro-Tem Forrister: We instruct Mayor, Merry Jo, and Angie to construct a plan.

Commissioner Fahl: Then we can talk to Sandy about helping with the EAP. The operation maintenance manuals aren't too difficult. Those EAPs are a bear. Then we can start talking to him for his next fiscal year and ours too.

Mayor Hechler: It's not just developing a plan, its funding, but we need to know where the funding's coming from.

Commissioner Fahl: If you like the plan, that's it, you're done. Then it's on the shelf and you check it off your list. The plan is really about the dam next to the hospital, now, with the roundabouts, they're directing more water into that structure. If we get an event, then Ryan knows the emergency management officer, he would be watching that. If it gets to a certain stage then the EAP tells us what steps to take. It's really just preparing if that dam breaches. That's like the template part that Angie talked about. The expensive part is you have to hire that engineering firm because they have to decide the hydrology of all that and the potential storm events. That's where the expense comes in.

Mayor Hechler: Let's have that discussion between you, me and Angie.

**Mayor Pro-Tem Forrister made a motion to direct Commissioner Fahl and City Manager Gonzales to construct a plan for the Dam Maintenance pertaining to the Cuchillo Negro Dam, Marie Street Dam, and St. Anne's Dam. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

**9. Discussion/Update: Sunny 505 FY 23/24 Advertising and Marketing Project.**

Joanie Griffin, Sunny 505 gave an update on the FY 23/24 Advertising and Marketing Project.

**10. Discussion/Action: Approval of new Positive Pay Revolving Fund City Bank Account.**

City Clerk Torres: The city recently upgraded our revolving fund bank account to a Positive Pay account. We upgraded this specific city account because it is used for our city payroll checks and the accounts receivable checks. A positive pay account will help the bank quickly identify, and act upon fraudulent items because the city will now provide the bank with a file detailing all checks that are issued to the public. We are bringing this before you, because the bank is requesting official approval from our governing body. With that I will stand for any questions.

**Commissioner Mitchell made a motion to approve the Positive Pay Revolving Fund City Bank Account. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

**11. Discussion/Update: March 19, 2024, Special Referendum Election results.**

City Clerk Torres: As you know, we just had a Special Election on March 19<sup>th</sup> regarding the bond ordinance 756. After every election I bring the election results and or canvass to the commission to give an update and make the results a part of the permanent record. In this election we had 447 votes for the ordinance and 583 votes against it, totaling 1030 votes for this election. The County Clerk informed me that the canvass was done yesterday, and that will be made part of the minutes.

**12. Discussion/Action: Public restrooms in city parks.**

OJ Hechler, Community Services Director: As you know, the city parks restrooms have been locked up since November due to vandalism. We still open them during special events and at the request of the public, but other than that they are locked. I have been managing these bathrooms for about 7 years, now and I can tell you that over the years, what started off as a once a week deep cleaning and daily spot checks, turned into twice a week deep cleaning with daily spot checks. Then over the years, the Police Department used to lock the bathrooms up at night and they didn't always get locked up, because obviously they'd get calls out and things of that nature, so then it turned into people sleeping in our bathrooms. We found toilet paper missing and things of that nature, so we then added the closure of the bathrooms and cemeteries on our rotation to lock them up in the evenings. Then it turned into a trend to where it seems like public property and things of that nature aren't respected like they once were. Speaking on my experience, it then went from fixing the occasional bathroom stall to the toilet paper dispensers being torn off the wall. These last couple of years have been the busiest as far as bathroom maintenance, and fixing vandalism. It turned into a daily thing in 2023. We recently had the bathrooms at Ralph Edwards Park renovated. We spent \$40,000 on the ones by the basketball courts. We spent \$34,000 on the ones next to the skate park bathrooms which seemed to turn them into a target. They were targeted daily. I had a meeting with the Police Department this morning, and we pulled up some of the old police reports. We are talking thousands of dollars' worth of damage over this last year with baby stations being ripped off the wall, to bathroom stalls being torn apart. They were tampering with the locks, and I can name a few other incidents that occurred. They were being vandalized within the first week of them being renovated. Basically, what we are trying to get to is, "should we unlock these bathrooms or should we not"? Since these bathrooms have been locked up in November, we haven't had any vandalism in our parks. The Police Department had fewer calls for suspicious activity outside of these bathrooms for needles. I feel that we should keep these bathrooms locked up because it deters crime, and it protects our city property. We want to have them open to the community. However, the problem is that the majority of the community aren't the ones using these bathrooms. It is the transients that are hanging around these facilities because they've got nowhere else to go. The other thing we are finding out is that people are dealing drugs inside of these bathrooms and they are tearing them up. We understand that we are here to serve the public, but at what point do we draw the line?

Chief Tavizon: I am in agreeance with keeping them locked. It is ridiculous that we have to deal with people damaging public property like that. It is a privilege to have restrooms. I came from Deming and there were no restrooms at any of the parks because similar things were happening. We at least give the option of having a porta potty out there for the public to use. That's pretty nice of us to offer that. The vandalism and the calls for service have been down since the bathrooms have been locked up. I would just hate to continue it. It is a difficult thing on the police side to enforce anything because you obviously can't have cameras inside of the bathrooms. We have the cameras outside of the bathrooms, but there is no way of telling what the condition of the bathroom is before someone enters it, and after they leave, so we wouldn't be able to pin the vandalism on any particular person. We would really need the assistance from the community in order to do that. However, that hasn't happened in the past.

Mayor Hechler: When we built these bathrooms, we had the idea that we were going to provide them for the public, and they were going to be really nice, and they were for a time, but what we created, was what I call an attractive nuisance, and then as things changed around these facilities and the parks, I noticed that a group of kids would hang around the bathrooms by the basketball courts every single day. They would hang out there, and do whatever they do, and then they would disappear into the bathrooms, because they would have a place to hide, and when they went inside, that's when the partitions got torn up, and things like that. We could open these bathrooms up tomorrow, and they might be good for a couple of weeks or a month, but eventually, it is going to happen, because it is just the nature of some things that happen in our community. I like the present philosophy have the bathrooms available to the public when there are special events, or when we have special requests so at least then we can show our best side, and say look at our nice facilities, and then lock them back up when the event is over.

A debate ensued on whether or not the city should continue to offer the porta potties at the park.

**Mayor Pro-Tem Forrister made a motion to allow staff to keep the public restrooms in the city parks locked until further review unless there is a special event, and to remove the porta potties from the city parks. Commissioner Fahl seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

### **13. Discussion/Action: 2022 GO Bond Grant Agreement – Library.**

Traci Alvarez Assistant City Manager: This is the annual library state funds that we get. I had Angela send you the new information. They had sent out some previous information, and then retracted it, because the amount was wrong, but luckily when it came back, we only lost around \$134. We are still getting \$36,891 vs. \$37,025 which was originally in your packet. That was an error that came down from the state level, and there were a lot of adjustments made. This bond agreement that comes through will only come through on DocuSign. It has to be signed through their DocuSign system. I am asking for you to

CITY COMMISSION MARCH 27, 2024 REGULAR MEETING MINUTES

approve the mayor to sign via DocuSign when he gets it in his email, and then it will go through the channels at the state level, and we will get a fully executed agreement.

**Mayor Pro-Tem Forrister made a motion to allow the mayor to sign the 2022 G.O. Bond Library Grant Agreement via DocuSign. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

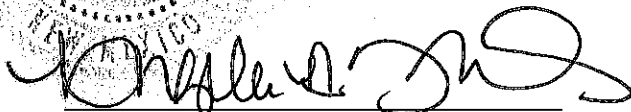
**I. ADJOURNMENT:**

**Mayor Hechler adjourned the meeting at 12:33 p.m.**

**Passed and Approved this 10<sup>th</sup> day of April, 2024.**



  
Rolf Hechler, Mayor

  
Angela A. Torres, CMC, City Clerk



TCPD Roster by Year

Police 2016                      Officers 19

- ALIREZ, LEE J \*
- APODACA, MICHAEL S
- 09021 AUSTIN-CORDELL, MALISSA A
- BAKER, ERICA M
- BLACKLOCK, JUSTIN T
- BLEIMEYER, LARRY K
- BOJORQUEZ-SAUCEDA, YOSER
- DALRYMPLE, MARIBEL
- 09063 GARCIA, ANTHONY J.
- 09024 HARRINGTON, JAMES D
- LAUX, ANDREW H
- 09065 MACROBERT, ANTHONY
- MARIN, RAFAEL
- MORGAN, JAMES SCOTT
- ONTIVEROS, TED
- PETERSON, MARK A
- SOKOLOW, MATTHEW L
- SWEENEY, JAMIE
- ZAGORSKI, ANTHONY C

5 of 19 left in 2016

Red indicates Not on current year payroll

Police 2017                      Officers 22

- 9061 ALIREZ, LEE J \*
- 9027 APODACA, MICHAEL S
- 9035 BAKER, ERICA M \*\*
- 9054 BLACKLOCK, JUSTIN T
- 9047 BLOMQUIST, JAFFEE M
- 9058 BOJORQUEZ-SAUCEDA, YOSER
- 9050 CONTRERAS JR., JAMES A
- 9077 DALRYMPLE, MARIBEL
- 9118 JONES, JACOB M
- 9057 LAUX, ANDREW H
- 9056 MALDONADO, SERGIO
- 9041 MARIN, RAFAEL
- 9126 MORGAN, JAMES SCOTT
- 9129 ONTIVEROS, TED
- 9068 PERU, ALFADIVA
- 9128 PETERSON, MARK A
- 9066 PREDMORE, JERRY
- 9127 SOKOLOW, MATTHEW L
- 964 SWEENEY, JAMIE
- 5114 VALENZUELA, GRECIA
- 9125 VENABLE, DONALD J
- 9069 ZAGORSKI, ANTHONY C

5 of 22 left in 2017

Data from annual Payroll records

\* Chief of Police

\*\* Interim/Acting Chief of Police

Police 2018                      Officers 20

- 9030 ACERO, ABEL
- 9027 APODACA, MICHAEL S
- 9131 ARAGON, RANDALL \*
- 9035 BAKER, ERICA M
- 9126 BLOMQUIST, JAFFEE M
- 9132 CARREON, ALEJANDRO I
- 9129 CONTRERAS JR., JAMES A
- 9058 DALRYMPLE, MARIBEL
- 9068 JONES, JACOB M
- 9128 MALDONADO, SERGIO
- 9066 MARIN, RAFAEL
- 9118 ONTIVEROS, TED
- 9127 PERU, ALFADIVA
- 9064 PETERSON, MARK A
- 9057 PREDMORE, JERRY
- 5114 SOKOLOW, MATTHEW L
- 9056 SWEENEY, JAMIE
- 9125 VALENZUELA, GRECIA
- 9069 VENABLE, DONALD J
- 9041 ZAGORSKI, ANTHONY C

4 of 20 Left in 2018

Research by Ron Fenn

5

5

4

TCPD Roster by Year

Police 2022                  Officers 22  
 BLOMQUIST, JAFFEE M  
 00085 BROWNING, ZACHARY A  
     **CARREON, ALEJANDRO I**  
 FRAZIER, KACI L  
 00101 FROESE, CASEY  
 00071 GONZALEZ, SHANTELL  
 00081 JEFFERS, SHANE D  
 00100 KNULL, DEANNA  
 00103 MADDEN, MARTIN D  
     MARIN, RAFAEL  
     MARTINEZ, MARIBEL  
 00090 **MYERS, JUSTIN W**  
     **NUNEZ, AMERICA**  
     ONTIVEROS, TED  
 00114 PRIETO, JOSEPH  
     **RODRIGUEZ, VICTOR \***  
 00115 SWITHIN, ANDREW  
 00112 TAVIZON, LUIS A \*  
     VEGA, JUDE MIKE  
     **VENABLE, DONALD J \*\***  
     **ZAGORSKI, ANTHONY C**  
     **ZAVALA, ZACHARY A**  
  
 6 of 22 left in 2022

Police 2023                  Officers 24  
 BLOMQUIST, JAFFEE M  
     **BROWNING, ZACHARY A**  
 00147 CLARK, JUAN  
 00128 **COULTER, KYLEEN**  
 00127 EILERS, LEVI  
     FRAZIER, KACI L  
     **FROESE, CASEY**  
     GONZALEZ, SHANTELL  
     JEFFERS, SHANE D  
     KNULL, DEANNA  
     **MADDEN, MARTIN D**  
     MARIN, RAFAEL  
     **MARTINEZ, MARIBEL**  
     ONTIVEROS, TED  
 00148 ORTIZ, ALEXANDRE  
     **PRIETO, JOSEPH**  
 00136 RAMIREZ, ARMANDO  
 00138 SANCHEZ, ABEL  
 0956 SWEENEY, JAMIE  
     **SWITHIN, ANDREW**  
     **TAVIZON, LUIS A \***  
     VEGA, JUDE MIKE  
     VENABLE, DONALD J  
 00123 VILLARREAL, BRANDON P

7 OF 24 Left in 2023

Police 2024                  Officers 18  
 BLOMQUIST, JAFFEE M  
 CLARK, JUAN  
 EILERS, LEVI  
 FRAZIER, KACI L  
 00???? GIGANTE, R  
     GONZALEZ, SHANTELL  
     JEFFERS, SHANE D  
     KNULL, DEANNA  
     MARIN, RAFAEL  
     ONTIVEROS, TED  
     ORTIZ, ALEXANDRE  
     RAMIREZ, ARMANDO  
     SANCHEZ, ABEL  
     SWEENEY, JAMIE  
     **TAVIZON, LUIS A \***  
     VEGA, JUDE MIKE  
     VENABLE, DONALD J  
     VILLARREAL, BRANDON P

Red indicates Not on current year payroll

Data from annual Payroll records

Research by Ron Fenn

February 29, 2024

Angela Gonzales  
City Manager  
City of Truth or Consequences  
505 Sims St  
Truth or Consequences, NM 87901

Re: **Task Order No. XX – T or C Engineering On-Call Services**  
St Anne's and Marie Street Dam Safety Improvements  
Design Report and Dam Safety Improvements Design

Dear Ms. Gonzales:

Wilson & Company reviewed the New Mexico Office of the State Engineers, Dam Safety Bureau (OSE), Inspection Checklist and Report for each of the two Dams listed to develop a scope of work related to the Final Remarks and Required Actions by the Owner, listed for each dam. We have prepared a proposal for engineering services to assist the City of Truth of Consequences (T or C) in meeting the deficiencies and actions necessary to comply with the remarks in the report. Wilson & Company will deliver the report and construction documents in Hard Copy and PDF format in accordance with the requirements of the OSE.

The following is a summary of the proposed scope and fees:

St. Annes Dam (OSE D-581)	= \$146,372.00 (excludes NMGRT)
Marie Street Dam (OSE D-582)	= \$119,596.00 (excludes NMGRT)
<u>Third Party Costs</u>	<u>= \$82,500.00 (excludes NMGRT)</u>
Total Costs	= \$348,468.00 (excludes NMGRT)

The following is a breakdown of the proposed scope and fees:

#### ENGINEERING

Lump Sum WORK ITEMS St Anne's Dam, OSE D-581: \$146,372.00 (excludes NMGRT).

The tasks are broken down as follows:

1. St Anne's St Dam
  - 1.1. Project Coordination
    - 1.1.1. Wilson & Company will conduct project management, weekly coordination meetings, and field reviews for the project.
  - 1.2. Design Report
    - 1.2.1. Wilson & Company will prepare a Design Report meeting the requirements contained in the OSE Checklist. A scoping meeting with Mr. James Head of the OSE will be held to determine the details required for acceptance of the report for filing with the OSE. This work includes engineering for the hydrologic and hydraulic analysis of the principal and

emergency spillways and dam pool capacity, geotechnical evaluation of the existing dam for stability, seepage, and seismic characteristics, and video inspection of the principal spillway.

1.3. Dam Improvements Design and Construction

1.3.1. Wilson & Company will design for a new intake structure to protect the principal spillway pipe, provide trash capture, and allow for full operational capacity of the dam.

1.3.2. Wilson & Company will design erosion protection measures for the abutment areas and the dam surface.

1.3.3. Wilson & Company will provide design for improvements to the principal spillway pipe if needed based on the pipe inspection.

1.3.4. Wilson & Company will design the improvements in accordance with the OSE requirements for a high hazard potential dam.

1.4. Dam O&M Manual

1.4.1. Wilson & Company will assist the city in preparation of a dam operations and maintenance (O&M) manual in concert with the city maintenance crew to provide documentation for dam inspection, including vegetation, rodent, and sediment control.

1.5. Dam EAP

1.5.1. Wilson & Company will assist the City in the preparation of an Emergency Action Plan (EAP) for use with the emergency responders in accordance with the requirements of the OSE for a high hazard potential dam.

Lump Sum WORK ITEMS Marie Street Dam, OSE D-582: \$119,596.00 (excludes NMGR).)

2. Marie Street Dam

2.1. Project Coordination

2.1.1. Wilson & Company will conduct project management, weekly coordination meetings, and field reviews for the project.

2.2. Design Report

2.2.1. Wilson & Company will prepare a Design Report meeting the requirements contained in the OSE Checklist. A scoping meeting with Mr. James Head of the OSE will be held to determine the details required for acceptance of the report for filing with the OSE. This work includes engineering for the hydrologic and hydraulic analysis of the principal and emergency spillways and dam pool capacity, geotechnical evaluation of the existing dam for stability, seepage, and seismic characteristics, and video inspection of the principal spillway.

2.3. Dam Improvements Design and Construction

2.3.1. Wilson & Company will design for auxiliary spillway improvements and dam pool capacity improvements to meet the criteria for a high hazard potential dam.

2.4. Dam O&M Manual

2.4.1. Wilson & Company will assist the city in preparation of a dam operations and maintenance (O&M) manual in concert with the city maintenance crew to provide documentation for dam inspection, including vegetation, rodent, and sediment control.

2.5. Dam EAP

2.5.1. Wilson & Company will assist the City in the preparation of an Emergency Action Plan (EAP) for use with the emergency responders in accordance with the requirements of the OSE for a high hazard potential dam.

Lump Sum WORK ITEMS Third Part Costs: \$82,500.00 (excludes NMGRT).

3. Third Party Costs
  - 3.1. Geotechnical Investigation
    - 3.1.1. Seepage Analysis
    - 3.1.2. Stability Analysis
    - 3.1.3. Seismic Analysis
  - 3.2. Pipe Condition Videos
  - 3.3. Expenses

Project Manager will provide weekly progress report to City of T or C to document project developments. See Page 4 for fee breakdown of the tasks described above.

If you have any questions or comments concerning this letter or any aspect of this project, please call at your convenience at cell no. 505-400-6970. Thank you for considering Wilson & Company.

Sincerely,

Daniel S. Aguirre, PE, CFM  
Sr Vice President

City of Truth or Consequences						
For						
St Anne's and Marie Street Dam Design Report and Dam Safety Improvements						
Description/Personnel	Principal Engineer P6	Sr Project Manager P5	Project Engineer P4	Project Engineer P2	Draftsman/Technician OD4	Task Sub-Total
Rate \$/hr	\$244.00	\$212.00	\$156.00	\$118.00	\$108.00	
<b>St Anne's Dam</b>						
<b>Task 1 - Project Coordination</b>						
Project Management		18				\$3,816.00
Meetings and Field Review		18	26	26		\$10,940.00
<b>Task 2 - Design Report</b>						
Hydrologic Analysis			40	80		\$15,680.00
Spillway Design Flood			2	4		\$784.00
Spillway Rating Curve			1	2		\$392.00
Spillway Design Assessment			1	2		\$392.00
Outlet Works Capacity Analysis			1	2		\$392.00
Outlet works design			1	2		\$392.00
Dam Geometry			1	2		\$392.00
Freeboard			1	2		\$392.00
Erosion Protection			1	2		\$392.00
Utility Placement			1	2		\$392.00
Design Report			24	64	24	\$13,888.00
<b>Task 3 - Design &amp; Construction</b>						
New Intake Structure			16	32	64	\$13,184.00
Erosion Protection			2	4	8	\$1,648.00
Dam Pool			4	16	16	\$4,240.00
Downstream Channel Realignment			4	8	16	\$3,296.00
<b>Task 4 - O&amp;M Manual</b>						
			24	72	16	\$13,968.00
<b>Task 5 - Emergency Action Plan (EAP)</b>						
			64	104	80	\$30,896.00
<b>Task 6 - Quality Management</b>						
			64	104	80	\$30,896.00
<b>Total St Anne's</b>						<b>\$146,372.00</b>
<b>Marie Street Dam</b>						
<b>Task 1 - Project Coordination</b>						
Project Management		30				\$6,360.00
Meetings and Field Review		30	38	38		\$16,772.00
<b>Task 2 - Design Report</b>						
Hydrologic Analysis			40	80		\$15,680.00
Spillway Design Flood			2	4		\$784.00
Spillway Rating Curve			1	2		\$392.00
Spillway Design Assessment			1	2		\$392.00
Outlet Works Capacity Analysis			1	2		\$392.00
Outlet works design			1	2		\$392.00
Dam Geometry			1	2		\$392.00
Freeboard			1	2		\$392.00
Erosion Protection			1	2		\$392.00
Utility Placement			1	2		\$392.00
Design Report			24	64	24	\$13,888.00
<b>Task 3 - Design &amp; Construction</b>						
Auxiliary Spillway			16	32	32	\$9,728.00
Dam Pool			4	16	16	\$4,240.00
<b>Task 4 - O&amp;M Manual</b>						
			24	64	16	\$13,024.00
<b>Task 5 - Emergency Action Plan (EAP)</b>						
			64	104	80	\$30,896.00
<b>Task 6 - Quality Management</b>						
		24				\$5,088.00
<b>Total Marie Street</b>						<b>\$119,596.00</b>
Total Manhours	0	120	498	948	472	2038
Total Cost	\$0.00	\$25,440.00	\$77,688.00	\$111,864.00	\$50,976.00	\$265,968.00
<b>Sub-Total Engineering Cost not including NMGR</b>						<b>\$265,968.00</b>
<b>Third Party Costs</b>						
<b>Geotechnical Engineering</b>						
Geotechnical Investigation						\$32,000.00
Seepage Analysis						\$8,000.00
Stability Analysis						\$8,000.00
Seismic Analysis						\$16,000.00
Pipe Condition Video						\$15,000.00
Other Expenses						\$3,500.00
<b>Sub-Total Expenses not including NMGR</b>						<b>\$82,500.00</b>
<b>Proposed Task Order without NMGR</b>						<b>\$348,468.00</b>

\*\*\*\*\*

Sierra  
2024 Truth or Consequences Special  
Election  
Tuesday, March 19, 2024

Tabulator Name  
UCC-ABS-0773

Tabulator ID  
773

Voting Location  
Sierra County Clerk's Office (ABS)

Voting Location ID  
16

-----  
Total Cast : 1033  
Total Voters : 1033

=====  
TOTALS for all Ballots  
Total Cast : 1033  
Total Voters : 1033  
=====

ORDINANCE NO. 756 (1)  
FOR : 447  
AGAINST : 583  
Total Votes : 1030  
Number of Overvotes : 1  
Number of Undervotes : 2

-----  
Unit Model: ICE (2.3)  
Unit Serial: AAFEBJR0403  
Protective Counter: 1420  
Software Version: 5.17.15.1

Certification  
  
WE, THE UNDERSIGNED ELECTION  
OFFICIALS, HEREBY CERTIFY THAT THE  
ABOVE ELECTION WAS HELD IN ACCORDANCE  
WITH THE LOCAL AUTHORITY ELECTION ACT  
AND REGULATIONS OF THIS JURISDICTION.

*Maurya West*  
-----  
Election Official  
*Patricia Lucero*

Election Official  
*Cory Lee Driego*

Election Official  
*Nancy Gray*

Election Official  
*Spencer Berry*  
-----  
Election Official

<p>ELECTION DATE 3/19/2024</p> <p>TYPE OF ELECTION general</p> <p>2024 Special Election</p>	<p>EARLY/ABSENTEE VOTER PRECINCT</p> <p>Absentee</p>	<p>SIGNATURE ROSTER OF EARLY/ABSENTEE VOTERS</p> <p>AFTER COMPLETING THIS COVER RETURN THIS ROSTER TO:</p> <p><input checked="" type="checkbox"/> COUNTY CLERK</p> <p><input type="checkbox"/> SOS</p> <p><input type="checkbox"/> District Court</p> <p><input type="checkbox"/> Magistrate Court</p>
---	--	--

**CERTIFICATE**

State of New Mexico  
County of Sierra

I, The County Clerk in Sierra County, NM County, do hereby certify that the voters listed in this register are the qualified electors who voted in the Early/Absentee precinct during this election and that no person was permitted to vote whose name does not appear on this register and that the total number of such electors who so voted is **1034**.

IN WITNESS WHEREOF, I hereunto subscribe my name and affix my official seal on this the 19<sup>th</sup> day March of March, 2024

*Shelly Ruiz*  
County Clerk

**ATTENTION ELECTION OFFICIALS:**

Please complete this certificate prior to signing below.

ABSENTEE BALLOTS RECEIVED	1034	ROSTER TOTALS  1034
LESS ABSENTEE BALLOTS REJECTED	0	
EQUALS BALLOTS ACCEPTED	1034	

MACHINE SERIAL # KCC-ABS-0773 ENDING MACHINE PUBLIC COUNTER

TABULATOR A  
TABULATOR B  
TABULATOR C  
TABULATOR D

memory card #1  
077130

TOTAL FROM TABULATORS: <u>1033</u>	+ TOTAL HAND TALLY: <u>1</u>	+ EMPTY ENVELOPE <u>0</u>	= TOTAL BALLOTS CAST <u>1034</u>
---------------------------------------	---------------------------------	------------------------------	-------------------------------------

WE, the undersigned, being all the election judges and election clerks for the above mentioned election in the County indicated above, do hereby certify that all the voting machines(s) listed above were delivered to this early/absentee precinct board at 7:00 a.m. on election day, and we further certify that the public counter numbers listed above are true and exact.

<p>After Signing Return to: COUNTY CLERK in the Official Return Envelope.</p>	PRESIDING JUDGE	<i>Mary Jo Montoya</i>
	ELECTION JUDGE	<i>Jabrica Woods</i>
	ELECTION JUDGE	<i>Angela Briggs</i>
	ELECTION CLERK	<i>Nancy Gray</i>
	ELECTION CLERK	<i>Gayle Berry</i>
	ELECTION CLERK	



2024 Special Election - Sierra County  
 Hand Count Tally Sheet - - PRECINCT 007

Vote Type: Absentee <sup>2024-</sup> Special Election

OFFICES													Total	
Municipal Question: <u>ORDINANCE NO. 756 - CITY OF TRUTH OR CONSEQUENCES</u>														
Yes														
No	1													1

ELECTION OFFICIALS PLEASE COMPLETE THE FOLLOWING:

1. TOTAL BALLOTS RECEIVED       2. TOTAL BALLOTS REJECTED       3. TOTAL BALLOTS COUNTED

**CERTIFICATE:**

We the undersigned, being all of the election officials for the election held on March 19, 2024 in the voting division listed above, do hereby certify that we have correctly counted and tallied the votes legally cast, that the results of such count and tally is as shown herein, and that we have properly posted the totals to the appropriate column and line.

<u>Mary Jo Martin</u> Presiding Judge	<u>Nancy Jurek</u> Election Clerk
<u>Patricia Lucero</u> Election Judge	<u>Joyce Perry</u> Election Clerk
<u>Archie Luigo</u> Election Judge	_____ Election Clerk

**NOTICE**

This tally sheet is to be used to tally any hand counted ballots. All entries in this tally sheet are to be made by the election judges and election clerks. All judges and clerks must sign the certificate printed on the bottom left of this tally sheet. One copy of this tally sheet must be delivered to the county clerk and one copy mailed to the secretary of state.

# Election Summary Report

General Election

Sierra

March 19, 2024

Summary for: All Contests, All Districts, All Tabulators, All Counting Groups

Voters Cast: 1,033 of 0 (N/A)

## ORDINANCE NO. 756 (Vote for 1)

		Total
Times Cast		1,033 / 0 N/A
Candidate	Party	Total
FOR		447
AGAINST		583
Total Votes		1,030
		Total
Unresolved Write-In		0

# Election Summary Report

General Election

Sierra

March 19, 2024

Summary for: All Contests, All Districts, All Tabulators, All Counting Groups

Voters Cast: 0 of 0 (N/A)

## ORDINANCE NO. 756 (Vote for 1)

		Total
Times Cast		0 / 0 N/A
Candidate	Party	Total
FOR		0
AGAINST		0
Total Votes		0
		Total
Unresolved Write-In		0

# SIERRA COUNTY, NM

## All-County Rollup

Election Day: Tuesday, March 19, 2024



### Precinct Totals

Depending on the Filters selected, the data below shows:  
 the count of votes by ALL registered voters, or those registered at one selected precinct.  
 OR the count of ALL votes from ALL locations, or from one selected location.  
 Also shown is a breakdown of votes/voters grouped by party  
 Click the Filters button on the menu above to filter by location where voted, or by voters' registered precinct.



Last Updated: 3/20/2024 8:26 AM

Sierra County, NM  
Entire County

Description	Registered Voters	Total Ballots Cast	Total Turnout				DTS			SWP			DEM		
				Voters*	Ballots	Turnout	Voters*	Ballots	Turnout	Voters*	Ballots	Turnout	Voters*	Ballots	Turnout
Early Voting	4067	0	0.0%	0	0	0.0%	1025	0	0.0%	0	0	0.0%	1439	0	0.0%
Election Day	4067	0	0.0%	0	0	0.0%	1025	0	0.0%	0	0	0.0%	1439	0	0.0%
Absentee	4067	1034	25.4%	0	0	0.0%	1025	197	4.8%	0	0	0.0%	1439	432	10.6%
Totals	4067	1034	25.4%	0	0	0.0%	1025	197	4.8%	0	0	0.0%	1439	432	10.6%
Provisionals		0			0			0			0			0	

Description	Registered Voters	Total Ballots Cast	Total Turnout	LIB			REP		
				Voters*	Ballots	Turnout	Voters*	Ballots	Turnout
Early Voting	4067	0	0.0%	47	0	0.0%	1510	0	0.0%
Election Day	4067	0	0.0%	47	0	0.0%	1510	0	0.0%
Absentee	4067	1034	25.4%	47	1	0.0%	1510	399	9.8%
Totals	4067	1034	25.4%	47	1	0.0%	1510	399	9.8%
Provisionals		0			0			0	

# SIERRA COUNTY, NM

## All-County Rollup

Election Day: Tuesday, March 19, 2024

### Precinct Totals

Depending on the Filters selected, the data below shows:  
 the count of votes by ALL registered voters, or those registered at one selected precinct.  
 OR the count of ALL votes from ALL locations, or from one selected location.  
 Also shown is a breakdown of votes/voters grouped by party  
 Click the Filters button on the menu above to filter by location where voted,  
 or by voters' registered precinct.

Turnout  
 1034 | 25.4%  
 0 | 0.0%  
 Election Day

Last Updated: 3/20/2024 8:26 AM

Sierra County, NM  
 Entire County

Description	Registered Voters	Total Ballots Cast	Total Turnout	LIB			DTS			SWP			DEM		
				Voters*	Ballots	Turnout	Voters*	Ballots	Turnout	Voters*	Ballots	Turnout	Voters*	Ballots	Turnout
Early Voting	4067	0	0.0%	0	0	0.0%	1025	0	0.0%	0	0	0.0%	1439	0	0.0%
Election Day	4067	0	0.0%	0	0	0.0%	1025	0	0.0%	0	0	0.0%	1439	0	0.0%
Absentee	4067	1034	25.4%	0	0	0.0%	1025	197	4.8%	0	0	0.0%	1439	432	10.6%
Totals	4067	1034	25.4%	0	0	0.0%	1025	197	4.8%	0	0	0.0%	1439	432	10.6%
Provisionals		0			0			0			0			0	

Description	Registered Voters	Total Ballots Cast	Total Turnout	LIB			REP		
				Voters*	Ballots	Turnout	Voters*	Ballots	Turnout
Early Voting	4067	0	0.0%	47	0	0.0%	1510	0	0.0%
Election Day	4067	0	0.0%	47	0	0.0%	1510	0	0.0%
Absentee	4067	1034	25.4%	47	1	0.0%	1510	399	9.8%
Totals	4067	1034	25.4%	47	1	0.0%	1510	399	9.8%
Provisionals		0			0			0	



## CERTIFICATION OF CANVASS RESULTS

We, the undersigned Board of County Commissioners acting as the Board of Canvassers of Sierra County, State of New Mexico, canvass the Special Election held in said county, March 19, 2024, certify that the canvass results text file sent to the office of secretary of state is a correct canvass of returns of said election.

WITNESS the Honorable Board of County Commissioners, March 26, 2024  
Date

ATTEST:

Shelley Ruiz  
Clerk

James E. Pajon  
Member

[Signature]  
Chairman

[Signature]  
Member

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

