

CITY COMMISSION  
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO  
OCTOBER 14, 2014

WORKSHOP

Minutes

The Truth or Consequences City Commission of the City of Truth or Consequences in the County of Sierra, and State of New Mexico met for a Workshop, in full conformity with the law and ordinances of said Commission in the Commission Chambers of said City, October 14, 2014 at 4:00 P.M., in the Commission Chambers, 400 W. Fourth, Truth or Consequences, New Mexico.

Mayor Sandra Whitehead opened the Work Shop by explained we were here regarding three separate items in Workshops; with the first item: Discussion/Public Input: Comprehensive Master Plan and Affordable Housing.

Bill Slettom, ACM/CDD approached, he explained there has been four public meetings regarding the matter at hand, he noted the team leader Consensus Planning; giving updates, revisions and noted that here we were 10 years later, Mr. Slettom stated that there were others who worked on this project, naming Bill McFarlin from Smith Engineering, and a third consultant - Chrystal and Company. Mr. Slettom noted a \$50,000 Grant from NMFA, \$30,000 from New Mexico Mortgage Finance Authority and \$20,000 City of Truth or Consequences. Noting the City hired Consensus Planning in 2013 to update the City Comprehensive Plan, he then introduced Jackie Fishman with Consensus Planning.

Jackie Fishman, Consensus Planning, approached and noted she would go through the Comprehensive Plan and Affordable Housing, noting goals, objectives and Policies, noting added hazard litigation Community Services Implementation plans approved by New Mexico Finance Authority. She explained the public meetings which had been held on the matter, public involvement and stake holder meetings. She went through a list of those participating, and noted a PowerPoint presentation she would show. She stated with Plan Elements; including Community Profile, decrease numbers, the decrease of home owners, migration from Sierra County. Next she outlined Land Use, reviewing Zones Codes, precincts and a zone map. She explained discussions of infrastructure, including water, waste water, Electric (by Smith Engineering). She noted the Affordable Housing Plan (NMFA Approved), to include goals, policies and quantifiable objectives. Next she outlined hazard mitigation, gave an overview of hazards; flooding, dam failure, thunderstorms, and high winds. She explained the last portion plan implementation and strategies include implementation of the comprehensive plan, provides basis for review and update to the comprehensive plan; it includes implementation tables with the plan and list time frames, ongoing for the next two years, the next 5 years and beyond. She then stood for questions.

Mayor Pro-Tem Steve Green reserved his comments until later.

Commissioner Kathy Clark noted she went through the plan and had numerous “dog ears” marked, wondering if they should all be addressed at this time.

City Manager Juan Fuentes suggested she ask Bill Slettom and Jackie Fishman the questions.

With no further questions or comments from the Commission, Mayor Sandra Whitehead opened the floor to the public.

Audon Trujillo approached and noted holes in the plan, such as parks and recreation; he noted having too many questions to ask right now. He wanted a list of potential parks, noting the lack of the steering committee; and left a list of comments for the record.

Ariel Dougherty, 1580 Caballo, approached and thanked Jackie Fishman for the “great deal of scope”; she noted the lack of the steering committee and left paperwork for the record.

Kim Audette, 618 Van Patten, approached and mentioned a restraining order; noting a housing glut with over 30% of homes vacant since 1935, with the glut getting bigger, she addressed foreclosures and noted the need of a Community Health Plan.

Sherry Fletcher approached and noted the history of our area and the numerous challenges; she pointed out the documents were an excellent start.

Hans Townsend, 906 North Date, approached and noted it was hard to find out what is going on, noting the need for emails of information needed to go out.

Audon Trujillo approached a second time; he noted the need for word documents, as it is difficult for him when they are PDF files.

Ariel Dougherty approached a second time; she asked what to do with plan?

Bill Slettom, ACM/CDD, noted comments general procedure; there is a certain latitude for them to follow, respect consultants, separate policy and policy.

Jackie Fishman, Consensus Planning, noted notification for four public meetings, active email list, and included all those in emails; a Facebook page with 100 friends, an announcement for each of the four public meetings in both newspaper and emails; noting no one was left out, they either came or did not.

City Manager Juan Fuentes speaking to Bill Slettom, noted the MFA we have a deadline for adoption of this plan for November, and the contract Consensus Deadline; noting the USDA, Waste Water Trust Board, State Board of Finance which have to be in place.

Ariel Dougherty noted the Housing Authority Plan inside the Comprehensive Plan.

Mayor Sandra Whitehead closed the workshop at 5:28 PM.

Workshop #2; Discussion/Public Input: Rules of Procedure, Determine Process to appoint Citizens to City Advisory Boards and Cost Benefit Analysis Procedures.

Mayor Pro-Tem Steve Green stated he requested this item; he explained that we have three different types of Boards; such as the Public Utility Advisory Board, second we have those which represent the Commission such as the Hospital Governing Board; and then Citizen Advisory Boards. Noting he wish to keep the process open; noting the first type were those the Commission recommended, the second needed to recommendation and the third were people who help; he noted he wished for a formula that is consistent, fair and open.

Commissioner Kathy Clark agreed to wanting the same thing, and noted that the Sierra Joint Office On Aging was operating without a quorum, we need to have something.

Commissioner Jeff Richter noted that advisory Boards needed interviews set up; if they don't show up then they are not interested. After the interview they can vote on the applicant.

Mayor Pro-Tem Steve Green asked that they interview all or make a consistent plan.

Commissioner Jeff Richter suggested they follow the City Code, dependent on what it specifies, an interview or if the Ordinance states "Commission shall through recommendation: then they are almost bound to recommend.

City Attorney Jay Rubin noted that some the Advisory Board makes the recommendation, and was left loose so they Commission had flexibility.

Mayor Sandra Whitehead noted she thought to interview all.

Mayor Pro-Tem Steve Green questioned the City Manager on Ordinance or Policy.

City Manager Juan Fuentes stated they look at each individual Board to see; they give flexibility change way they interview, to look at existing code and draft something.

Mayor Sandra Whitehead asked if anyone wished to comment.

Audon Trujillo approached and said he looked at all Boards and they are missing responsibilities and we need to set simple standards so they are fair.

Kim Audette suggested flexibility.

City Manager Juan Fuentes noted follow-up, with ordinance term limits backfired, the more restrictive the more problems.

The Discussion turned to Cost Benefit Analysis. Mayor Sandra Whitehead moved ahead, to the Cost Benefit Analysis.

Commissioner Kathy Clark noted she requested this for purchases, so that the Commission would have the numbers for items in order to make decisions; using the Waste Water Treatment Plant as an example. Noting it is not difficult to create one.

Commissioner Jeff Richter noted in the past what happens, we want to get the money and go, and insure the best use for the money. Doing analysis is the best deal for the City.

Mayor Pro-Tem Steve Green agreed with Commissioner Clark and Commissioner Richter. Noting it would enable the Commission to make good sound decisions, we need the information to make those decisions.

Mayor Sandra Whitehead opened the discussion to the public.

Kim Audette noted that the population is smaller and carrying greater debt load, suggesting a pay as you go plan.

Audon Trujillo noted it was part the procurement to look at justification.

Mayor Sandra Whitehead closed Workshop #2 at 5:52 P.M.

Workshop #3 Mayor Sandra Whitehead introduced the Proposed Ordinance for Publication, New Utility Ordinance Declaration of Lien and Recovery of Past due Bills.

City Attorney Jay Rubin explained this was a catch all Ordinance for Lien and Recovery, noting we can file a lien but there is no information how/what; this Ordinance will cover all Utilities, to instead of separate ones as we now have. He stated that it allows the City to place a lien on private property for unpaid utility bills that are past due more than 60 days; a lien will be recorded in the County Clerk's Office.

Mayor Pro-Tem Steve Green asked about customer coverage.

Commissioner Jeff Richter noted it was a good move.

Mayor Sandra Whitehead opened the discussion to the Public.

Kim Audette noted the large percentage of the Commission and that some people were not able to pay bills, noted the unworkable Ordinance.

With no further comments, Mayor Sandra Whitehead closed the final Workshop at 5:57 P.M., and noted the Regular Meeting would start at 6:00 P.M.

*CITY COMMISSION  
CITY OF TRUTH OR CONSEQUENCES*

*OCTOBER 14, 2014*

*ACTION MINUTES*

**TIME & PLACE:** The Mayor and the City Commission of the City of Truth or Consequences in the County of Sierra, and State of New Mexico met in Special Session in full conformity with the law and ordinances of said Commission in the Commission Chambers of said City, October 14, 2014, following the Work Shop, with the meeting starting at 6:00 P.M.

Mayor Sandra Whitehead announced sign in sheets for the two Public Hearings to be held later in the meeting.

**PRESIDING OFFICER:** The meeting was called to order by Mayor Sandra Whitehead, who presided and Judy M. Harris, City Clerk acted as Secretary of the meeting.

**ATTENDANCE:** Upon calling the roll the following Commissioners were reported present:

Hon. Sandra Whitehead, Mayor  
Hon. Steve Green, Mayor Pro-Tem  
Hon. Jeff Richter, Commissioner  
Hon. Kathy Clark, Commissioner

Also present:

Juan Fuentes, City Manager  
Jay Rubin, City Attorney  
Judy M. Harris, City Clerk

**ABSENT:**

Hon. Ruben Olivas

**QUORUM:** *There being a quorum present the Commission proceeded with business at hand.*

**CEREMONY:** Mayor Sandra Whitehead called for fifteen seconds of Silent Meditation.

Mayor Sandra Whitehead called for the Pledge, with Commissioner Kathy Clark leading the Pledge.

**APPROVAL OF AGENDA:** Mayor Sandra Whitehead called for approval of the Agenda.

City Manager Juan Fuentes requested a change in the Agenda.

“Mayor Pro-Tem Steve Green moved to restate F-1 South Central Regional Transit District Pilot Bus Project; to F-3, to allow the speakers to arrive.”

Seconded by Commission Jeff Richter.

Motion Carried Unanimously.

**COMMENTS FROM THE PUBLIC:** Steve Rook, Owner and Operator of Comfort Inn, approached and made comments regarding the closure of exit 79.

Les DuFour, Golf Advisory Board, approached and made comments thanking Commissioner Richter for going to look at the Golf Course. He also made comments regarding cleaning screens and the effluent pond.

Barb Schalkofski, Dispatch, approached and made comments regarding the vote for GRT on the upcoming ballot, requesting support.

Linda DeMarino, MainStreet, approached and made comments regarding upcoming events, encouraging all to attend.

Ariel Dougherty, 1580 Caballo Road, approached and made comments regarding the last item on the Agenda, noting it was a personnel issue and not approved in the Budget. She also noted a discrepancy in the packet, and improper allocations. (Handout provided for the record)

Destiny Mitchell approached and thanked all for their hard work at the Pool, noting the cover would be going up on the 22<sup>nd</sup> & 23<sup>rd</sup>. She also noted there was a lot of potential with the Comprehensive Plan.

Audon Trujillo, 506 W. 3<sup>rd</sup>, approached and made comments regarding Finance Director, noting it should be discussed with the Public. (Handout provided for the Record.)

Millie McLeod approached and made comments about allowing people to put weeds and things at the old City dump, to a make compost site.

Hans Townsend approached and made comments about the need for handicap parking at Ralph Edwards Park. He noted the look of the Old Fire Station site. He also noted the dumpsters.

Reilly-Hamil approached and invited all to attend the “Lets Get Wheels Rolling” event tomorrow at Lee Belle Johnson site, about Transit Districts, Follow the Sun Tours and Bike Paths.

Kim Audette, T. or C., approached and made comments regarding Executive Sessions and Personnel, noting the need for a Finance Officer.

**PROCLAMATION:** Mayor Sandra Whitehead noted that October is Domestic Violence Month, she read a Proclamation to that effect.

**PRESENTATION:** South Thomas, Chair of the Citizen Advisory Committee, Central Regional Transit District Pilot Bus Project approached and was joined by Sherrie. They gave a PowerPoint presentation regarding Central Regional Transit District Pilot Bus Project. Ms. Thomas noted 300 new jobs in Las Cruces. She also spoke of the aging population. Sherrie also addressed the Central regional Transit District Pilot Project, showing a presentation PowerPoint “ Vince Peña approached

Report for Work on Exit 79; Exit I-25. Vince Pena, NMDOT Project Engineer approached and explained the Project work regarding the bridge rehabilitation project at I-25’s Exit 79. He noted the contractor is Las cruces-based Villalobos construction, and the estimated project time frame is 70 to 80 days.

Mayor Pro-Tem Steve Green, Commissioner Kathy Clark and Commissioner Jeff Richter all echoed their concerns for Businesses in the area; they also noted the lack of adequate signage.

Mr. Pena noted they wished to work with all effected by this project and gave the phone number of 575-525-7343 for concerns or request.

Flood Plain Study; David Owsley, Larkin Group approached and explained the Flood Plain Study. He noted that in 2013 the former Flood Commissioner discussed the need to conduct a flood plan study; the intent of the study was to update the map and provide relief to some of the affected property owners on their home insurance premiums. The study was funded by both the Office of the Flood Commissioner and the City. He noted the progress of this study, and the time taken, admittedly slow on completion. The intent is to provide an update of the status of the study to the Commission and the public. He noted Kevin Banks

as Project Engineer. Speaking of Morgan Street, Marie Streets, Morgan Street (new detention pond to River), McElroy (date to River), the County yard site and Val Verde between the Arroyo. The FEMA Map was shown and explained, as were the streets. An update exists, models he noted they would be questions and answers which would be forthcoming, field results, analysis to prepare drainage reports, preparation of the LOMR application and getting the LOMR to FEMA. When asked about submitting to FEMA to modify flood plains, Kevin answered yes. When asked the limit 100 year flood plains and time, David answered within 60 days.

Swimming Pool Task Force; Millie McLeod and Jane Green approached and reported on the Task Force. They stated that the policies were completed and now the work on identifying and eliminating waste, identify funding sources for the pool, writing quarry letters, and ways to bring down the electrical costs for the pool.

City Manager Juan Fuentes noted they were looking at ways to reduce expenses; the most important thing is to increase attendance, and keeping the pool open every day. He spoke of the lack of lifeguards, increasing attendance, and work on chain link fencing by artists, storage and touched on the need for a spray park.

The Commission made comments thanking the Task Force for the work so far noted it would be wonderful to get grants and funding, and stated they wished the Task Force to continue their work.

Mayor Sandra Whitehead noted several Certificates of Appreciation on City Advisory Boards. Starting with the Airport Advisory Board, she read the Certificate of Appreciation for Bobby Middleton, for his service. Mayor Whitehead then awarded a Certificate of Appreciation to Millie McLeod for her service on the Recreation Advisory Board. Mayor Whitehead read the Certificate of Appreciation to Carole Wheeler for her service on the Recreation Advisory Board.

Mayor Sandra Whitehead announced the sign in sheets for the Public Hearings:

**PUBLIC HEARINGS:**

1. Adopting the 2014 Metropolitan Redevelopment Area Plan; Bill Slettom ACM/CDD, approached and noted he would be discussing both Downtown Truth or Consequences Metropolitan Redevelopment Area and Downtown Master Plan for Revitalization, by showing a PowerPoint Presentation, he stated the City in partnership with MainStreet Truth or Consequences and with the assistance of New Mexico MainStreet and the



New Mexico Economic Development Department (NMEDD) have been working on the Downtown Master Plan and Metropolitan Redevelopment Area (MRA) Plan for the last 12 months. Noting the handout given to the Commission he stated that after considerable public input, the plan is now ready for adoption. The MRA provide local public bodies the ability to leverage public/private partnerships to address blighted conditions in the designated area. The MRA partnerships may address issues such as flooding, sidewalks, buildings, and streets. The goal is to induce private investment and development activity. Mr. Slettom stated that one of the requirements of the agreement with NM MainStreet and NMEDD is that the City will define a specific area for redevelopment projects intended to boost the economic vitality of the area by removal of blighted conditions. The first step is to designate the boundary of the MRA. This was accomplished with Resolution 05 14/15 at the September 9, 2014 Commission Meeting. He explained the MRA Designation is an economic development and financial tool. Regarding Blighted Conditions, physical conditions and Economic Conditions, noting that these conditions are stumbling blocks to create new business opportunities, attracting new commercial activity, and making badly needed public improvements. Mr. Slettom explained MRA Plan Requirements, examination of are and determination of blight (draft plan April 2014); Public Notice of Hearing (August 15 & 20 and October 3, 2014); First class mail notification of hearing sent to all property owners within the proposed district (August 26 and October 7, 2014); Commission Hearing and Resolution for Designation (Resolution 05 14/15 September 9, 2014); and Commission Hearing and Resolution for Adoption of MRA Plan and Downtown Master Plan. He explained the MRA Procedure as an area is identified as having potential for MRA designation, the boundary is determined, the conditions within the boundary are identified and evaluated, projects are identified that will mitigate the blighted condition, funding is sought for the projects and project implemented. Noting the top five projects as Healing Waters Plaza (behind Lee Belle), Old Buckhorn Redevelopment Project, Sidewalk, Street and ADA improvements, Storm Drainage improvements and wayfinding plan and signage. Mr. Slettom acknowledged that Albuquerque MRA consists of 22 Metropolitan Redevelopment Area, Economic Development Projects. Noting they used LEDA funds for new businesses, issued RFPs for development of City property, used WorkForce Housing funds and tax credits; noting MRA bonds not used.

Mayor Sandra Whitehead closed this Public Hearing at 8:16 P.M.

2. City Attorney Jay Rubin explained that this was an Ordinance that was adopted last year; setting forth two term limits for members of appointed to serve as Advisory Boards. The purpose of the Ordinance was to

provide an opportunity to people who wanted to serve on the board since the adoption of the Ordinance, staff has had a difficult time filling some of the vacant positions, and members who have served on the board for many years have resigned. Reading the Ordinance he noted that this ordinance provides for the Repeal of Ordinance Number 643 of the code of Ordinances, and declaring same to be Null and Void and of No effect. Ordinance Number 63 of Code of Ordinance be declared null and void and of no effect. Regarding Term Limits on City Advisory Boards.

Mayor Sandra Whitehead noted two Opponents signed up; Audon Trujillo and Kim Audette.

Mayor Sandra Whitehead stated that Opponent Audon Trujillo was no longer in the audience, and had left.

Mayor Sandra Whitehead called Kim Audette to approach.

Kim Audette approached and stated even though flexibility, when term limits don't exist would have the same problem.

With no further comments, Mayor Sandra Whitehead closed the Public Hearing at 8:26 P.M.

Discussion/Action: resolution 09 14/15 Adopting 2014 Metropolitan Redevelopment Area Plan.

#### NEW BUSINESS:

Bill Slettom, ACM/CDD, and Jackie Fishman, Consensus Planning, approached. Mr. Slettom explained that the Public Hearing had covered the information, he stood for questions; adding that Jack Fishman was available for questions.

Mayor Pro-Tem Steve Green asked to put this on the Website; he mentioned putting together a Board to further research on the matter.

Commissioner Kathy Clark stated she liked the idea, she urged support, noting she thought it was a great idea.

“Mayor Pro-Tem Steve Green moved to approve Resolution #09 14/15 Adopting the 2014 Metropolitan Redevelopment Plan.”

Seconded by Commissioner Kathy Clark.

Mayor Sandra Whitehead Called for a Roll Call Vote.

Hon. Sandra Whitehead responded AYE to a Roll Call Vote.

Hon. Steve Green responded AYE to a Roll Call Vote.

Hon. Jeff Richter responded AYE to a Roll Call Vote.

Hon. Kathy Clark responded AYE to a Roll Call Vote.

Motion Carried Unanimously.

Discussion/Action: Proposed Ordinance for Publication, New Utility Ordinance Declaration of Lien and Recovery of Past Due Bills.

City Attorney Jay Rubin explained the proposed Ordinance allows the City to place lien on Private property for unpaid utility bills that are past due more than 60 days. He noted what we are trying to accomplish is to have one Ordinance to cover all Departments; noting he recommended to go to publication. He also explained one point is repeal two sections.

“Mayor Pro-Tem Steve Green moved to approve Ordinance for Publication, New Utility Ordinance Declaration Lien and Recovery of Past Due Bills.”

Seconded by Commissioner Kathy Clark.

Motion Carried Unanimously.

Discussion/Action: Resolution #08 14/15 Downtown Master Plan.

**OLD BUSINESS:**

Bill Slettom, ACM/CDD, explained the earlier discussion and prior the Public Workshop, he stood for questions.

“Mayor Pro-Tem Steve Green moved to approve Resolution #8 14/15 Downtown Master Plan as the official plan guide for the City of Truth or Consequences.”

Seconded by Commissioner Kathy Clark.

Mayor Sandra Whitehead Called for a Roll Call Vote.

Hon. Sandra Whitehead responded AYE to a Roll Call Vote.

Hon. Steve Green responded AYE to a Roll Call Vote.

Hon. Jeff Richter responded AYE to a Roll Call Vote.

Hon. Kathy Clark responded AYE to a Roll Call Vote.

Motion Carried Unanimously.

Discussion/Action: Final Adoption Repeal Ordinance #643 Pertaining to Term

Limits on City Boards.

City Attorney Jay Rubin noted going through procedure and then the Workshop noting he recommended passing the Ordinance to repeal the old Ordinance. He stood for any questions.

“Mayor Pro-Tem Steve Green moved for Final Adoption Repeal Ordinance #643 Repealing Ordinance #643 Pertaining to Term Limits on City Boards”.

Seconded by Commissioner Kathy Clark.

Mayor Sandra Whitehead Called for a Roll Call Vote.

Hon. Sandra Whitehead responded AYE to a Roll Call Vote.

Hon. Steve Green responded AYE to a Roll Call Vote.

Hon. Jeff Richter responded AYE to a Roll Call Vote.

Hon. Kathy Clark responded AYE to a Roll Call Vote.

Motion Carried Unanimously.

City Manager No Report.

City Attorney No Report.

REPORTS:

Commissioners Richter, Green and Clark; No Report.

Mayor Whitehead apologized for comments regarding Dr. Elting.

“Mayor Pro-Tem Steve Green moved that the meeting be closed for Executive Session Pertaining to:

EXECUTIVE  
SESSION:

1. Pending or Threatened Litigation 10-15-1H(7)
  - a. Related to 205 Arrowhead
2. Personnel
  - a. Related to Finance Department

Seconded by Commissioner Jeff Richter.

Mayor Sandra Whitehead Called for a Roll Call Vote.

Hon. Sandra Whitehead responded AYE to a Roll Call Vote.

Hon. Steve Green responded AYE to a Roll Call Vote.

Hon. Jeff Richter responded AYE to a Roll Call Vote.

Hon. Kathy Clark responded AYE to a Roll Call Vote.

Motion Carried Unanimously.

OPEN SESSION: Mayor Sandra Whitehead stated that the Commission was now in Open Session.

“Mayor Pro-Tem Steve Green certified that only matters pertaining to:

1. Pending or Threatened Litigation 10-15-1H(7)
  - a. Related to 205 Arrowhead
2. Personnel
  - a. Related to Finance Department

were discussed, no action was taken.”

Seconded by Commissioner Jeff Richter.

Motion Carried Unanimously.

ADJOURNMENT: With no further business to come before the Commission, Mayor Sandra Whitehead called for a motion to adjourn.

“Commissioner Kathy Clark moved to adjourn.”

Seconded by Commissioner Ruben Olivas.

Motion Carried Unanimously.

CERTIFICATION: Passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2014, on a motion made by Commissioner \_\_\_\_\_, and seconded by Commissioner \_\_\_\_\_, and carried.

ATTEST:

\_\_\_\_\_  
Sandra Whitehead, Mayor

\_\_\_\_\_  
Judy M. Harris, City Clerk