

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

A. CALL TO ORDER:

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

B. INTRODUCTION:

1. ROLL CALL:

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

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

Also Present: Angie Gonzales, City Manager
Traci Alvarez, Assistant City Manager
Jay Rubin, City Attorney
Angela A. Torres, City Clerk-Treasurer
OJ Hechler, Community Services Director
Luis Tavizon, Chief of Police
Ashley Galicia, Pool Manager

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

2. SILENT MEDITATION:

Mayor Hechler called for fifteen seconds of silent meditation and asked everyone to recognize Julian Garcia. He was a lifelong resident of Truth or Consequences, and he passed away peacefully on Friday, April 19, 2024. Mr. Garcia retired as a supervisor for the Truth or Consequences Water Department in 2015 after over 20 years of service. A memorial service will be held in Julian's honor on Friday, April 26, 2024, at 10:00 a.m. at the Church at the Butte, in Elephant Butte, New Mexico.

3. PLEDGE OF ALLEGIANCE:

Mayor Hechler led 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 naming Saturday, May 4, 2024, as Miss Fiesta (Alejandra McGowan-Prince) Day.**

Commissioner Mitchell presented the Proclamation naming Saturday, May 4, 2024, as Miss Fiesta (Alejandra McGowan-Prince) Day.

- 2. Issuance of certificates to the 2024 Miss Fiesta Royal Court Winners.**

Commissioner Mitchell issued the 2024 Miss Fiesta Royal Court Winners certificates.

- 3. Proclamation honoring the Hot Springs High School Scat Cats on their victory during the April 12-14, 2024, Envirothon.**

Commissioner Fahl presented the proclamation honoring the Hot Springs High School Scat Cats on their victory during the April 12-14, 2024, Envirothon.

- 4. Issuance of certificates to the Hot Springs High School Scat Cat Envirothon Champions.**

Commissioner Fahl presented the certificates to the Hot Springs High School Scat Cat Envirothon Champions.

- 5. Proclamation honoring the Hot Springs FFA Pasture and Range Team on their victory during the NMSU Career and leadership development event that took place April 3rd – 5th.**

Mayor Pro-Tem Forrister presented a proclamation honoring the Hot Springs FFA Pasture and Range Team on their victory during the NMSU Career and leadership development event that took place April 3rd – 5th.

6. Issuance of Certificates to the Hot Springs FFA Pasture and Range Team.

Mayor Pro-Tem Forrister presented certificates to the Hot Springs FFA Pasture and Range Team.

7. Presentation MainStreet Future Plans.

Cathy Mears-Martin MainStreet Truth or Consequences gave an update on MainStreet Truth or Consequences' future plans. (Presentation attached hereto and made a part hereof).

D. PUBLIC COMMENT (3 Minute Rule Applies):

Coreen (last name not identified) addressed the Commission with comments related to:

- When January's store lost the community calendar, we lost a huge asset to the community. There is not really any central area to get news when somebody comes into town, or when somebody does not know what is going on as a local. It just seems if we had a physical calendar some place, and possibly replicate it electronically, it would be helpful to visitors and community members alike. Maybe there could be a weekly printout that business owners and restaurants can put in their windows so there can be a consistency of information available to anybody. You can't imagine how many times I tell people about Art Hop. I got a new little slogan that I do which I enjoy, but we just need to communicate better in terms of what is going on. This calendar could be at the Visitor Center. It could be at the Healing Waters Center, or it could be someplace that somebody knows that's better. There could be printouts of those weekly calendars that are available at the Visitor Center. There are a lot of options.
- Let's close the streets for the Art Hop. At least for this last week it became clear that with the fashion show, there were enough people to think about closing the streets for Art Hop and I would like the Council to consider that.
- She talked about Mick Foley who is an 11-time world wrestling champion who is way up in the media. One of his personas is Cactus Jack from Truth or Consequences, New Mexico. I think it will be really cool if we try to get him here.

E. REPORTS:

City Manager Gonzales reported the following:

- What an uplifting day to get to see the students and celebrate their successes. Our youth are excellent!
- We would like to thank everyone for all of their participation in the budget workshop. We had an all day workshop. Kerin is working on the quarterly report which is due the end of April. I am working on slimming down the budget, and cleaning it up because I would really like to bring it to you again on May 15th. We would like to present the budget during a special meeting and present a resolution that will be acted upon at that meeting.

- I was at the Colonias meeting last meeting in Anthony. I was watching the different infrastructure projects across the southern part of the state. It was very interesting. There are other places that have problems. Not just us. It was very interesting to hear about one of the other entities that were also having trouble with their Vac Station. Arnie did a great job. Our engineers were also in attendance, so it was a very successful meeting.

Mayor Hechler: The special meeting should last about 4 hours right, and it will encompass all of the changes that we made at the last meeting?

City Manager Gonzales: I would like to go over the adjustments that were made, but not go line by line.

City Commission Reports:

Commissioner Fahl reported the following:

- I want to give a shout out to my sons. One's birthday is today, and one was last week. I am blessed to have 4 wonderful sons. I am just happy about that.

Commissioner Mitchell reported the following:

- Girls Night will be happening this Saturday, April 27th at the Civic Center. It will be music, shopping, food, giveaways, dancing, and pampering. It will be a good chance for any ladies to get out and have fun.
- There are 9 days, 7 hours, 19 minutes, and 6 seconds until Fiesta. We've got so many things going on. There are so many people working on different things. We are having meetings every day about different aspects of it. I am really looking forward to it this year. It's going to be amazing. We've got a great lineup for music. We've got events. We've got food trucks that are local and from afar. Everybody has put in a lot of hard work. We've got our own Sherriff's Posse Rodeo. We've got the annual parade and cars and stripes. We've got hot rods, and a bunch of stuff coming up May 3rd, 4th and 5th.
- I wanted to say thank you to all of the students and all of their hard work and dedication. Especially the Scat Cats. That is a tremendous record to have 12 1st places in the past 13 years, and to continue on that tradition. I want to thank Mark Hedge for doing all that he did for the kids.

Commissioner Hoepfner reported the following:

- Last Sunday we had a memorial for Cliff Humphrey who was one of the founders of earth day. He set up the country's first drop-off recycling center and was one of the main people who started the recycling movement. We had the memorial at the Healing Waters Plaza, and it was a nice event. We also had some musicians playing on that day. Thank you to OJ and Luba for a great job working with the public who tried to organize the event.
- My non-profit organization Acknowledge Create Teach is doing a fundraiser on Fiesta weekend in honor of Dr. Bob who normally hosted an event every year on Fiesta. We will have different events on Friday and Saturday that will also

be in different locations. We will have music producers and artists who will perform in that capacity. A small memorial will also be held for him as well.

Mayor Pro-Tem Forrister reported the following:

- I will be taking my daughters to Girls Night Out. She is only 5, so we are going to go hang out there. Even little girls can go to the event.
- Happy Birthday to Merry Jo's son Dick.
- What a cool thing to have our gallery full of all of those kids today. It was awesome to see. The FFA and 4H kids are about to head to nationals. All of those kids that were here are representing our town when they go to the national competitions. I think that is really cool for our community, and I hope that everybody is super proud of them. They worked so hard to do that. Congratulations to them and I wish them good luck at nationals. I know it's tough. I went as an FFA student myself.

Commissioner Fahl: We should have a float for all of them in the Fiesta parade. That would be cool.

Commissioner Mitchell: We've already called out for it so hopefully it will happen.

Mayor Hechler reported the following:

- I have been busy with everything Fiesta related for the past couple of weeks, but Destiny spearheaded most of it, so thank you for your leadership and your hard work. You keep us organized.
- I was busy tracking down the PCF grant from Senator Heinrichs office. This is the \$1.6 million grant that we are supposed to get. There has been some turnover at the HUD office so, trying to get through to those folks has been kind of difficult, so I called Senator Heinrichs office, and got some help that way. Hopefully, I'll get a call back. It's important that we get the \$1.6 million because that's going to be used ahead of time for planning, and for some of our clearances. We've got to get on the ground first before we get the \$16 million from the Water Trust Board. We are going to push on that pretty hard to see what we can get done.
- Commissioner Fahl and I prepared the City Manager goals to be presented to the City Manager during our Executive Session, which is the same as an evaluation.
- City Manager Gonzales got a call from Senator Heinrichs office. They reached out and asked if we were interested in another grant like the one we just got for \$1.6 million. The interesting thing about this is that they ask us to apply for them, and then they say "can you have it into us today or tomorrow". Thank goodness we have things prepared and ready to go, so we submitted a request regarding the Main Street district for improvements to Riverside Drive and Date Street. There is 839 linear feet of 6inch to 8inch PVC pipe that needs to be replaced there. The price tag on that is just over \$1 million which was a cap for what they requested, so we have things ready to go, and we were able to get that submitted.

- This morning before I arrived, I was able to meet with Ms. Elizabeth Watson who is the lady orchestrating the donations for coffee for the group that is working on the north end of town for the roundabouts. There is between \$200 to \$300 in the fund, so the guys are enjoying their coffee. Thank you to the community members who participated. Let us recognize these folks. It was a good job all the way around.

City Attorney Rubin had no reports.

F. CONSENT CALENDAR:

1. **City Commission Regular Minutes, April 10, 2024.**
2. **City Commission Special Budget Workshop Minutes, April 17, 2024.**

Commissioner Fahl moved to approve the Consent Calendar as submitted. Commissioner Hoepner seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

G. ORDINANCES/RESOLUTIONS/ZONING:

1. **Discussion/Action: Resolution No. 45 23/24 in support of the Infrastructure Capital Improvement Plan (ICIP) for the Sierra Joint Office on Aging (SJOA).**

Crystal Walton, SJOA Executive Director: We already held a public hearing over at the senior center, and we had some items brought up on that. We were asked for the following:

- Add a building dedicated to senior activities.
- Level out the patio area within the senior center because there are some uneven areas there.
- The water filtration system.
- Bathroom renovation.
- A gym with a swimming pool.

Crystal Walton, SJOA Executive Director: Earlier in the year, as we do every year, we sent out a survey for community services that they would like to see or other items that they can say may help services that we are currently providing. We are required to do that every year. We did get some decent feedback on that survey which was as follows:

- A community room for events.
- Moving some machines in and out of the exercise room.
- A computer room.
- Additional transportation.
- More available autos and drivers.
- Chair Yoga, and exercise classes.
- Exercise room/computer room.

Crystal Walton, SJOA Executive Director: With the board meeting we organized some of the items that we have on the ICIP, and the organization of those items with my board of directors. We marked a replacement for our walk-in refrigerator and freezer as the number one priority. That is an emergency item that has been broken down. We have already asked for emergency funding for that, but we were denied. Traci is still working on requesting that we get that done. We had Cabinet Secretary, as well as a lot of aging and long-term services individual workers in the building last Wednesday, where I mentioned the walk in priority again with them. The secondary one that we are looking at getting is the meal truck for an additional meal vehicle. Number 3 is a wheelchair vehicle that would be able to have the 4,000 lb. lift. Number 4 on the item list is the renovation of the restrooms.

Mayor Hechler: The SJOA building is a city owned building so I would kind of like to know the condition of the building itself. One thing that I would suggest, if we didn't get it done this year is to have somebody go up and do a roof inspection and check your HVAC and all of the things mechanical in that building to make sure they are running properly. Are they doing okay?

Crystal Walton, SJOA Executive Director: The roof was replaced in 2017 or somewhere around there.

Assistant City Manager Alvarez: They got funding for that.

Crystal Walton, SJOA Executive Director: The HVAC's were replaced last year. I have worked well with Traci, and she has asked your engineers to look over the building, and they did kind of give us some guidelines on what their feelings were within that, and one of those items was the bathroom renovation. The ICIP is a list that we have to have in order for us to ask for projects through capital outlay.

Commissioner Fahl moved to Resolution No. 45 23/24 in support of the Infrastructure Capital Improvement Plan (ICIP) for the Sierra Joint Office on Aging (SJOA). Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

2. Discussion/Action: Publication of Ordinance No. 765 Series 2024 General Obligation Bonds.

Chris Muirhead, Modrall Sperling: What you have in front of you is an ordinance related to the second series of obligation bonds. In November of 2022 the voters approved \$3 million in general obligation bonds. \$1 million for street and road improvements. \$2 million for water and wastewater improvements. Last year you issued \$790,000 of those G.O. bonds. \$270,000 for the roads, and \$520,000 for the water/wastewater. This is the second phase, and it is also the same amounts of \$520,000 and \$270,000 that would be about half of your capacity from that 2022 election with the idea of issuance of the last two over

the next couple of years. You have 4 years in which to issue all of your debt from a general obligation bond. We've talked about a lot of different types of debt over the last couple of years. This one is your property tax-based debt. The voters have approved it, which gives you that extra comfort that this is lining up with the community's intentions. It does require a simple majority. It is pledged, which is a general obligation, so it is really any available funds of the city. When you have a GRT or water system debt, there is a special fund pledged, whether that be state shared, or the water debt was your system revenues from that particular enterprise fund. Here is Ad Velorem property taxes on all eligible taxable property within the city. It currently doesn't have any of the financial terms. We will come back when you adopt it. It is going to the New Mexico Finance Authority. The same as you've done at the last issuance. The good news is that the Finance Authority borrows their funds and lends it to the communities at AAA rate, so it is a very favorable rate, and a good option. When we come back for the actual adoption, we will have those terms and we'll be able to go through them and show the length of the bond, each maturity, and the interest rates. Today we are here to approve to move forward with the publication.

Mayor Pro-Tem Forrister moved to approve Publication of Ordinance No. 765 Series 2024 General Obligation Bonds. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

3. Discussion/Action: Resolution No. 46 23/24 Series 2024 General Obligation bonds.

Chris Muirhead, Modrall Sperling: This is very straightforward. The New Mexico Finance Authority requires an application for the borrowing. They take it to their board, and approve it, which would be next month. They want to make sure that the governing body is in the loop and they are in agreement with pursuing the debt. Again, that is 99.9% of the time correct, but they want to make sure that everybody is on the same page. This just approves submission of that application.

Commissioner Fahl moved to approve Resolution No. 46 23/24 Series 2024 General Obligation bonds. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

H. NEW BUSINESS:

1. Discussion/Update: PD Update.

Chief of Police Tavizon reported the following:

- In April we participated in a community outreach program. It was the family fun fest that was held at the Ralph Edwards Park by Casa De Luz. We had members of our department attend. They were handing out some information. It was a good turnout. It tied in with the Farmers Market. They kind of played off of each other and it turned out to be a really nice event.
- This Saturday, April 27th from 10am to 2pm we will be participating in the DEA National Drug Take Back event. Members of the community can come to the Police Department and drop off expired medication with no questions asked. They will submit it and we will turn it over to the DEA once we are done with that.
- They participated in some training. The FBI is testing the water under this administration, as far as tying in use of force data collection training with federal grants in anticipation of that becoming a mandate anytime a police department puts in for federal funds. I sent my Executive Assistant to that training to prepare for that. The data collection will talk about race or any kind of ethical situation when it comes to use of force, that way there is a national database on that.
- He sent his Detective to forensic death investigation and crime scene management training to continue to prepare him and grow him in his position.
- Our Detective and I attended the Leadership New Mexico conference. It's a local government leadership program. I'd like to advocate for that program for the city. It was put on by Leadership New Mexico. It is a great opportunity to meet with other leaders in local government across the state. The first session was in Las Vegas, New Mexico. We spoke with a local government there, and we talked about the hazard that they had when they had fires there and what they went through, and how hard it was to reach out to FEMA and get some of the funding back. It was a great opportunity to network with some of our other Mayor's, Councilors, City and County Managers. This last session was in Carlsbad. We got to tour the Chevron Corporation. They talked about coming up with new energies, and they talked about geothermal experimental energy, so I thought that might be something that we may be interested in since we do have some geothermal stuff going on below us. There is some funding available for that in the future.

Chief of Police Tavizon then reported the stats for the month of April:

- They took 668 calls for service from April 1st through April 21st. The City Police Department took 405 of those calls. Our Animal Control took 123 of those calls. I want us to recognize that is one officer that is taking on those 123 calls for service for animal control.
- We had 15 motor vehicle accidents throughout the city. There is nothing specific other than driver attention, and people not complying with the laws and speed limits.
- We had one DWI.
- Our Code Compliance Officer, who is also taking care of animal control took care of one code violation during that period.
- We conducted 90 traffic stops, and we issued 51 citations. The percentage is a little bit higher than it has been in the past.

- We arrested 11 individuals for numerous either misdemeanor or felony offences.
- We are preparing for the Fiesta.
- We have a JAG grant inspection coming in. We purchased some equipment, so they are going to come in and do an audit to make sure that we have all of our equipment done. They will be here on Thursday. We put in for additional funds (\$70,000) for handheld radios and radars so we can get some newer equipment to help with the traffic violations.
- We had 4 SKI reports this month.

2. Discussion/Action: Swimming Pool position(s).

Ashley Galicia, Swimming Pool Manager: We budgeted for part time lifeguards for the season, but we don't want to turn down anybody for any kind of position. If we can be open more, we would like to be open more. We have hired 3 lifeguards so far, but within those 3 positions, only one of them is able to work 40 hours a week. The other is still in high school. Once she is done, she will be more available, but she is also one of the FFA members. The other individual is also only part time. She has another job, and she works with us in the afternoons. That is 3 of my 4 positions, so I would like to get as many lifeguards as possible because even if they are only working a few hours here and there, we will take whatever we can get so we can extend our schedule and be open more throughout the summer.

Mayor Hechler: Tell me a little bit about your recruitment process.

Ashley Galicia, Swimming Pool Manager: I've been advertising since the beginning of February. We've had an ad listed in the newspaper. I am pretty active on our city Facebook page with posting updates about when we are going to open, and about the open positions. I have also been making flyers. I sent out an email to the department heads to ask them to put the flyer around their departments as well. We are also offering free lifeguard certifications, and you don't have to apply for the position in order to get that. We are having our first course this weekend. I also attended career day with Alona.

Commissioner Fahl made a motion to allow the Swimming Pool to increase new lifeguard positions as needed as long as they stay within their budget. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

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

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OJ Hechler, Community Services Director presented his purchase requisition for the professional design for the Ralph Edwards New boat ramp/dock.

Commissioner Fahl: So, this is a turnkey project from beginning to end? The whole kit and caboodle is in this \$41,000.

OJ Hechler, Community Services Director: Just the engineering.

Mayor Pro-Tem Forrister: So, we have to do this because we got a grant to do this. This is out of the grant money, and this has to be done.

OJ Hechler, Community Services Director: If you could visualize a 50ft. ramp over there going into the entrance on the southeast corner, the floating dock itself, there is going to be a retaining wall at the bottom of the ramp and riprap on both sides of the dock as well.

Commissioner Fahl: I understand that the grant is going to pay for that, but I still think it's an exorbitant amount for designing and getting permits.

OJ Hechler, Community Services Director: This is not a dock that we are putting behind somebody's house. This is going to be used by the community, so I think we should air on the side of caution on this as far as that goes, for the liability aspect.

Commissioner Mitchell: Did we have any quotes from anyone else?

OJ Hechler, Community Services Director: We did not. We got the grant, and then once we got the grant, we received a task order from Wilson & Company, and this is where we are at.

Commissioner Mitchell: Do we want to ask for another quote?

Commissioner Fahl: We could save money and buy more things if we didn't spend so much on designing it. I think we all understand the concept and what its going to be, but for designing and engineering, and getting permits for almost \$42,000, is absurd. We just got a whole bunch of other contractors on call. Maybe we should just investigate that. When does this money have to be spent?

OJ Hechler, Community Services Director: we've got about 19 months left.

Commissioner Fahl: I would feel better if you at least asked the other people we have on call.

Commissioner Fahl made a motion to direct OJ Hechler, Community Services Director to get more quotes before they approve the Purchase Requisitions over \$20,000 for the professional design for the Ralph Edwards New boat ramp/dock. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

Buster Smith, Streets Director presented his purchase requisition for the 2024 Chevy Silverado 1500.

Commissioner Mitchell moved to approve the Purchase Requisition over \$20,000 for the 2024 Chevy Silverado 1500. Commissioner Hoepfner seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

Bo Easley, Electric Department Director presented his purchase requisition for the Power Pole Replacement.

Commissioner Fahl moved to approve the Purchase Requisition over \$20,000 for the Power Pole Replacement. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

4. Discussion/Update: 2026-2030 Infrastructure Capital Improvement Plan.

Assistant City Manager Alvarez: They moved up the date for when the ICIP's are due this year. This year it will be due July 12th. I just wanted to bring it to the Commission's attention so you can start reviewing what you approved last year, which is what is in the agenda packet. That is the 2025 to 2029 Infrastructure Capital Improvement Plan. This will give you time to start looking over what we have and start thinking about what your requests are going to potentially be so we can get ready for some public meetings, as well as getting out there on social media to generate some public input. Ideally, I would like to be able to bring a list back to the Commission for a final adoption of a full list by June 26, 2024. That will give me time to get all of the entries in. This is just to bring it to your attention so you can start the review, make some determinations on when you would like it to come back to the Commission for ranking and when you would like to have some public hearings pertaining to it. I put some flyers out for the public to take from what a capital infrastructure plan is.

Commissioner Fahl asked Assistant City Manager Alvarez to send the Commission a copy of the list.

5. Discussion/Action: Public Arts Board Reed Rocket Sculpture recommendation.

Assistant City Manager Alvarez: The artist for the Reed Rocket Sculpture reached out to us and he would like to see if the city would consider selling the Reed Rocket Sculpture. The artist requested to build that sculpture back around 2016 for an art park, but since the sculpture was never installed, and then the art park property had sold. The city purchased the sculpture. It's the city's property, and that sculpture has now been sitting in storage all these years. The artist would really like to have the opportunity to see it out

in the public. He thinks that he has somebody who would be interested in purchasing it and displaying it on private property. We took it to the Public Arts Board, and they were on board with the city potentially selling it. However, they feel that they would like to make sure that it does get displayed, and they would like to make sure that the minimum bid amount is more than what somebody could just get for scrap metal. I have to work with OJ. We're going to have to get it out of storage, and we're going to have to get it out of storage, and we'll have to probably take it over to the solid waste department and have it weighed over the scale and find out what the current amount is for scrap metal if that is the direction the Commission wants to go.

Mayor Pro-Tem Forrister: So, the artist already has somebody who thinks that they would display it?

Assistant City Manager Alvarez: I haven't talked to the private party themselves, but according to artist, yes there is a private party that does have a lot that they display artwork that would be potentially willing to purchase it and place it there. We would have to put it up for sale for anybody to purchase it. We can't just sell it or give it away or donate it.

Mayor Pro-Tem Forrister: I think it makes sense. We're not using it, and its been in storage. Nobody gets to see it.

Commissioner Mitchell: What did we originally purchase it for?

Assistant City Manager Alvarez: The city paid around \$5,000 to complete the sale to the artist and that included some storage fees because he ended up having it on his property for a while. That was the agreement the artist and the Commission at that time came to. I believe that the Sierra County Arts Council also paid a chunk of money for it, but I could not find those records. I think it was right around \$7,000. We have some money on both sides.

Mayor Hechler: I was on the Commission at that time when we were talking about it, and there were some issues with liability concerns with this sculpture. The issues were if I remember correctly, were that the sculpture had moving parts and we had some concerns that erecting this on public property would be an attractive nuisance. We were concerned with pinch points for kids and things like that because the rockets themselves moved back and forth in the wind and it could cause some issues. We had some liability concerns at that time and we voted not to put it on public property because of the liability concerns.

City Attorney Rubin: I'm not sure if it was actually discussed the context of trying to sell it. I think it was really a question of whether we were going to display it.

Assistant City Manager: You're right. That was a concern. The way that the Reed Rockets were designed to be installed would require state permitting. Our Facility Manger took and the artist and one of the Reed Rockets and the base up to las Cruces to the State permitting CID Office and they reviewed the plans from the artist, as well as one of the

Reed Rockets. There were some concerns at the state level. They were going to require engineered drawing plans. They were not accepting what the artist had, and the estimate at that time was between \$3,000 to \$5,000 to get some engineering drawings. The artist was concerned that would take away some of his aesthetics of the way the engineer might design it, so it was a lot of back and forth at the time with the Art Board, and they just felt that there was a concern with it going up. Plus, neither the Art Board, nor the city had the money at that time to put forth for an engineering plan.

Mayor Pro-Tem Forrister: That just seems like a win/win in my book, so let's sell it to a private individual and it won't be our problem anymore.

Mayor Hechler: It could still be displayed somewhere where it could be viewed by the public, but it wouldn't be the city's liability.

Assistant City Manager Alvarez: And, it would have to go through Planning & Zoning to be displayed. They would have to get the permitting. If the person that potentially would be willing to display it or be willing to purchase it is who the artist spoke about, they are somebody that does contract work within the city, as well as various other areas, and they do know the state construction rules and regulations, as well as the city zoning. Anywhere else within the city will have to go through Planning & Zoning and get the approval.

Commissioner Fahl: What would be the process for selling it?

Assistant City Manager Alvarez: I would advertise it with pictures like I do for the properties. I would do pictures and put it out in the paper as an ad and just accept offers, and then those offers would ultimately come to the City Commission to accept an offer just like the properties do.

Commissioner Fahl: I've been talking to the Arts Council for 3 years. Jagger has been trying to get me to find a way to put those to use, so if you guys think that would be the best use, and the Public Arts Board voted to sell it, then...

Mayor Pro-Tem Forrister: We would have to go through engineering if we wanted to do anything with it.

City Attorney Rubin: I like the concept of advertising it, and it comes back to you so you're not really obligating yourself at this point. That gives us some more time to think about some of these other issues.

Mayor Hechler: So if we go out to public auction for it and the price is just a little bit above the salvage rate, and if the person that is going to do something with it is successful in his bid, then that's what we want, right? Even if it wasn't the highest bid. Do we have to go with the highest bid or can we go with the bid that makes more sense.

Mayor Pro-Tem Forrister: We can go with whichever bid we want.

City Attorney Rubin: Yeah, I think we would just leave it open. I think you are just advertising for offers and it just comes back to you to make a determination.

City Manager Gonzales: We are following the procurement code and the sale of property. When the bids come back to you, you can do whatever you want to, but you better have a reason. You have to justify who you are awarding the bid to if you go with a lower bid.

Mayor Pro-Tem Forrister made a motion to approve the advertisement of sale of the Reed Rocket Sculpture. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

6. Discussion/Action: Summary Plat Amendment at 313 W. Riverside.

Assistant City Manager Alvarez: This application was presented in a public hearing on April 8 to the Planning & Zoning Commission. The Commission recommended approval to the City Commission with a unanimous vote. The applicant is requesting to split their lot. Right now, it is one large parcel, and they would like to split their lot into two lots. Each lot meets the required standards for that district. They will also meet the required standard. Both lots will have access to city-maintained water, sewer, and street. All required documents were submitted, and the fees were paid.

City Attorney Rubin: The Planning & Zoning minutes show that there was no opposition to this, and that proper notice was given to all interested parties.

Commissioner Fahl moved to approve the Summary Plat Amendment at 313 W. Riverside. Commissioner Hoepfner seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

7. Discussion/Action: 1007 N. Caballo Road Variance Request.

Assistant City Manager Alvarez: The applicant put in a request for a variance for our Municipal Code to allow him to live in an RV on his property at 1007 N. Caballo Rd. the public hearing was held at the Planning & Zoning Commission on April 8th. The Planning & Zoning Commission recommended to deny the variance on a 3-1 vote. The applicant is here in the audience today if you would like to speak with him. We did have one proponent that came and spoke in favor of it at the public hearing. He was very much in support of allowing this gentleman to reside in his RV given the circumstances, and the reasoning behind it. We did have one opponent, however that opponent was a little confused as to what the variance request was about. Once they understood more in depth about what the variance request was, they seemed to be more in favor of it. I don't know that they were completely resolved of their confusion.

Commissioner Fahl: Can you clarify what the ordinance is for residing in RV's.

Assistant City Manager Alvarez: RV's are not supposed to be used as a permanent dwelling unit within the city limits. They can be used for temporary dwelling if you submitted plans. You can get approval through my office if you submitted plans, and you are in the process of developing your property or building within your property. There is a provision in there for an overnight 12 or 24 hour stay for somebody that might be coming into town and staying for a short period of time. I know that the Commission has had some questions and wants us to review, and potentially amend some of the RV ordinance, but as it sits right now, a permanent dwelling for an RV is not allowed, which is why he is requesting the variance.

Mayor Hechler: I looked at the property this morning and it is very clean. The only thing that seems to be on there is the RV and another trailer.

Mayor Pro-Tem Forrister: I drive by there everyday on my way home. It is way high up, and you really can't even see anything.

Mayor Hechler: The problem I had with it is that recreational vehicles, boats, camping trailers, truck campers, and vehicles shall not be used as permanent or temporary dwellings, so I don't know if we are able to grant a variance for something like that. It's difficult because the gentleman obviously made some improvements to the property from what it used to look like. I would like to re-visit this ordinance at some point because I think it is a little bit too restrictive, but I don't know if we want to loosen the restriction to the point to where we have permanent dwellings in the form of RV's on lots so we can discuss that a little bit if you'd like.

Mayor Pro-Tem Forrister: Mr. Uker, were you the one that has the trailer up there and you demolished the trailer and took it out of there. There used to be a mobile home there, correct? You cleaned it up very nice.

Lee Uker, Applicant: Thank you. I did a lot of work.

Mayor Pro-Tem Forrister: If you were right in the smack dab of town and you had neighbors on each side, I get that we should stick to our guns, but I really think that we need to take another look at that. We have his application here. He removed an old crappy trailer out of there and he cleaned it out. His neighbors don't have a problem with it, so what gives us the right to have that problem. That's my opinion.

Commissioner Fahl: I remember when the property used to be owned by Dr. Garland the Veterinarian. It was her place and it collapsed after she left, so yes, it is an improvement. If we say no, then this guy doesn't have a home.

Mayor Pro-Tem Forrister: Right, then what does he do.

Commissioner Fahl: Right. We don't want to start that.

Mayor Pro-Tem Forrister: Well even besides that point. Again, its not our business on what happens to them. If we're going to stick to it, then were going to stick to it, but we have a code for a reason, so that we can visit this case by case. So, if somebody brings in a crappy camper in the middle of downtown, then we can say no because that's going to be an eye sore, but in this case, he has cleaned up his property. He has a decent looking RV, and his neighbors have agreed, and they don't have a problem with it. It is literally up on the hill so you can't hardly see anything up there unless you drive to his front gate, so in my mind I don't understand why we wouldn't approve this.

Commissioner Fahl: I am in favor of a variance request.

Assistant City Manager Alvarez: To your point, yes, that's why we have a variance request. We do have a Municipal Code that is a guideline of what we should be doing, but we do have an option in there for somebody to request a variance due to potential extenuating circumstances to be reviewed on a case-by-case basis. I don't make recommendations to the Planning & Zoning Commission or the City Commission on what your determination should be, but I think in this case, it would be at your best interest to maybe understand from the applicant why he is requesting the variance, and the need for that. If you guys gave him the opportunity to explain that, it might help in your decision.

Lee Uker, Applicant: I am 1 ½ eyes blind and I have bad vision on the other little bit that I can see out of. I need to live in my motor home because it is a small unit and I lose my balance. I can grab wherever I need to grab whenever I lose my balance in the motor home. That is the only place I have to live, and I've done a lot of work to it. My eyes will never get better. They will only get worse, and my balance is only going to get worse. I don't know how much more longer I have to live either. I really need a small area. I bought my property 26 years ago, and I did not know that there was an ordinance, so I am very sorry that I did do that without checking, but I had no idea so I apologize for that. I really need to live in my motor home on my own property.

Mayor Pro-Tem Forrister: I think this was a perfect case in why we do this. We have this ordinance so we can control this case by case, and we can actually look at whether or not this is going to be an eye sore or if it's impeding your neighbor's personal property because you put in an awful looking mess there. In this case, you have owned this for 26 years and somebody who has owned a property for 26 years probably doesn't think that need to go and check the ordinance because that is their personal property. I'm glad we caught this. In my opinion I think this is exactly what we should be doing.

City Attorney Rubin: I think that 11-11-6 gives us the right to allow a variance because that's what the purpose of a variance is. It's to grant relief from a harsh application of a code in appropriate circumstances, which is what we are talking about here. I really like that the packet contains the Planning & Zoning Commission's findings of facts checklist so you can look at those when you are evaluating a variance.

Mayor Hechler: When we first amended the RV ordinance, it was because we had a couple of fires from recreational vehicles being plugged into a residence or in the driveway

of the residence, and the fires resulted in a catastrophic loss to those residents and the RV. However, since that time, we've had some issues with the ordinance itself. Chief, can you talk a little bit about the issues that we've had. For instance, if somebody wanted to take their RV camping and they wanted to charge up the battery and they plugged in their RV to their house, but they were getting ready to leave in a couple of days, they may have been sited for doing just that with their RV. Is that we're trying to accomplish here?

Chief of Police Tavizon: You are right Mayor. That has been an issue. They have been sited, given those circumstances where they were charging their RV or preparing to go out camping. I don't know if the ordinance necessarily meets the needs of what we're trying to accomplish. I know that there were some issues with some fires and people plugging them in and leaving them plugged in. We have seen that over the last couple of years.

Mayor Hechler: What is your recommendation. Should we keep the ordinance like it is and then do variances as requested, or should we update the ordinance to better meet our needs?

Chief of Police Tavizon: I think you could do both. We can look at updating it, and in the meantime just do a variance on a case by case basis like he presented today.

The Commission agreed with Chief Tavizon's recommendation.

Commissioner Hoeppe: I understand private property, but we have a lot of RV parks around, and you aren't planning on developing the property any more or building a home on it. You just want to permanently live on it. What is the reason why you don't want to live in an RV park?

Mayor Pro-Tem Forrister: Because it's his property. He owns it.

Lee Uker, Applicant: I bought my property so I can live on it, but I didn't know that I was going to go blind. I would have started building a house and stuff if I knew. Right now, I have no money. I have very little money, and I can't get a job because of my vision. I figured that's where I would retire. On my own property.

Assistant City Manager Alvarez: That was one question that was asked at the Planning & Zoning Commission. The property is paid for, and in an RV park he would be required to pay RV rent and everything else.

Commissioner Hoeppe: Well, if we do this then everyone else in the future is going to want to do it.

Mayor Hechler: These variance requests are on a case by case basis, and Mr. Uker you definitely have some extenuating circumstances. Commissioner Hoeppe, I understand that we would normally ask someone to move to an RV park, but when you have exceptional circumstances, which Mr. Uker has, I think that is where we can grant a

variance. We would not grant a variance for just everybody under any circumstances. It has to be an exceptional situation.

Mayor Pro-Tem Forrister moved to approve 1007 N. Caballo Road Variance Request. Commissioner Fahl seconded the motion. Roll call was taken by the Clerk-Treasurer.

Hon. Amanda Forrister, Mayor Pro-Tem voted aye.

Hon. Rolf Hechler, Mayor voted aye.

Hon. Destiny Mitchell, Commissioner voted aye.

Hon. Merry Jo Fahl, Commissioner voted aye.

Hon. Ingo Hoepfner, Commissioner voted nay.

Motion carried with a 4-1 vote.

8. Discussion/Action: 909 N. Foch Conditional Use Permit.

Assistant City Manager Alvarez: This application was presented in a public hearing on April 8th to the Planning & Zoning Commission. The Commission recommended the project for approval to the City Commission with a 3-1 vote. The applicant is requesting to put a storage unit/shipping container or railroad box car in his back yard for storage. As per our municipal code, they do have to come to the Commission for a conditional use permit to add a container within the residential area.

Thomas Viques, applicant: I wasn't able to make the Planning & Zoning meeting. I had to work. It's just a storage container. It hasn't been delivered yet, so I haven't seen it, but they come painted, and it is weatherproof. The use of it will be for storage. It's a Shipping container.

Commissioner Mitchell moved to approve the 909 N. Foch Conditional Use Permit. Commissioner Hoepfner and Commissioner Fahl seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

9. Discussion/Action: FY 2025 Tourism Marketing Proposed Plan/New Mexico True Cooperative Advertising.

City Manager Gonzales: At the last meeting you saw the presentation by Sunny 505. This is just for approval of the agreement.

Commissioner Fahl moved to approve the FY 2025 Tourism Marketing Proposed Plan. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

I. EXECUTIVE SESSION:

1. **Purchase, Acquisition, or Disposal of Real Property (210 Main Street) pursuant to 10-15-1(H.8).**
2. **Limited Personnel Matters (Police Dept.) Pursuant to 10-15-1(H.2).**
3. **Limited Personnel Matters (City Manager) Pursuant to 10-15-1(H.2).**

Commissioner Fahl made a motion to go into executive session at 11:23 a.m. to discuss Purchase, Acquisition, or Disposal of Real Property (210 Main Street) pursuant to 10-15-1(H.8), Limited Personnel Matters (Police Dept.) Pursuant to 10-15-1(H.2) and Limited Personnel Matters (City Manager) Pursuant to 10-15-1(H.2.). Mayor Pro-Tem Forrister seconded the motion. Roll call vote was taken by the Clerk-Treasurer. Motion carried unanimously.

Mayor Hechler reconvened the meeting in open session at 12:56 p.m.

Mayor Pro-Tem Forrister certified that only matters pertaining to Purchase, Acquisition, or Disposal of Real Property (210 Main Street) pursuant to 10-15-1(H.8), Limited Personnel Matters (Police Dept.) Pursuant to 10-15-1(H.2) and Limited Personnel Matters (City Manager) Pursuant to 10-15-1(H.2.) was discussed in Executive Session and no action was taken in executive session.

J. RETURN TO REGULAR SESSION; ACTION (if any):

1. **Purchase, Acquisition, or Disposal of Real Property (210 Main Street) pursuant to 10-15-1(H.8).**

No action was taken.

2. **Limited Personnel Matters (Police Dept.) Pursuant to 10-15-1(H.2).**

Commissioner Fahl made a motion for admin to review ACO and Code Compliance job description. Mayor Pro-Tem Forrister seconded the motion. Motion carried unanimously.

3. **Limited Personnel Matters (City Manager) Pursuant to 10-15-1(H.2).**

Commissioner Fahl made a motion to approve a performance evaluation and salary adjustment for the City Manager. Mayor Pro-Tem Forrister seconded the motion. Motion carried unanimously.

K. ADJOURNMENT:

Mayor Hechler adjourned the meeting at 12:57 p.m.

Passed and Approved this 8th day of May, 2024.



Rolf Hechler, Mayor



Angela A. Torres, CMC, City Clerk