

CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
CITY COMMISSION CHAMBERS, 405 W. 3RD St.
WEDNESDAY, MAY 8, 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 via telephone
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
Arnie Castaneda, Water/Wastewater Director
Luis Tavizon, Chief of Police

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

2. SILENT MEDITATION:

Commissioner Fahl: I would like to mention Bill Hopkins, who was such a main stay of our community and a scary guy when he's driving. He was an incredible man with a giving, wonderful family. I knew him, and my mother knew him since she was a child. His family is huge and a main stay of our community, so please think of them in your prayers today.

Mayor Hechler called for fifteen seconds of silent meditation.

3. PLEDGE OF ALLEGIANCE:

Mayor Hechler called for Commissioner Fahl to lead the Pledge of Allegiance.

4. APPROVAL OF AGENDA:

Mayor Pro-Tem Forrister made a motion to remove item 16 from the agenda. Commissioner Hoepfner seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

C. PRESENTATIONS:

1. Presentation of City of Truth or Consequences Employee Service Anniversary Awards:

City Manager Gonzales presented an Employee Service Anniversary Award to Traci Alvarez for 11 plus years of service with the City of Truth or Consequences.

City Manager Gonzales presented an Employee Service Anniversary Award on behalf of Margaret Reed for 3 years of service with the City of Truth or Consequences.

City Manager Gonzales presented an Employee Service Anniversary Award on behalf of Tristan Vandever for 1 year of service with the City of Truth or Consequences.

City Manager Gonzales presented an Employee Service Anniversary Award to Angela Torres for 14 years of service with the City of Truth or Consequences.

City Manager Gonzales presented an Employee Service Anniversary Award on behalf of David Johnson for 16 years of service with the City of Truth or Consequences.

City Manager Gonzales presented an Employee Service Anniversary Award on behalf of Armando Ramirez for 1 year of service with the City of Truth or Consequences.

City Manager Gonzales presented an Employee Service Anniversary Award on behalf of Casey Froese for 1 year of service with the City of Truth or Consequences.

City Manager Gonzales presented an Employee Service Anniversary Award to Andy Alvarez for 18 plus years of service with the City of Truth or Consequences.

2. Proclamation naming May 27, 2024, as Poppy Day for the American Legion Auxiliary.

Mayor Hechler presented the American Legion with the May 27, 2024 Poppy Day Proclamation.

3. May 2024 Motorcycle Awareness Month Proclamation.

Mayor Hechler presented the 3. May 2024 Motorcycle Awareness Month Proclamation.

D. PUBLIC COMMENT (3 Minute Rule Applies):

Tracy McGowan addressed the Commission with comments related to:

- She has Donkey Magic Farm at 1700 Corzine St. in Truth or Consequences. On March 25th, a loose dog burrowed under my fence, and killed my two goats. A month and a half earlier, my neighbor had two goats killed. The dogs returned a couple days later, and he did get a short video. Since these two events have occurred, people on social media have posted a number of incidences where dogs have killed other animals in their own yards. It's becoming an endemic problem for our city. Also posted, are dogs from the shelter who are placed in good homes. These rescued animals take a few weeks to get oriented to their new homes. Sometimes, they escape, which is a traumatic event for both the family and the dog. The problem is people need help with fencing. Case and point, when I brought my dog Shadow home, she was digging under my fence daily. The solution was to bury 3 inches inside the fence and 3-4 inches deep poles around the inside perimeter of the fence. That finally kept her in, and was a fairly inexpensive fix. Some dogs climb. On my donkey walks, I've seen dogs climb up and over 6 foot fences. For dogs that climb, a strand of hot wire can be used around the top of fencing to keep dogs in. Both these solutions cost less than \$100 and could be given to new dog owners through the shelters and by animal control to owners whose dogs are escaping. In reading our local ordinances, it has come to my attention there is a \$100 fine for a first offense of having our dog run at large. I would ask the city to re-consider having such a huge dollar amount for a first offense and propose the adoption of a graduated scale starting at \$25 for a first offense. \$100 might make the difference between people being able to provide a solution to their fencing and also between keeping their dogs out of the shelters and have an opportunity to come acclimated to their new homes. Our local rescues are doing a great job re-homing these abandoned and neglected dogs. A \$25 fee and some solutions regarding fences that are less than \$100 may help the problem. Also encourage cooperation from dog owners whose dogs are escaping and becoming community hazards. I saw that the Farmer's Market, and I have 10 stories of community members who have had or are now experiencing trouble in their neighborhoods with loose dogs. I suggest that we try to get a handle on this by working together and coming up with some real solutions.

Cheryl Ray addressed the Commission with comments related to:

- We've already heard about Tracy's two goats being killed. I knew those goats personally. They were wonderful animals and so happy there then this event occurred. Her neighbor lost two goats, and I believe just recently, there was an entire flock of chickens that was done in.

Carrie Conley addressed the Commission with comments related to:

- This is her story that Tracy collected at the market. We were out for a walk on Charles St. near Foch, and a loose dog ran up behind me and bit the back of my leg.

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Carolyn Peterson addressed the Commission with comments related to:

- In 2003, my 10-year-old son was chased by a neighbor's dog while exiting the school bus. This happened at Hackberry St. I was watching him, ran after the dog, and chased him off. The dog pulled at my son's backpack. The police came, but we were not able to do anything.

Andrea (last name not provided) addressed the Commission with comments related to:

- My daughter's bus stop is on Glen Ave & Rodeo. There are some little dogs that will get out of the yard and chase my daughter.

Tina Wells addressed the Commission with comments related to:

- I was trapped on my porch by a loose dog. I couldn't leave my house 'til it went away. Animal Control didn't come for several hours.

Leann Armijo addressed the Commission with comments related to:

- I was walking home one afternoon when a big dog came up aggressively. I stayed calm and walked much slower. The neighbors noticed and tried to distract him. It kind of worked, and I was able to distance myself. If it wasn't for those neighbors, I don't know what would have happened. I never was intimidated by a dog before.

Anonymous T or C Resident addressed the Commission with comments related to:

- I stopped walking due to fear of loose dog encounters. I had loose dogs kill my chicken flock.

Shelby Shue addressed the Commission with comments related to:

- My daughter and I live on Birch by 7th, and a dog chased us. We called AC to report. My daughter scared the dog off. No owner around and dogs were free to roam.

Cecile McGowan addressed the Commission with comments related to:

- I live over by the VA, and I ride my bike 2 or 3 times a week on Veater Street. That's where I and my partner, David, were biking about a year ago when I was attacked by a large dog that I took to be a Pitbull. It grabbed my wrist, tore my jacket, but did not really injure me. My partner, David, heard me yelling, turned around, came back, and scared off the dog. I went home, called Animal Control, and told them about the incident. I gave them the address from which I thought the dog had come. The next day, an employee of Animal Control came by. They had gone to visit that house. The occupant had threatened the officer with a gun. A police officer came back, sited him, and I went to court and all this second hand for me. What I would like to say is that the matter was handled with professionalism. It was prompt. It was really handled very well. I would like to see the personnel of Animal Control increased. I got the idea that there were at least two employees. The one to whom I spoke on the phone with and the person who came by to see me. I'd like to see the personnel increased to that so the good

experience I had can be repeated with people. I'd like to thank you for your attention and your service to the community. I hope we can work out something.

Ashley Galicia addressed the Commission with comments related to:

- Provided update on the swimming pool since they had discussed possibly opening early at the last meeting. We are currently experiencing a flow rate issue that is not fixable by me or OJ. We're not sure exactly where the problem is coming from, but we're in contact with our technician who is out of Albuquerque. We're working on getting him here as soon as we can, hopefully this weekend. With that being said, I was also supposed to have a lifeguarding course this weekend, but I can't have anyone in the swimming pool. We were talking about having the course somewhere else such as the Holiday Inn swimming pool, so we're still able to hold that class. I haven't reached out to them to see if that's a possibility yet. We're working on that to see if we can hopefully still hold the class this weekend, and possibly another one the weekend after. As soon as the flow rate is fixed, and we're able to get that issue addressed, we may still be able to open before Memorial Day. Until that issue is under control, there's not much we can do, and we can't have anyone swimming in that pool yet. With that said, we're working on it. We'll get our technician here as soon as possible, and we'll keep you updated as we go farther along with it.

E. REPORTS:

City Manager Gonzales reported the following:

- Traci and I have been working with the department heads on the FY 24/25 budget. We will be meeting this time next week at 9:00. The agenda will be posted per Open Meetings Act. We are working to finish up the preliminary budget. On that agenda will be a resolution for your approval. We'll go through the entire budget and all funds, loans, and enterprise funds/utilities. I want to thank the community and the commission for believing in me and trusting me. I know I'm an outsider. I know I think a little different. After going through this, I know I was brought here for a reason. It's been hard. I'm not going to candy it up. I try to have a trusting relationship with my department heads. We can communicate and be respectful. I don't want that to go away here. I want us to have an open dialogue. There's been a lot going on. I want to be open and transparent and make sure the community can reach me. They have seen that we have moved forward. Last week, I took one for the team and went to the dam conference in Ruidoso. It was very interesting and technical. Across the state and country, we all know our infrastructure is crumbling. The electric grids, the water/wastewater system that brings water to/from our homes, and the dams are no different. It's really neat to see the collaboration between the dam owners, the engineers, the state, and the feds come together to try to do some of these fundings. It was very interesting, but it was way over my head.

City Attorney Rubin had no reports.

City Commission Reports:

Commissioner Mitchell reported the following:

- Provided a report on Fiesta 2024. They received tons of positive feedback. Everyone enjoyed the parade and food trucks, tournaments, music, extra shade. We were going all weekend long, and it was really good. I'd like to thank all our sponsors, community members, board members. I encourage everyone to reach out to us for next year, which is our 75th anniversary of Fiesta. It's going to be huge, and I'd really like to see a little bit more support from the community in that regard. It does take a lot of work, and if we're going to make that one big, we're going to need a little more help.

Mayor Hechler: Would you just explain for those of us who may not know, this is our 73rd Fiesta, but we're going to have our 75th next year. Just for the record, would you explain how that happened?

Commissioner Mitchell: Our first official Fiesta was in 1950, which would have meant that 2024 was our 75th. However, we had two years of COVID that we did not celebrate the Fiestas. We are a couple years behind in that regard. We're going to move forward and celebrate next year as 75.

Mayor Hechler: You and I had the pleasure of meeting Hugh Spencer over the week. He came here to do a report on Fiesta. How was that interaction?

Commissioner Mitchell: Hugh was fantastic. He was johnny-on-the-spot all weekend. He was happy to jump in and collect money at Mr. Fiesta, run out to the rodeo. It was literally his first rodeo. He's originally from Britain, and he's writing his final Master's paper on Fiesta. He really got a lot of information from the history of the town and Fiesta and also that hands on experience trying to get everyone lined up for the parade. He really connected with me and was eager to talk to people. I think he really got a good experience with helping out with the Fiesta this year, and we really needed him.

Mayor Hechler: I know he helped me a lot. He even got me to speak in a British accent a few times. Of course, I was in the beer garden.

Commissioner Fahl reported the following:

- Kudos to everyone who worked on Fiesta. It was wonderful, the weather was perfect. You guys worked really hard. I don't think everybody tells you thank you enough, but it was amazing.
- Dam Owner's Conference: Thank you, Angie, for coming. It is a New Mexico Watershed and Dam Owner's Conference. The conference is a state-wide organization that puts it on. It is all about learning about watershed health and the maintenance on our dams. We have some incredible speakers come every year. It's a 3-day event. It really is about what we're going to do to take care of our dams, so I was glad Angie took the time to attend. I know she was busy with the budget, but it's really eye-opening when you find out about your

responsibilities. You're not alone. There are 400 dams in New Mexico, and pretty much all of them are in the same shape as ours. I was glad she was able to attend, so thank you for that.

Commissioner Hoepfner reported the following:

- Fiesta was amazing as well as our event Bass & Lights. Thank you to the DJ Collective and all our volunteers. It's amazing to see how in one weekend, the entire community comes together. My goal here is to build community, and Fiesta is one of them. We can have different music styles, different people coming together and enjoying a weekend of community. Now we are planning for next year. I'm planning on doing an Oktoberfest in October this year. That's my next project to bring community together.

Mayor Pro-Tem Forrister reported the following:

- Fiesta was amazing. The Cajun crab boil was amazing. The parade was great. I got to play in the volleyball tournament. It was fun, and I'm looking forward to the 75th.
- Tony's restaurant is having their customer appreciation. I don't know how many restaurants in town do this, but they provide free food. They hired a band. This will be on Saturday. They're going to have a silent auction, and match all proceeds, which will go to the scholarship fund for the graduating seniors.
- I want to yield the rest of my time to Traci or Chief to discuss some of our animal control issues and why they're happening for these ladies that are voicing their concerns.

Police Chief Tavizon: Animal control is important in the city. At the moment, we don't have any animal control officers. We have one man that's filling that position along with his code enforcement duties for the entire county. It's larger than just one organization taking care of animal control. It goes back to the owners of the animals making sure they're spayed and neutered, not running at large, and being familiar with the ordinances. There are people that really don't care that their dogs are out. They've been issued citations and gone through the court system. That's why the fines have gone up to what they are. There's no accountability otherwise. It's something we're working on. There haven't been qualified applicants, so we're trying a couple different things that will be submitted in front of the commission to try to gain some interest in those positions. With that, I'll yield for any other questions you might have.

Mayor Hechler: Just a comment, Chief, and thank you for keeping it together as much as you can with what you've got. This is an important initiative that we have in our community. We've come so far. A lot of it has had to happen with educating the community to begin with. Our spay & neuter programs, our partnerships with CAAT and other organizations. We've made a difference in this community. It used to be almost like a wild animal rodeo around here a few years ago. We've made a dent. We've made a difference, but we don't want to lose ground. I think you'll find that this commission will support you in the initiatives you want to start. It's important that we fill those positions

as soon as we can. I'd love to hear your plan as soon as you have it together. I'm pretty sure you're going to get our support to get that done.

Police Chief Tavizon: Thank you. We're also looking at different ways to actually capture the animals. As you know, there was a state-wide ban on trapping. Public lands are on state property, so we're trying to work with that to ensure we're able to continue to do that and looking at other means of capture. It's very difficult to capture a cat or dog that doesn't want to be caught. We're looking at possibly chemical capture and a system using nets. We'll see how that comes.

Mayor Hechler reported the following:

- Fiesta: We got through it okay. It was a great event. The public doesn't get to see how the sausage is made. We've had our trials and tribulations going through Fiesta and our ups and downs. The final product was amazing. We have a really good core group of folks that worked really hard to put this thing on. We're getting a little wore out. The reason I say that is because, in the 3 years I've been involved, it's gotten a little bit bigger and better every year. It's relatively the same amount of people that are still doing it. We're going to have to branch out, recruit, and do some bigger and better things. Next year, for our 75th, we want to knock it out of the park. We're starting now, so this is an open call for recruitment down the road. I hope that people who have some talent or a good work ethic want to work with us, will step forward and join our team.
- I have a meeting scheduled with a water infrastructure specialist with the Governor's office on June 27th. Senator Brantley helped set it up. We're getting a lot of support from her. She's very engaged and connected with government. She does a wonderful job for us. She's always looking out for this community. I've already talked with our Water Manager. We're putting together a PowerPoint presentation and gathering some information on our needs and issues, what we've spent and what we anticipate spending it. It's going to take a lot of work, but we have a month or so to get ready for that.
- I wrote a letter of support for Sierra Vista Hospital for their legislative efforts coming up. They were very successful last year in getting funding for their initiatives. They're already moving on it this year. We have a lobbyist, so perhaps we can introduce our lobbyist with the hospital lobbyist and possibly do some cross-referencing there.

F. PUBLIC HEARINGS (5 Minute Rule Applies).

- 1. Public Hearing/Discussion/Action: Public Hearing to receive public input regarding the issuance of a Small Brewer 2nd Location Liquor License, located at 415 Main Street, Truth or Consequences, New Mexico. The applicant is Replay, LLC dba: Juno.**

City Clerk Torres: The El Cortez Theater at 415 Main Street is collaborating with Replay also known as Juno to apply for a small brewer's 2nd location liquor license. This liquor license requires a 30-day publication, public hearing, and governing body approval. The zoning statement has already been approved, and it's in your packet. If it is approved, it will be set to the Alcohol & Gaming Division so they can proceed with their final approval process. We do have the applicant here in the audience if you have any questions for them.

City Attorney, Jay Rubin: It appears that the ABC has already granted preliminary approval.

Jason Marks, Juno (Applicant): We've jumped through their hoops, and hopefully, we're in the home stretch here. Thank you for holding this hearing and scheduling it promptly when you received the packet from the Alcohol & Beverage Control. I'm looking forward to a long and productive relationship with this commission and the City of Truth or Consequences. My name is Jason Marks. I'm one of the two managing members of Replay, LLC which is the legal name of the business. The other managing member is my wife, Maxine Marks. We're an LLC. We have a handful of partners. Maxine and I own about 45%. We have a partner that owns about 45%, and then we have two or three smaller partners in the business. We started this business in 2021 in Albuquerque. In Albuquerque, we are a small brewery, which means that we produce beer. We have a license from the federal government, TTV, to produce alcohol. We have a license from the state of New Mexico to be a brewery and also a tap room. In Albuquerque, we brew the beer, and we also serve beer. Under the state laws of reciprocity, we serve wine, cider and now distilled spirits that are all produced by New Mexico businesses. The application says it's our second, but this will actually be our third location. We started in January 2021 right when we were coming out of COVID. We took over an existing space that had been a brewery before. In June 2021, we got our license, so we're coming up on 3 years of operation in Albuquerque. In February of this year, we began operating in Edgewood, New Mexico. That's actually our second location. Both of these licenses were processed at the same time, so they called them number two. We will not be brewing in Truth or Consequences. Obviously, we've been in the El Cortez. The brewing equipment will not be there. That's not the way the license works, and it's not the way the business model works. The model will be similar to Edgewood in that we produce the beer in Albuquerque, carry it out to Edgewood once or twice a week. We'll try and do it every week or once every couple of weeks down to Truth or Consequences. It's a little bit more of a haul but still within a reasonable distance to operate and manage. As Clerk Torres mentioned, we're collaborating with Friends of New Mexico Film who are the operators of the El Cortez Theater. Mayor Hechler, anytime, just tell me to speed it up if I'm giving too much detail. We've been collaborating with Friends of New Mexico Theater. We did an off-site license last year with Fiestas. We did one this year with Fiestas. I've known Jon & Nani for years and worked with them and other contacts. They asked us about a year or year and a half ago if we could collaborate with them to bring alcohol services to the El Cortez. The

concept is I don't think this is going to be the same size as our tap room in Edgewood. It's going to be a smaller tap room. The concept is that we're going to support the theater. We're hopeful that by providing the opportunity to have a pint, a cocktail, or a glass of wine with your theater experience that they'll be able to bring more people into the theater. There's a place in Albuquerque called Flix. It's a big place, and it's built entirely on the model of tap room & theater.

Mayor Pro-Tem Forrister: That's really popular right now are those movie theaters that are serving alcoholic beverages.

Jason Marks, Juno (Applicant): If we were just going to do a bar, we'd just do a bar down here, but that's not what we're trying to do. We're trying to support the theater, and bring more people into the theater, and make a better theater experience. It keeps the vitality in that theater. Also, it provides the opportunity to do events. The El Cortez already has private events and musical performances. Adding the amenity of beer, wine, and spirits will enable those events to be a little bigger, a little more successful, and a little bit more variety to those events. Just this morning I was talking with Jon & Nani over breakfast. One of the things we do in Albuquerque – we do a lot of Latin music. We do a lot with the Hispanic community. I started out with Salsa and then I started mainlining Cumbia. We do Latin Cumbia at least twice a month in Albuquerque and I'm hoping I'm going to get a couple of our bands to come down here and do some Cumbia in the El Cortez. If we have to, we're going to take out some seats to make more room to dance because you can't sit still, friends.

Mayor Pro-Tem Forrister: This is just going to be support, if people don't come to the event or come to the movie theater, they can't go to a little patio area to have beer in like that area? Or we are doing that? Or we aren't doing that?

Jason Marks, Juno (Applicant): That's a great question because I got on track. The plan is, and I don't know, do you have the diagram? The plan will be that the bar/the serving area will be in the main lobby. The room that's right behind that, there's a snack bar on one side, and on the other wing, there is another room, I'll point to it here. We're going to make that into a lounge. The concept would be, during the open hours, if people want to come and have a beer or a drink and not see a movie, there will be a place to do that. That kind of gets to when my wife and I and our partner Trevor Reed, we started this, Mr. Reed had done a bar a long time ago, but I'd never done anything like this. I was a lawyer, I was in state government, I was an accountant. I've done a lot of stuff. In all my other professions, you do a good job, and hopefully you have good relationships with your clients, stakeholders. It's a business relationship. I didn't realize this, but when you open a bar, you're not just doing a business, you're building your community or you're supporting the community. People have higher expectations and it becomes a place to gather. It becomes a place that kind of you're in control of the liquor laws, but you're not fully in control of how it evolves. That's been a learning experience for us, and that's been the best part of it. Being part of community and building community, and having a

place for people to sit and visit, have their meetings, develop a flavor for things – that's what we like to do. One thing that Truth or Consequences and Edgewood have in common, I'm sure there's lots of things, but the one thing that I notice is they're both really growing communities and communities that have civic leadership that's trying to grow and grow in the right way. We're going to be really pleased if you guys give us a thumbs up and we get this going. As I said before, we will be serving a selection of our beer that we brew in Albuquerque. We will probably start out with 4 taps. We'll be serving a limited selection of cocktails and spirits from New Mexico distilleries. We'll have some wines. I understand there's some good local wine, and we'll try to feature that. We will have the lounge. We'll be supporting films. I do want to mention that the entirety, you've seen the diagram, the licensed premises will be all of the El Cortez except for the snack bar. If teenagers wander in and want to get a hot dog at the snack bar, that's not in the licensed premises. The rest of it will be licensed premises and unless or until I get a license amendment from ABC, it will be adults and minors accompanied by their parents or guardians. We're going to put in an application to get an amendment so that the El Cortez can do matinees and movies that appeal more to teenagers, and we just won't have alcohol service at those.

Mayor Pro-Tem Forrister: We have a film trip there tomorrow, so those wouldn't apply I'm assuming.

Jason Marks, Juno (Applicant): We'll get there. There will either be a licensed area or for some films or some events, we just won't serve alcohol, and then minors will be in there. For the other times, it will be like a bar. It will be like the Truth or Consequences Brewing Company, and not like a restaurant. We're not a restaurant license. I don't make the state laws. There are restaurants where they serve beer, wine, and hard liquor, and minors can come in and have a meal. That's not the way our license works. We're limited on New Mexico products, but other than that, we're like a bar. We can stay open until 2 in the morning. I don't expect that will happen, but we could. To get around that and still provide a way for the teens in the community to come and see a teen movie or have field trips with school kids, we'll have license amendment. ABC has given us something similar in Albuquerque, so we can just turn it on and off. Other than that, we're going to be license, and it will be Juno. That's our brand. It'll be called Juno at the El Cortez.

City Attorney Rubin: I have one legal question. I just saw the application that says the lease is October 1, 2023 – September 30, 2024. What will be the plan after that date?

Jason Marks, Juno (Applicant): To keep going. The thinking is we did the one year lease because we wanted to re-negotiate the finances with Friends of New Mexico Film to do a better job of supporting them with revenue. The state won't let me split the profits with them. I can pay them rent. I made the shorter lease, so that we can figure out what the business is doing, and then maybe I can pay more for rent.

Mayor Pro-Tem Forrister: Does that concern us at all?

City Attorney Rubin: I just didn't know that if we gave approval and go through the process then the lease expires at the end of September, then what happens then?

Jason Marks, Juno (Applicant): We'll have a renewal, but we don't have to come back for the renewal as long as we keep the lease in place. It will be renewed. We intend to be here for a long time. Again, I did a shorter-term lease, so we can re-do the financials. I'm not intending to change the lease premises. If I change the premises, then I have to go back to the state and get a change. For example, we're not using the Mezzanine right now because they're not using the mezzanine. If this thing is successful, and we want to expand, we might do that. As long as we don't change the footprint and the same parties are involved, we don't have to go back for approvals. I do understand that as soon as I get approved by the state, I need to see Ms. Torres, pay her \$250, and a pint of beer. Once it's approved, I'll send you a letter stating everything you need to do. Once it's approved, and you get your liquor license, you'll come in and you'll file with me. We do cross-reference the address with the state, so if anything changes.

Mayor Pro-Tem Forrister: I guess the lease doesn't really matter to us as long as it doesn't change addresses.

City Attorney Rubin: I get that. I was just asking really just so we know what the plan is after September 30. That's what I was asking, so we would all know.

Jason Marks, Juno (Applicant): It's a good question. We want to be long term, and we just didn't know what to put in for the dollars long term. The October start date was when we first filed with Santa Fe ABC, so we'll have hopefully, if and when the commission approves the application, it'll go back to Santa Fe. Based on prior experience, I think it'll take anywhere from 2 – 4 weeks, and we'll get final approval. My plan is to try to get this open mid-June.

Commissioner Fahl: In regards to the movie and the alcohol, you just said the teens could go in the snack bar and get whatever. Inside the movie proper, kids have to be there with their parents. Is that what you said?

Jason Marks, Juno (Applicant): Yes.

Commissioner Fahl: Ok, so we just had Godzilla. A lot of kids are going to go without their parents or they're going to want to go. There's a lot of movies that teenagers want to go to without their parents, so what are you going to do about that?

Jason Marks, Juno (Applicant): We're going to ask for a, I called it an amendment, but it's a minors in restricted area permit from State Alcohol Beverage Control. I have that for Albuquerque, which is a little different. I put in an application and tell them this is

what we want to do. What we want to do is for a movie that is teen oriented, like Godzilla. Our license will say we can let teens in, we just won't have any alcohol for those movies.

Mayor Pro-Tem Forrister: So, like a matinee, right?

Jason Marks, Juno (Applicant): A matinee or even an evening. If it's Godzilla, we just put a sign up – no alcohol or alcohol would have to stay in the lounge. I'm not going to push the envelope. Once we're going to allow alcohol into the theater, people are going to take it to their seats. I don't want minors drinking in there. If that happens, and I get caught, we lose our license, we will get fined. We're not going to do that, so if it's a movie that's adult-oriented, it's going to be if you bring the kids, that's fine, you can take a drink in there. If it's a movie that's teen-oriented like Godzilla, we're just not going to serve alcohol in the theater. We'll keep the lounge part open and say you can not take your drink down in there and teens can go in there without their parents.

Commissioner Fahl: You've got that figure out. I was just confused. Opening and closing the bar would be difficult to manage. That makes sense that the lounge would still be open. They just couldn't go into the theater.

Mayor Hechler opened the public hearing.

Proponents:

There were no proponents.

Opponents:

There were no opponents.

Mayor Hechler closed the public hearing.

Mayor Pro-Tem Forrister moved to approve the issuance of a Small Brewer 2nd Location Liquor License, located at 415 Main Street, Truth or Consequences, New Mexico for Replay, LLC dba: Juno. Commissioner Hoeppe seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

G. CONSENT CALENDAR:

- 1. City Commission Regular Minutes, April 24, 2024**
- 2. Acknowledge Regular Library Advisory Board Minutes, April 29, 2024**
- 3. April 2024 Accounts Payable**
- 4. Subrecipient FY 23/24 3rd Quarter Reports**

Mayor Hechler: I'd like to make a comment regarding the consent calendar item #2 Library Board Minutes. It seems we had some disruption during the last regular meeting at the Library Board. This is kind of an open suggestion to all of our boards. The 3-minute rule applies to all our open comment at all boards. When we allow someone to exceed that 3-minute rule for whatever reason, I think it causes some problems and issues especially if they have kind of a bullying tactic. I just want to re-affirm to our boards and our commissions outside of here. The 3-minute rule applies if the person persists, then we can have law enforcement present or we can ask that person not to attend future meetings. I just wanted to get that out before we approve the consent calendar.

Mayor Pro-Tem Forrister: Thank you, Mr. Mayor for pointing that out. It was very disturbing reading those minutes. Our boards shouldn't have to put up with that.

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

H. ORDINANCES/RESOLUTIONS/ZONING:

- 1. Discussion/Action: Resolution No. 47 23/24 approving the required Community Development Block Grant (CDBG) Annual Certifications and Commitments.**

Assistant City Manager Alvarez: This is a resolution for our annual CDBG certifications and commitments. As you know, we have two CDBG grants right now. One of them is for our water meter replacement project, and the other one is for improvements or updating our comprehensive plan. Tiffany Goolsby is with our local COG and the administrator of our CDBG grants here. I'm going to give her an opportunity to answer any questions that you guys may have. We have a couple new commissioners and if they have questions on our certifications and commitments. She has an amazing CDBG binder with her. When she brings those up, I think you guys will further understand why we do have the COG administer the CDBG grants.

Tiffany Goolsby, SCCOG Senior Planner: The resolution you have before you is an annual resolution reaffirming your commitment to your citizen participation, fair housing, residential anti-displacement and relocation assistance and section III plans as well as the City's procurement policy. It's the same resolution and plans that are adopted annually and by adopting them today, you'll be in compliance with your two CDBG grants.

Mayor Hechler: I think it's a very important service that the COG provides for us. Thank you guys for doing that for our community and our City. We have a lot on our plates. We don't need to take on the extra steps.

Commissioner Fahl moved to approve Resolution No. 47 23/24 approving the required Community Development Block Grant (CDBG) Annual Certifications and Commitments Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

I. NEW BUSINESS:

1. Discussion/Action: Termination of Lease Agreement between City of T or C and Southwestern Area Workforce Development Board.

Jay Armijo, SCCOG Executive Director: I'm here on behalf of the Southwestern Area Workforce Development Board. As you may or may not know, the Council of Governments is the administrative entity for that board. We've had a request from that board as well as our one-stop operator that helps us manage the Workforce Center on Sunset Street behind the Conoco. We've been there for a while now. One of the things the board has noticed is we're having a hard time with walk-in traffic. People don't know where the center is. I think a lot of it has to do since Western pulled out of education services there, it really put a dent in that program. We've been looking at potential solutions to make it more accessible to the residents of Truth of Consequences, Sierra County, and the region as well. One of the partners of the board is Tresco. They got into a discussion of the Workforce Connection office possibly moving into their offices over here on Date. They asked me to put in a request to the city on their behalf to terminate this lease. I believe it's supposed to go through 2026. As part of this request, if the board approves to terminate the lease effective August 1st, 2024, which would give them a few months to get new signage, get moved over there, and things like that. That's kind of the plan. It'll give them a more visible footprint here in Sierra County. I believe it'll make it more easily accessible to the residents. Obviously, especially with walk-in traffic. Anytime you put a sign up that says Workforce or things like that, it tends to grab people's attention. We're actually looking forward to it if we can make that happen. With that, I'll stand for any questions.

Commissioner Fahl: I agree they're not very visible where they're at. For people to take advantage of the program, we need to make it more accessible. If Tresco is willing to do that, that sounds pretty good to me.

City Attorney Rubin: Where you are legally is Paragraph 18 talks about termination. You don't have to agree to termination but certainly if it's in the city's best interest to allow that to happen then you have the right to agree to it.

Mayor Pro-Tem Forrister: Thank you, Jay, for that. I think it shows that this is more accessible to our community this way.

Mayor Hechler: Ms. Alvarez, do we have any plans for the building once it's vacated?

Assistant City Manager Alvarez: Where Workforce Solution is right now, we're talking about moving our branch library into the front part of the building. I think that would make a great front entrance of that building. Then that'll open up the rooms toward the back for the City to be able to rent out for meetings and stuff like that. We are required to have a branch library per the state library contract in order for her to receive funding.

Mayor Pro-Tem Forrister moved to approve the Termination of Lease Agreement between City of T or C and Southwestern Area Workforce Development Board. Commissioner Fahl seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

2. Discussion/Action: Agreement extension between the City of Truth or Consequences and Civility Government Relations.

Kathy Elliot, Civility: I was here last year. We worked with the city and your staff as far as a lobbying service. We spoke last September. I was here also with my partner at that point, former Senator Clint Harden. The first thing I'd like to mention is that the Senator has opted to go into retirement. He is going to be stepping away. You'll see more of me. Also, we are going to be bringing on board a woman named Valerie Espinoza. You may know her. She was actually a PRC Commissioner for many years and has also worked in the Capitol with Senator Munoz as his Executive Assistant and is very familiar with Santa Fe. She was Santa Fe City Clerk for quite a while and has a depth of knowledge that I truly appreciate. She has a lot of relationships in the state as well. As you know, for lobbying, it's all about relationships. When we spoke last September after I was here at this commission meeting, we went over to the city offices and spoke about the role that Civility would play for T or C. It was underlying water. We need water. Our entire efforts are going towards our water infrastructure, especially drinking water infrastructure at that point. That's what we endeavored to try to push forward. You had already, through Traci, some requests put into the Water Trust Board, that was in the sum of 16 million dollars. I went to Santa Fe with a couple of your folks here that addressed the Water Trust Board with the request for 16 million dollars. I followed that through. I also spoke with Representative Herrera and some of the other people on the Water Trust Board itself to make sure that the application process and what we had done with T or C looked appropriate and everything was moving forward. They assured us that it was moving forward. I also spoke with Marquita Russel who was with New Mexico Finance Authority. She has a couple insights for us that we can address in the future, but besides that, everything looked very good. We went into the session and sure enough, it was recommended at that point during the session that those 16 million dollars was funded. Eventually, in April, you did get that funding through. Through my relationship with Representative Herrera, we also were pushing during the session for additional money to go into the Water Trust Board because there was a whole huge list of requests from all

kinds of towns and entities around the state that need water infrastructure projects done. I worked closely with her, went to different legislatures and said "this is what's proposed. Do you have a problem if we try to backfill some of these projects with some funding from the session at this point?" There were questions asked and answered. Eventually, another large chunk of money was put into House Bill #2 for funding that was not necessarily associated with Representative Herrera but because of her efforts, there was additional money put into the water trust board. I was pleased at that. Also, that looks forward to this next year. Some of those projects that were left on the list were then taken care of and lets more money flow for more drinking water projects. All of this is good. The State of New Mexico has a percentage that comes and fills that Water Trust Board from the Severance Tax Bonds. As we all know, New Mexico pretty much has great money coming through because of the oil & gas industry. Whether you like it or not, it is money that goes into the state and therefore the Water Trust Board is better supplied. I went back to another Trust Board meeting in March, and they gave us the insight that in the future, that will be this fall and through the winter, they are going to be looking at projects. Not only drinking water projects but wastewater projects. That's a big deal for a lot of municipalities and counties. Those rules and policy making procedures are going to be looked at over this next session, and hopefully, some of that money for wastewater will then be trickling down into the hands of the cities and areas that need it best for wastewater. So, that's coming in the future. That's all-good news. So, everything that's crumbling around us, as you said Angie, there is daylight. 16 million dollars gives us some daylight. It gives us a lot of projects to do here in T or C. Then also in the future, it gives us some insight that we can be looking forward to for wastewater projects. I know that has been my efforts for you guys is water. We had some discussions during the session, Mayor, Commissioner, you guys came up. We walked the halls. We did some different things concerning capital outlay. Also approached Senator Brantley at the time. She and I had not had conversations. We had been in meetings and the hallways together, but we did not get to know each other because she wanted to know if I was carrying capital outlay. I was not at the time. That was not my job. That doesn't mean that I'm not willing to sit down with you guys and to know what kind of capital outlay projects you would like. Capital outlay will take care of some smaller things, but if you go in there asking for 16 million or something like that, it's just going to get shot down. They just don't have those kinds of funds. I also spoke with her last week at another fundraiser I was at. We had a great conversation. I told her I would be here today. She sends her best wishes but was not able to attend today. I know there is another meeting coming up in the near future. I'd be happy to participate and actually would love to do those kinds of things. You guys also have another race here that's going on for the House seat. I know one candidate better than another. No matter what happens, if you change the directory that I am on, I will make sure my efforts are going in that direction. I just wanted to give you an update. You may or may not have heard that Mike Hamman, who is the State Engineer, has actually put in his retirement notice for June 30th. He is now the Chairman of the Water Trust Board, so that's going to be changing once again. He leaves at the end of June. As soon as you get used to one person, they swap. That's happening to a really large degree in Santa Fe right now. There are some changes happening in the Senate and the House that are practically unprecedented for what's going on. There will be a huge learning curve after the elections in November. For all of those Freshman whether they are true

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Freshman that are coming in for the first time or perhaps people that have been in the House now as Senators. All of those things are changing and turning over. Every year, it's a new endeavor. I do appreciate the opportunity that you guys have given us and look forward to working for you in the future. Is there anything I can do to answer your questions today?

City Attorney Rubin: I was just handed a note here. I'm actually the one that drew up the extension agreement. It's very short and sweet, but I'm looking here on Paragraph D. A couple of things, I appreciate Commissioner Forrister pointing this out. On Paragraph D, it says total contract \$30,000 + GRT at the City of Clovis, so we need to change that to Truth or Consequences. It actually brings up something else though.

Kathy Elliot, Civility: It's where the billing comes in though. The GRT is where the billing is generated. That's where GRT is generated.

City Attorney Rubin: So, it should be to Clovis then?

Kathy Elliot, Civility: It should be.

City Attorney Rubin: When we drew up this original contract, it was actually just for a 10 month period. We had \$3,000 a month times 10 months was a \$30,000 contract. Now, we're doing a one-year.

Kathy Elliot, Civility: That was another question I had. For a 12-month contract, it would be \$36,000.

City Attorney Rubin: So, I might want to say that in the extension it would be one year at \$3,000 per month totaling \$36,000.

Kathy Elliot, Civility: I appreciate that. Yes, sir.

City Attorney Rubin: Thank you, Commissioner Forrister, for bringing it up.

Mayor Hechler: Before we start discussion, I just want to make a couple of comments. One thing is that Manager Gonzales and I had the fortune to run into one of our constituents last year, and this person suggested we hire a lobbyist to get some of these things done. We took that information, and Manager Gonzales knew a couple of folks and we called them up. We had a late start, but the results are there. I think the results we got for our community were unprecedented. I don't know how much is attributed to our lobbyist, how much is attributed to us, but it all came together for some reason.

Kathy Elliot, Civility: I appreciate that, but I also know the hard work of your staff too that started before I ever came on board.

Mayor Hechler: So, we're very pleased with those results. For that reason, I'm okay with the contract at this point in time because we're going to get a running start for this next

year. That's what's going to be important for us. We had a couple of glitches when we started out getting to know who our legislators and representatives were and getting in contact with them. There was a little frustration initially, but once we got through it, we were successful. That's what we have to look at. Hence forward, I want to get started early on some things. I want to know what things you can do for us aside from what you've done in the past. For instance, we've got a couple of requests in through Gabe Vasquez and Senator Heinrich early for some funding. Will you be in a position to help follow those up?

Kathy Elliot, Civility: Absolutely. If you need a voice with them, I'd be happy to carry that with you.

Mayor Hechler: Traci, we should get that information to Kathy if we haven't already, so that she understands what we're applying for and what we're doing because I'd like to get that in front of them early and often so we can get that funding done. With that, I'll open it up for some comments or questions from our Commission.

Commissioner Fahl: Kathy, thank you for everything you've done. I guess I misunderstood the focus of your efforts. In my mind, a lobbyist went up there and was in front of our legislative people 2 or 3 days a week. I was concerned, half-way through the session, that I had spoken to 3 of them had contacted me, and they hadn't yet met you. I was irate about that. Now, after your talk, it appears you had focused most of your work with the Water Trust Board, which is important, but I didn't know that was the gist of her efforts. That's good that you got that done. Whether we're hiring her to do capital outlay specifically or not I think that having that close relationship. They need to know your face. I understand our Elephant Butte lobbyist, every Monday, he's in all of their offices. I hope this coming session that you set up some sort of routine similar to that because even if it's not capital outlay, you need to continue to advocate for us.

Kathy Elliot, Civility: I understand, and what I would like to do because this is our first year. We did get started late. This is about communication with you and me and them. I was given a bone to chase, and that was water money, and that's what I did. If we have better communication, then that's going to be my plan. As they know, when you go to Santa Fe, and you try to catch them in the middle of session, that's a crap shoot. They are just not in their offices hanging around like you think.

Commissioner Fahl: I've been to Santa Fe many years, so I understand that process.

Kathy Elliot, Civility: You sign in. You ask them. You leave your card, and you try to catch them. Even if you see them in the hallway, you have words, sentences not a relationship. That barrier has been broken since the session, and I know that will change. Also, as our people change, then I will take those words to heart.

Commissioner Fahl: I didn't have a response when they're calling me. Jay is here, so I know that the COG is up there the whole session. I don't know if it's in the scope of work or whatever, but Jay is one of our main advocates. I hope that somewhere in there, you

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meet with them. He's up there all the time. That you partner up in helping us to get those things done.

Kathy Elliot, Civility: Absolutely, this is the first time that I've met Jay. As I do live there as well during the session.

Commissioner Fahl: That would be good. He lobbies for us too. The two of you together up there will really be a big bonus for us too.

Mayor Pro-Tem Forrister: I think we're in a really neat predicament where our Representatives and our Senator are here. They're from our community. I think we have really close ties with them. You were working on something. They were working on something. That is perfectly fine, and great. Let's keep rolling that way but to have a relationship where we're all on the same page. The more people that are working.

Commissioner Fahl: Then we know what to say. That communication would help us when they call us. Amanda and I have known most of them for years, so when they're calling us. We're dumbfounded when we don't have an answer. That makes us all look bad. We want to make sure that doesn't happen in the future.

Mayor Hechler: I really appreciated Commissioner Hoepfner coming to Santa Fe with me on several occasions. I think the results spoke for themselves. Whether we had any influence or not, I don't know. It helped. I want to open it up to the rest of the commission, so this next session is a 60-day session. We have a lot of work to do beforehand. One or two of us can go. I plan to go whenever I get a chance. I expect you to call me every time there's a meeting that I can attend. We need to do what we can do to help our community.

Commissioner Fahl: They have all those committee meetings year-round. Is that something you go to?

Kathy Elliot, Civility: Yes, I've already been to some.

Commissioner Fahl: Should some of us go to those or not? Some of us like hobnobbing.

Kathy Elliot, Civility: It depends upon your agenda and the meeting itself. If you have certain plans or ideas of bills that are going to be carried that are applicable to have a conversation. It's much more relaxed. As they're sitting down with their sub sandwich for lunch, you can actually sit with them and have the conversation, which is the beauty of interim. They really start to determine a lot of their thoughts and how this is going to play out in the session, in the summertime. In 60 days and forget 30. It's just a madhouse. The interim is really where you want to catch them and follow through. This is why this next month, you know, 6 weeks next month, and it goes into July, you start to establish not only what's on your ICIP. That's going to be coming up for those projects. Those ICIP projects are what you're going to be looking at, your capital outlay. It can be plan and design for capital outlay, but the reality is you're better off if you actually go into a construction project that's "shovel ready". They want to know that you guys have quote

"skin in the game". These are all the words we constantly hear. Those ICIPs have to be ready to go with a list in August, so you're going to be submitting those. Tell me what are going to be your top projects really are. We can have that conversation. That's what I do honestly, for my other municipalities and some counties. You guys are lucky. Let me tell you that because you've got that really tight close relationship. You can say, Senator Brantley, can I just meet you down here for some coffee, and we can go through this, and she's right there. That's unique.

Commissioner Fahl: But we need to build those relationships with the other ones. They can't sway everybody. I think going to some of those interim committee meetings and commissioners. So when they go up there, they recognize you as an elected official. I think that's a bonus, so maybe you can help us keep on board with when those are or Jay can or whatever.

Kathy Elliot, Civility: We can team up on this. That's perfectly fine. I still see, honestly, in the future, you guys looking for water money, infrastructure money. Those water and natural resources interim committee meetings are going to be the ones that we're going to say, okay what are we really looking at as far as the possibilities here. That funding is going to continue into the future as we see it. We don't expect major changes on that. The capital projects that Senator Brantley and Representative Armijo want to know are those things we're going to be determining in August. That's a little later on. That's not as much an interim committee meeting, okay. That's a yes, put this on a beautiful nice sheet of paper for me to understand this concisely. If you give them a book, they're not going to read it. They don't have the time because they've got all these different entities. Communication, phone calls. I pick up my phone. You guys probably do too because you're now in the job to pick up your phone. I would just appreciate lots of input, and I will work as hard as I can for you. I know that Valerie will as well.

Mayor Pro-Tem Forrister: Every time we do ICIP plans and we rank them. I know what our Representatives are looking for. They want projects that are "shovel ready" that are in the specific dollar amount they can afford to be done. That necessarily isn't our #1 priority. Our #1 priority is these higher things. I just don't know what the best way to rank our ICIP list is.

Kathy Elliot, Civility: There's no magic bullet there. These legislators that are in the rural areas, that are covering massive miles and different entities that they have to fund, have a limited amount of money that they can give to each. If you're in the middle of Albuquerque, and you have 6 blocks, it's a different story. Do I think that it's wrong? Yes, I absolutely think that it's impossible for them to be able to dole it out well. Do I think there are capital outlay changes coming down? Yes, I do. I talked with Cally Carswell who is in charge of capital outlay up there and she doesn't like the program. Senator Munoz with senate finance doesn't like capital outlay the way it is right now. Is that going to change in the next 6 months? Nope, it's not. We are going to have to deal with it. You guys just take your best shot in fixing up a playground or a park or possibly a lift station, those things I know were on your list from last year. They would rather see a smaller project completed with capital outlay than pieces. They will accept phasing. They don't like plan

& design for capital outlay. Those are other discussions we can have. That's the nature of the beast. That's where you find the good deep money pockets are. Santa Fe is really starting to allocate to departments more money for projects rather than through the legislators.

Mayor Hechler: We're getting ready to go through the process of ICIP, capital outlay, all those things. We know where the big pots of money are. We're going to be competing with every other community out there. We have to put a good package together, and we have to really work hard. I think we need to go to a phased approach. We got phase 1 done with our water. We got a good sum of money that we're going to have to spend over the next couple of years, but that's just phase 1. We have to paint the picture that it's just the tip of the iceberg for our community. It's not going to solve all our problems. It's not going to solve a fourth of our problems. Phase 2 is coming up. We have to work on that. I also see that we have a huge problem with wastewater now. We have to deal with that. I'm hoping that this commission will look at those projects and put them in prominent locations for our ICIP requests. We have to get those up here on top of that list as far as we can. I don't want to forget that we have quality of life issues in this community. We have to have a little bit of fun in our community too. We have to have some things that improve the quality of life. I know they're different pots of money. We have to have a very diverse system that we go through to get a little bit of everything that we can. We'll keep those things in mind when we put our planning together.

Assistant City Manager Alvarez: In regard to your comment pertaining to past ICIPs. If we're going to apply for USDA, Water Trust Board, Colonias, they at least have to be on the ICIP, right. We put those large items on the ICIP to make us eligible for all those funding CDBG and everything. We haven't necessarily focused on the smaller capital outlay items. I think us working and getting the learning curve of where we structure those items. I will be reaching out to her regarding what's on our list currently before I come back to you guys for a public hearing on the ICIP and get some guidance on maybe how to structure that this year or how to cut it down. They did move the date up to July for this year.

Mayor Pro-Tem Forrister: I think just when we go to our Representatives for capital outlay requests, because our top 5 on our ICIP, are things we don't need to go to them for because those are \$20 million dollar things, and there's just no way. They like to fund a complete project.

Kathy Elliot, Civility: They're not comparing your numerical list on the ICIP to what the sheets of paper ask for on capital outlay.

Assistant City Manager Alvarez: I think that's where the confusion comes in with the public. You guys rank the top 5 big items that we're putting in for applications. Then we go to legislators for capital outlay that are a different ranking. Then there's just that assumption out there that now we're asking for money for something that wasn't even in our top 5.

Mayor Pro-Tem Forrister: They hound us because we went to our Representatives to do a park or a pool or whatever. Those are maybe smaller things we can get funded through our Representatives and not where we go for big pots of money.

Kathy Elliot, Civility: Yes. It's a realistic approach to getting capital outlay.

City Attorney Rubin: Suggested adding a sentence in agreement extension to clarify the continued agreement of \$3,000 per month + GRT.

Kathy Elliot, Civility: Agreed to the additional language in the agreement.

Commissioner Fahl moved to approve the agreement extension between the City of Truth or Consequences and Civility Government Relations with the amendment mentioned by City Attorney Rubin. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

3. Discussion/Update: Water Update.

Arnie Castaneda, Water/Wastewater Director reported on the current and upcoming water projects. (Presentation attached hereto and made a part hereof).

4. Discussion/Action: Professional Services Contract between the City of Truth or Consequences and Asplundh Electrical Testing, LLC.

Bo Easley, Electric Division Director: Reviewed the work that Asplundh is qualified to do, the scope of work they do for the City, and the details of the contract. Also provided information that the company used to be American Electrical Testing.

City Attorney Rubin: Bo, I'd like to just clarify a couple of things. I brought the old contract with me that we had with American Electrical Testing. The contract called for one year from November 2020 through June 30, 2021, but it's been renewed consistently since then, correct? It's still in effect through June of this year, correct?

Bo Easley, Electric Division Director agreed.

City Attorney Rubin: I was comparing the contracts. They're almost the same. The only difference I saw is this new contract does give us a little more detail of the scope of work attached as Exhibit A. The compensation was \$50,000, but now, it's going to be \$59,995 per year. Everything else is the same. The new contract does call for a 4-year termination period, but it can be terminated without cause any time by giving a 30-day notice. Everything else stays the same.

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Mayor Hechler: Jay, how is the compensation arrived at? Do we pay as we go, or do we pay the automatic \$59,000?

Bo Easley, Electric Division Director: We pay for the services that we get.

Commissioner Fahl: Just not to exceed that amount annually.

Mayor Hechler: What did you use them for last year?

Bo Easley, Electric Division Director: They came in and tested all of our relays. They tested all our breakers to make sure they were all operational, clean up all the dirt and do all the samples of our transformers. Test our transformers and make sure they work.

Mayor Hechler: Do they do that throughout the year? Do they make one visit, or how do they handle most of that?

Bo Easley, Electric Division Director: It usually takes them about a week. What I usually like to do is have them do half one year and do the other half the next year. If they do it all at once, it does exceed \$60,000, so I have them do half one year and the other half the other year, and vice versa.

City Manager Gonzales: Anything over \$60,000 has to be bid out because it's the professional services.

Mayor Pro-Tem Forrister: Jay, on the compensation, it does say that we give payment for services that are satisfactorily performed, but it says a lump sum.

City Attorney Rubin: I was actually going to ask that question just now. The other contract said lump sum also, but you're saying it's not really happening that way.

Bo Easley, Electric Division Director: No. They get paid for the work they come and do.

Mayor Pro-Tem Forrister: Then it says it shall not exceed \$64,000.

City Attorney Rubin: If you'd like, we can change from a lump sum to an amount not to exceed \$59,000. I understand the concerns that are being raised. We can make that change.

Cross discussion about how the contractor is being paid. Everyone agreed the language in contract should be changed.

Commissioner Fahl moved to approve the Professional Services Contract between the City of Truth or Consequences and Asplundh Electrical Testing, LLC with amendment as mentioned by City Attorney Rubin. Commissioner Hoepfner seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

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

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

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

6. Discussion/Action: FY 24/25 Sub-Recipient Grant Application for Truth or Consequences & Sierra County Chamber of Commerce.

This item was removed from the agenda.

7. Discussion/Action: City Manager Contract.

Mayor Hechler: We have before us our annual contract for our City Manager. This is her one year anniversary. I'll note that we've met some of the requirements in that we've now established some goals, which we did last meeting. Henceforth, you'll have some goals that you can look at, Ms. Gonzales, to formulate your actions and report back in regards to. I'll open it up for discussions concerning the contract.

Mayor Pro-Tem Forrister: I've seen it. It looks good, we've been over her goals, and I look forward to another year working with her.

Mayor Hechler: With the contract, I'd like to propose that we allow a \$10,000 a year increase for Manager Gonzales. Her current salary is \$90,000, so this will bring it up to an even \$100,000. Looking at the budget and what we've expended in previous years, we're still well under what we paid before. We're getting a bargain. Maybe we can make an adjustment down the road as we get things done. I know Manager Gonzales has been operating without a Finance person, and she's been kind of stuck in the Finance office doing those things for our budgets. I really appreciate that we have the expertise in our City Manager to do some of those things. Hopefully, down the road, we'll have a new Finance person who can help relieve you of some of those duties and get you focused on some of the goals we've assigned to you.

Mayor Pro-Tem Forrister made a motion to approve the City Manager Contract with the salary increase of \$10,000 annual increase. Commissioner Hoepfner seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

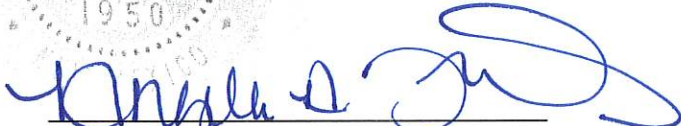
I. ADJOURNMENT:

Mayor Hechler adjourned the meeting at 11:13 a.m.

Passed and Approved this 12th day of June, 2024.



Rolf Hechler, Mayor



Angela A. Torres, CMC, City Clerk



Current and Up Coming Water Projects

Water Projects and the funding

Funding Sources

- Our funding sources are coming from several funding sources to include;
 - USDA-9.4 million (2019), 7.5 million(2021)
 - Water Trust Board- 16 million(2024), 712,000(2020)
 - Senator Martin Heinrich- 1.6 million (2024)
 - Capital Outlay- 4.3 million(2023)
 - Colonias Infrastructure Board-4.4 million(2024),550,000(2022)
 - Drinking Water State Revolving Loan Fund-1.23 million (2019)

USDA



New Mexico
Department of Finance
and Administration

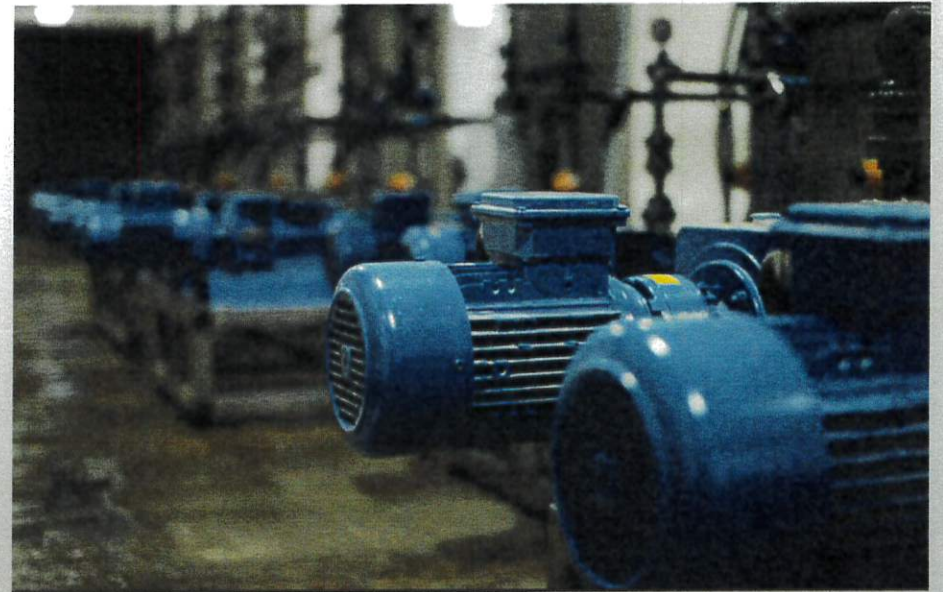


NEW MEXICO
FINANCE AUTHORITY

Main Street District

USDA 9.4 million(2019)

- This is the project includes the replacement of the water lines Downtown, Cook St. Booster and Morgan St. Booster. Approximately 7 miles of transmission lines
- Project is mostly complete we are waiting on electrical components for the Cook St. Booster, and Pump installation



Water System Improvements

\$1.23 million (DWSRLF) (2019) and 550,000 (Colonias Infrastructure Board)(2022)

- Waterline replacement on
 - Marshall St.
 - Pershing St.
 - Second Ave.



Austin St. and Booster Station

\$712,000 (Water Trust Board)(2020)

- Replacement of Booster pumps at Morgan Booster station
- Replacement of the Cielo Vista Booster Station
- SCADA equipment (pending installation)
- Waterline of Austin St.



WSPI-1

\$7.5 million(USDA)(20211)

- Water system Improvements
 - Installation of seven (PRVs) Pressure Regulating Valves
 - 1800~ linear feet of 6,8,10,12,14 inch c-900 pvc pipe.



Critical WA

\$16 million (Water Trust Board)(2024) , \$1.6 million (Sen. Heinrich) (2024) matching fund and \$4.4 million (Colonias Infrastructure Board) (2024)

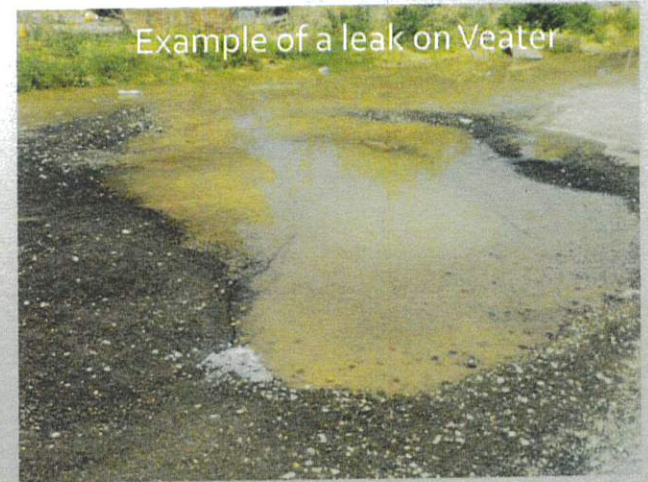
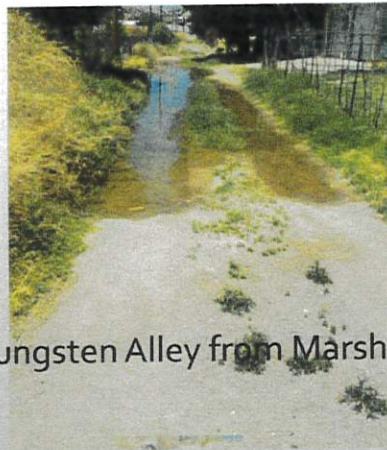
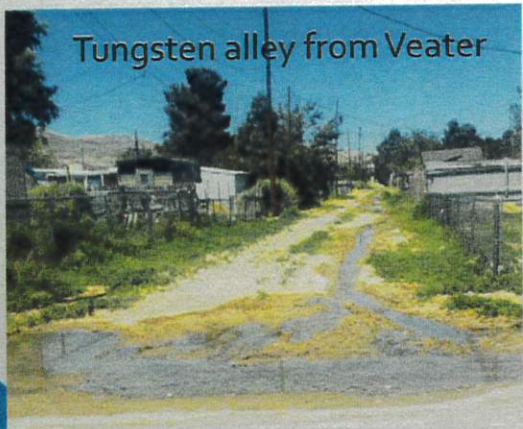


- This project includes the waterline replacement of Veater St., South Metals streets and the North Metal streets.
- The funding will cover the cost of Design and Construction



Critical WA

There are currently 10 leaks on Veater and 6 in the alley between Tungsten and Mercury



Shovel Ready Projects

\$4.3 million (Capital Outlay)

- Phase 1- this will include waterline and PRV at 6th St and Broadway, the Transmission line from Cook St. to Morgan Booster station, and water storage tank at Cook St.
- Phase 2- Waterline replacement on E Riverside and Date St.
- Phase 3- Shortfalls from 2nd St., 8th St. and 9th St. water line and WSPI 1.
- The funding will cover the Bid documents and construction

