

CITY COMMISSION
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
JUNE 9, 2015
WORKSHOP

TIME & PLACE: The Mayor and City Commission and the Public Utility Advisory Board met in a joint workshop session, in the City of Truth or Consequences in the County of Sierra, and State of New Mexico met, prior to the Regular Session, for a workshop session, starting at 5:00 P.M.

PRESIDING OFFICER: Mayor Sandra Whitehead called for Discussion/Public Input: Water Asset Management Plan: David Schwent, Smith Engineering.

David Schwent, Smith Engineering, gave the Commission a handout and noted he would be speaking of the Water System Asset Management Plan and including a Water System Improvements PER Draft Report. Mr. Schwent explained the process of water production and sales information; noting the handout given to the Commission and the items being shown on the screen. Mr. Schwent explained the water produces and sale, there is approximately a 20% difference in the amount of water produced and that is sold. Explaining the attribute tables which contain information on all the assets, including previous repair/rehab costs and replacement costs. Mr. Schwent explained the asset replacement schedule, explaining the Amp is intended to be a guide for a 10 year capital improvement plan for the replacement and rehabilitation of components of the City Water System. Based on the condition and risk assessment calculations described in previous sections of the report, each asset of the water system has a risk score assigned to it. The risk score of an asset is a numeric value used to give the asset priority, or ranking in the replacement and rehabilitation scheduling of the CIP. Mr. Schwent did note the capacity of the overall water system is essentially adequate for anticipated City growth over the next ten years. The wells, pump systems, buildings/structures, and storage tanks do not need to have increased capacity as part of the improvements of the 10 year CIP, only rehabilitation or replacement based on risk score. Increased capacity and energy efficiency should be addressed as part of replacing the waterline pipes of the distribution system in the 10 year CIP. In areas of planned growth or redevelopment, such as the downtown area, slight upsizing of waterline pipe where necessary, such as replacing a 4 inch pipe with a new 6 inch pipe should be done as part of the waterline pipe replacement process. Mr. Schwent noted the best way to address needed increases in Water System capacity and conservation is to systematically replace old leaking waterlines, prioritized by risk score throughout the distribution system. Mr. Schwent explained the process for data collection, water system GIS models, and water system asset categories. Mr. Schwent explained the 10 year IP schedule and budget for fiscal years 2016/2017 to 2025/2026.

Jesus Salayandia, Waste Water Department and Dave Cook, Water Department; had brought in several example pieces of pipes. Mr. Cook explained that it was schedule four pipe, very thin; and made the comment that it wasn't done right and proceeded to describe several of the pipes were installed and have never

been replaced.

Mayor Sandra Whitehead closed the workshop session at 5:58 PM and noted the Regular Meeting would begin after a five minute break.

TIME & PLACE: **CITY COMMISSION**
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
JUNE 9, 2015
REGULAR MEETING - ACTION MINUTES

PRESIDING OFFICER: 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 Regular Session in full conformity with the law and ordinances of said Commission in the Commission Chambers of said City June 9, 2015, following the Workshop, with the meeting starting at 6:05 P.M.

ROLL CALL: The meeting was called to order by Mayor Sandra Whitehead, who presided and Judy M. Harris, City Clerk acted as Secretary of the meeting.
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. Russ Peterson, Commissioner

Also Present:

Juan Fuentes, City Manager
Jay Rubin, City Attorney
John Appel, City Attorney
Judy Harris, City Clerk

Absent:

Hon. Kathy Clark, Commissioner

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

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

Mayor Sandra Whitehead called for Mayor Pro-tem Steve Green to lead the Pledge of Allegiance.

Mayor Sandra Whitehead called for a motion to approve the agenda.

**APPROVAL OF
AGENDA:**

“Mayor pro-Tem Steve Green moved for approval of the Agenda as presented.”

Seconded by Commissioner rubs Peterson.

Mayor Sandra Whitehead called for further comments or questions, noting none, she called for the vote.

Motion Carried Unanimously.

Jay Rubin, City Attorney acknowledged that John Appel, City Attorney was in the audience tonight.

**COMMENTS FROM
THE PUBLIC:**

Diane Lombardo, CAAT, approached and made comments regarding the Companion Action Team and the grant they received. She spoke of needless expense to the City which is caused by a group of citizens who are constantly creating extra expense.

Delmas Howl, Main Street, approached and made comments about how important the downtown area, and is upset that citizens are making dark clouds over every project the City is working on. He noted downtown is suffering, he noted that the survival of downtown should be important to all. He wants the downtown to flourish.

Cary “Jagger” Gustin, Art Council, noted he was a city resident since 1967, noting they have used the Lee Belle Johnson Center and the Art council is in favor and is in support for the Interim Visitor Center, noting it was a “win - win” situation, noting that they were ready to help any way they can.

Ron Fenn, spoke of support of the City by individuals, not tourism. He noted the trash system, and past failed Commissions, who have not done the repairs needed by the people, he spoke of the hardship of raising rates.

Doris Adams, 1002 Poplar, approached and noted she was born here. She spoke about using Lee Belle Center. She noted how important it is to the downtown area to have the Visitor Center. She asked Can’t we all work together?

Linda DeMarino, Executive Director of Main Street, approached and noted the next breakfast, she explained the business presentation of the economic study, noting the loss of 11% population and approximately 64% are on Social Security. Ms. DeMarino echoed the importance of the Visitor Center success.

George Szigeti, 913 Spruce, approached and stated he is NOT in favor of the Initiative, noting that anyone can make numbers look authentic. (A Complete copy of Mr. Szigeti’s graph are attached hereto and made part hereof.)

Audon Trujillo, 506 3rd Street, approached and made comments regarding use of the Lee Belle Center and the Civic Center, and noting he felt the City needed to

comply State Statue. Mr. Trujillo left a copy of his comments for the record.
(Complete copy attached hereto and made part hereof,)

Sid Bryon, 605 Broadway, approached and thanked the Commission for renting Lee Belle Center, noting the City did well to get the deal and the costly repairs and improvements were being made by others.

Mark Bleth, Follow The Sun Tours, approached and noted his appreciation and the positive impact in the Community. Noting he was co-owner, and that he felt this was a positive move.

Hans Townsend, Desert View Inn, approached and noted support in moving forward into bringing people into the area. He also commented on recycling not being available, and that some put all recycling together, and there is no direction as to what recyclables go into the bins.

Ron Pacourek, T. or C., approached and made comments regarding the 30% increase in sewer fees, and asking if Williamsburg was also paying the 30% increase.

Kim Audette, 618 Van Patten, approached and made comments reminding everyone we are a small town, and the town is not dying.

Sophia Peron, T or C., approached and made comments regarding being a member of the Arts Council for 12 years, noted an event at Elephant Butte on June 17th.

Bill Buhler, 1500 E. Riverside, approached and explained he has lived here since 1956. He noted he approved the plan to revitalize downtown. He also noted the Workshop earlier in the evening, when the water pipes were discussed, he noted he was probably on the Commission when that vote was made to not update the equipment, he noted he was sorry for that, after what we all heard tonight. Mr. Buhler noted the previous years when the City had another plot of land, he noted he was still in favor of on in the downtown.

Betty Brennan approached and made the comment she was 77 years old and she is retired but still works and owns property in Truth or Consequences and in the County, she thanked the Commission for the Civic Center use, she noted that the Clerk's Office was happy to schedule events, she then noted her support of the Visitor Center.

Mayor Sandra Whitehead called for any response to Public Comments.

RESPONSE TO

PUBLIC COMMENTS: Mayor Pro-Tem Steve Green responded to Han Townsends comment about the recycle trailers not being available. Mayor Pro-Tem Green noted the expense of staff and the hours worked; and explained the recycle yard is open Monday thru Saturdays; he did note that if the recyclables were put together they would be "contaminated" and not be a recyclable anymore and become trash. He mentioned that even he does not know what is recyclable. The bins need to be

specific for each item, cardboard, plastic, and such.

Mayor Sandra Whitehead addressed Ron Pacourek, noting that his questions would be addressed, we are still gathering information and a reply will be made. Mayor Sandra Whitehead thanked everyone for their Public Comments, noting they take everything into consideration.

**CONSENT
CALENDAR:**

Mayor Sandra Whitehead called for the Consent Calendar, consisting of item E.1.City Commission Meeting Minutes of May 12, 2015 and E.2.Accounts Payables for May 2015.

“Mayor Pro-Tem Steve Green moved for approval as presented.”

Seconded by Commissioner Russ Peterson.

Motion Carried Unanimously.

PRESENTATION:

Mayor Sandra Whitehead announced next is a Presentation; 1. Ordinance for the Preservation of property located at 301 S. Foch Street; we have Ms. Ariel Dougherty & Ron Fenn. The Mayor asked them to remember she had allotted them 20 Minutes.

Ariel Dougherty approached the podium, Ron Fenn sat at the table and rant the PowerPoint Presentation. A copy of the PowerPoint text and images for the AD Hoc Citizen’s Group presentation on the Petition before the Truth or Consequences city Commission for June 9, 2015 was given to the Commission. Ms. Dougherty started by stating that the AD HOC Citizen’s appreciates this opportunity to do this presentation and to speak before the Commission, on the Citizens Ordinance known as the Preservation of the People’s Recreation Center Ordinance. Ms. Dougherty stated that she wished to make one thing very clear, the only thing that we disagree about, is that it should be the Lee Belle Johnson Center turned into the Visitor Center. That there should be more visitors to town, is a good idea. That the Visitor Center should be downtown, is an excellent idea. Ms. Dougherty also noted that it was because of two citizens here, that we have the opportunity for it to be in the downtown, noting they would speak of this later. She explained they wished for the greatest chance of success for our economy, and all downtown businesses. Ms. Dougherty went over a presentation of the date the AD HOC Citizen’s Group collected and presented, questioning several of Commissioner Green’s numbers, the lack of procedure for taking the building. Ms. Dougherty went over the reasons the Civic Center was not adequate for use as was done at the Lee Belle Center. Dougherty explained they believe on building on what exists. After the Presentation, Ms. Dougherty stood for questions from the Commission and then from the Public. (Complete copy attached hereto and made part hereof,)

Mayor Sandra Whitehead stated this was only a Presentation, there will be no questions from the Public, as we are in a Regular Meeting at this point and time,

and the Mayor stated she would go around the table, asking Mayor Pro-Tem Green for questions or comments.

Mayor Pro-Tem Steve Green noted the last line of the presentation, he noted he did have questions, asking Ms. Dougherty if she was part of the Group.

Ms. Dougherty answered that they did represent a group at this point, noting the number of names which were on the petition, noting twelve people of the group.

Mayor Pro-Tem Steve Green asked if Ms. Dougherty was chosen to speak for the group.

Mr. Ron Fenn answered that they all participated and contributed to the Presentation.

Mayor Pro-Tem Steve Green asked about the chosen group if she was the speaker for the group.

Mr. Ron Fenn put a slide of what Mayor Pro-Tem Steve Green put up on the screen and made several comments regarding the opinions of the Commission and or the Mayor Pro-Tem's opinions.

Mayor Pro-Tem Green and Mr. Ron Fenn's conversations got a bit heated and Mayor Sandra Whitehead stopped the discussion, noting there was five minutes left for this discussion, we need to wrap this up.

Mayor Pro-Tem Steve Green stated he needed more than five minutes.

Ms. Dougherty stated will you answer the question.

Mayor Pro-Tem Steve Green stated he was speaking for himself, and I think I was in the paper which you saw. He asked Ms. Dougherty "so on number 4, I don't know if it's numbered, but it says *we are an ad hoc citizen's group. As concerned citizens, we want greatest chance of success for our economy, the Spaceport Visitor's Center, and all downtown businesses.*" Mayor Pro-Tem Steve Green read portions of the article which said that Spaceport will discontinue tours and will provide Guide only Tours. Mayor Pro-Tem Steve Green read the answer he had received, noting that all future adventures would be available by tour only, from Aaron Prescott. Mayor Pro-Tem Steve Green spoke of young students in the G-Space trainer.

Ms. Ariel Dougherty asked what this had to do with their presentation.

Mayor Pro-Tem Steve Green noted, just a minute he would get to it, noting their presentation noted economic success must build on sound data; he also asked if they had asked how many comp tickets were given out.

Mr. Ron Fenn spoke of GRT.

Mayor Pro-Tem Steve Green read an article for a Special Media Tour to be open

to the public in late June, and then he read those Media personnel invited to the Tour.

Ms. Ariel Dougherty stated the key issue is not if Follow The Sun Tours has 20,000 tours next year, anyone who does business does not expect those results in a year, she stated the key point is there are numerous other buildings which could be used, why is Lee Belle Johnson the one you're taking away from your citizens?

Mayor Pro-Tem Steve Green asked if she had been in attendance for the public meetings held at Lee Belle regarding the use of the Center, noting that in that discussion they told the Public all the buildings we had looked at, and the reasons they were not feasible, why they wouldn't work.

Ms. Dougherty stated your responsibility is to do things for the community, vacant buildings are not good for the community, she doesn't believe they desire to remove 4500 people from downtown.

Mayor Pro-Tem Steve Green questioned the 4500 people comment, noting it was misleading, he does not believe that 70% is a correct number who use the Lee Belle Johnson. Mayor Pro-Tem Steve Green asked if it was the value of rent and also mentioned supply and demand.

Russ Peterson, Commissioner stated he thought we should move on.

Mayor Sandra Whitehead agreed.

Ms. Dougherty thanked the Commission for letting the show the Presentation.

Mayor Sandra Whitehead thanked the AD HOC Citizen's Group.

PUBLIC HEARING:

Mayor Sandra Whitehead called for the next item, Public Hearing. George A. Henson IV, objection of a resolution requiring the prompt removal of accumulated rubbish, wreckage, and debris from the property at 731 Wyona; John Appel, City Attorney & Robbie Travis, Building Inspector. Mayor Sandra Whitehead called out to Mr. Henson asking if he signed in.

Jay Rubin, City Attorney, recused himself and left the building.

City Clerk Judy Harris administered the oath to Robbie Travis, Building Inspector, George A. Henson IV, and Mary Kavett.

City Attorney John Appel reviewed the Battershell process, noting as you know, requires that all testimony that is presented to you be under oath and there has to be an opportunity for cross examination of all of the witnesses that choose to speak before you tonight. Those are the two main findings of Battershell. Other than that there is no specific requirement as to how the matter proceeds. He would recommend that since this is an appeal brought by Mr. Henson; that Mr.

Henson be given the opportunity to testify himself and bring forth any other witnesses that he wishes to present testimony to you and Mr. Travis will be here to speak on behalf of the City. Mr. Appel will be present to assist Mr. Travis and will be available to answer any questions about the process that has led to this. He will mention as you are aware we are at a point where you have adopted a resolution requiring the removal of debris and other material from Mr. Henson's property and Mr. Henson has the opportunity to object to that. He has objected to that and he will now give his presentation to you.

Mayor Whitehead called on Mr. George Henson IV to give his presentation to the Commission.

George A Henson noted that he presumes that the Commission is busy and didn't get to see the information that was in the envelope. He added something that these code people passed by to give to my house and he appreciates that he is not the only one who's hot under the collar tonight. The thing that he might have that is a little different is that this was started in 2009 over retaliation over a dog across the alley. He started copying 700 Charles Street; they had Christmas trees as landscape. 2009 was just the beginning of that, but since then there has been improvements and changes on Wyona Street. The claim that he has to make is that he wants equal protection. He has legal stuff and here we are playing legal again. He tried to make everything clear in the idea that there are issues other than the ones provided in his paperwork. In this meeting tonight he has heard the word "ghost town" twice and he had no idea when he attempted to improve with his life and make something better than gaining he didn't realize that everything has gone downhill as far as it's gone downhill before people talking tonight. He had lived in Aspen for 6 years and he also lived in Colorado and Colorado Springs and it wasn't that it was a stagnant pond. None of those places would dream of falling apart such as this one appears to now. Just this morning he was up at the Dam Site Historical District thinking he could have an outlet for the home improvement thing that he thought would be needed in his neighborhood. His Street has had occupancy this whole time Mary's house had been sold twice before they moved there last year since this attempt of changing his attempt of style. What he would like to do is show the previous changes that he has made to Wyona as of November 2013 whenever this thing came up. It seems to not want to stop. He has numerous letters that calls him an artist and...

Mayor Whitehead asked Mr. Henson if he was objecting to the resolution at this time and asked for him to explain why he is objecting to the Resolution.

Mr. Henson IV noted that he had paid District Court for an injunction against Judge Sanders, Ray Chavez, and Jaime Rubin. Apparently he has one step to go which is called a summons. He thought it was a proof of service. They were in district Court on an Appeal of this and the District Judge said that they should drop this appeal of contempt because he should have had a lawyer if it was a criminal charge. This whole mess is some kind of criminal charge. He has been booked twice, once on this and once on a thing that has stressed him out because of this. His problem is that there were such compliments and he did tons of work. He went to the auction with two trailers and he got \$12.00 for some valuable things. He had this scrap guy come twice and he stole a scale from him and

changes have gone and he wants equal protection. This neighborhood is not an upscale neighborhood. He claims that this charge should have afforded him an attorney. He's also has a PTSD type of disability and so he has gone to the point of spending money here. The last time they booked him, they took him to the hospital and he received a bill for hundreds of dollars and it should not be that way when the community says that this is an artist and he's creative and it's changed and now if he stops speaking then the lawyers will come and say "we're lawyers" this guy..... It's not right. The neighborhood is occupied, the homes have been sold, and the one next to him has been occupied over and over again. The woman who lived there and left had no reason but she went into their office and said "please, this guy is not a problem". He has steel fences; he has steel that was in here. He has futons that are made into fences and gates. Garage doors that are made into awning and they have held up. Windows from down town, aluminum frames and that was included in the documents as well. There is no outlet for an artist. He's a photographer, he brought 5000 pictures.

Commissioner Russ Peterson asked if this has been to Court.

Mr. Henson replied that it has cost a lot of money in the Municipal Court.

Commissioner Russ Peterson stated that he only wants to know what the Judge ruled.

George Henson IV stated that the Judge ruled against him, but she did that without seeing the communities comments of whether or not... and the terminology has changed along the way. The terminology in the beginning was something different from what you have heard.

Mayor Whitehead stated that she is going to go around the room and ask the Commissioners if they have any questions to ask Mr. Henson and then she will call on Ms. Kavett to give comment, and then she needs to talk with staff also.

Mayor Whitehead asked Commissioner Peterson if he had any additional comments.

Commissioner Peterson asked Mr. Henson if he believed that there is some type of conspiracy with the Judge and our member of the City that's trying to make things difficult for you.

Mr. Henson stated that he would claim that this is retaliation from 2009. There was retaliation from the tenants next door by the same person at 700 Charles Street. They had over filled the dumpster over and over again and so the code guy was brought into the neighborhood. At that point they had a four week yard sale every day, seven days a week and moved their stuff to a place out on 3rd Street and now who knows where they are. He believes that the complaint was not on him. As having issues he wanted to not have code guys and have to have \$1000.00 bail money. Everything was talked about for more than 12 months, more than 14 months, more than 16 months was easement. The next easement that he copied has really just icons and his is now, (according to them) was okay. He does weed control and he has steps and handrails over this easement.

Commissioner Peterson asked Mr. Henson if he cleaned up everything. A yes or no. Not a... it looks better, or they said it looked good here.

Mr. Henson noted that over and over again he has been to the point to where he says yes, and then we go in front of Judge Sanders and its no. Somehow it's changed from easement sidewalk two or three feet (whatever it is). There are no neighbors in the front or the side, and there is no passing traffic.

Commissioner Peterson asked Mr. Henson why he thought the Judge found him guilty.

Mr. Henson replied that he has done easement then it changes from easement to the fences.

Commissioner Peterson stated that easement doesn't cause junk to appear.

Mr. Henson stated that he was overblown onto the easement and that had to be thrown in his yard.

Mayor Whitehead asked Mr. Henson if he has cleaned up any of the property that he has been requested to clean up regarding the Judges' comments and the Cities comments.

Mr. Henson stated yes, like had said in the beginning it was called litter and debris. Everyone says no litter and no debris. There was a junked vehicle that disappeared. It was called a "nice project" by Ray Chavez, but he disappeared it into the back. He has gates that he has re-painted.

Mayor Whitehead asked Commissioner Richter if he had any questions or comments.

Commissioner Richter stated that he does not have any comments.

Mayor Whitehead asked Mayor Pro-tem Green if he had any questions or comments.

Mayor Pro-Tem Green asked if there are any houses adjacent to his property on either side, front or back.

Mr. Henson stated that he has two sides that are completely empty. He has an alley that he takes care of on his side, and he has one house that is soon to be vacant again. He has four letters from the property owners and grandma went in there and said not to pick on him. That was his issue. This shouldn't have gone this far because he had letters from the very beginning that said that there was no litter or debris and he worked with them to move the easement and he has taken stuff to the auction, he recycles every week. He is making stuff this week he sold a kayak this weekend.

Mayor Whitehead asked Mary Kavett to come before the Commission to speak

as Mr. Henson's proponent.

Mr. Henson stated that two doors down from his house he takes care of the lawn and they let him store things. He moved all of his rocks and driftwood that's mainly what the thing was on the easement was rock garden and driftwood. The driftwood is on a trailer and the rocks have been re-gardened. He has a double lot that has taken overflow.

Mayor Whitehead called upon Attorney John Appel and Building Inspector Robbie Travis to cross examine Mr. Henson.

City Attorney John Appel stated that in Mr. Henson's testimony he mentioned that he had received compliments and he was not quite clear on what those compliments were in relation to.

City Attorney John Appel asked if the compliments were on the appearance of Mr. Henson's property and the materials that are on the property.

Mr. Henson replied that he was published in the spa book which pertained photographs of the front of his property. There was a documentary from the Starry Night Artist Residency that let him speak about his attempts of what the letters call "outsider art" even Mr. Chavez said that his projects had value and at that stage the scrap metal guy would have taken his copper. He doesn't do junk, that's one of his presentation things.

City Attorney John Appel stated Mr. Henson spoke about being "booked" does that mean you were arrested and charged in some matter? None of those were with regards to this matter; with regards to the condition of your property were they Mr. Henson.

Mr. Henson stated no that's not true. There are appearances there and they are continuances from the State. Somehow he missed a thing, and they called him in contempt, and they booked him for \$1000.00 that he happened to have in his pocket, because he missed Judge Sanders.

City Attorney John Appel stated that he had no further questions for Mr. Henson.

Mayor Whitehead called Mary Kavett to the podium to speak on behalf of Mr. Henson.

Mary Kavett stated that she would like to read a letter from herself and Lynn Gray whom is also Mr. Henson's neighbor.

Mary Kavett wrote George Henson, her neighbor at the end of the 700 block of Wyona is one of the unique gems of T or C. His gift of decorating their dead end street with beautiful rocks, driftwood cacti as well as amusing bits of Americana has brought joy and color into their lives. Many people appreciate his exuberant talent. He knows how to blend gorgeous rocks with soft driftwood and he creates a quiet peaceful environment where one can sit for a while on one of his chairs or benches and enjoy being in a real art community. Art students visiting starry

skies from around the world, video and photograph his works. His amazing eye for art attracts visitors and helps in making T or C an art destination for travelers. He is helping to make Truth or Consequences the kind of artsy unconventional town that people enjoy and lets help him continue his work. Much of all this that was mentioned has been taken down because it did go on.... At the end of the street there's a drainage ditch and there is an embankment before the drainage ditch and so he had these wonderful paths up the hill to the embankment and he had benches and chairs and beautiful rocks and driftwood and really amusing things. She knows that Leo New felt was just here at the Rio Bravo he very much appreciated George's unique talent and he was thinking that we should call this art because it art. She feels that there is some type of personality conflict going on with someone. She thinks it started over a dog barking and he's being harassed and retaliation. She was sad to see him take down all of this beautiful stuff that he put up. It is bare except for the cactus which is still growing.

Mayor Whitehead stated that at this time she is going to go around and ask the Commissioners if they have any questions or comments.

There were no questions or comments from the Commissioners.

City Attorney John Appel noted that he does not have any questions for this witness and unless there is no other witnesses he would like to proceed with the City's presentation.

Mary Kavett asked if she could read the letter from Ms. Lynn Gray.

City Attorney John Appel stated that if the Commissioners can identify the letter and wish to add it to the materials for this meeting he would not object to that.

Mayor Whitehead stated that at this time we will not accept that letter, but she will ask Building Inspector Robbie Travis to come before the Commission and give his presentation.

City Attorney John Appel asked Mr. Travis how long he had been aware of the situation on Mr. Henson's land and what you know about what the City has done about it.

Robbie Travis, Building Inspector stated that he has known about this for two years now. Ray Chavez has been the primary person handling this; the last stuff hasn't started because of a barking dog or something else. What had happened was our Street crews were resurfacing the Streets and they got to Wyona and said that they cannot resurface the Streets because all of this stuff is in the Street. So we started back on that again and said if you need to get all of your stuff off the easements and take care of this. He had done some good progress there in taking care of some of that and the same thing we wanted him to do on the inside of his place. He has pictures that he took today which shows Mr. Henson's property. The real case comes up to it is a fire hazard. On the inside there is a little path to get in there. The Fire Chief was with them on the letter when they sent it to Mr. Henson saying that this is a fire problem. So that's part of it too. We feel for Mr. Henson, we know that he is an artist and he really doesn't understand what we

are trying to get to, but we still have to do our job and bring this before you and take it through the courts. That's kind of where we stand on it right now. The lady did come and see him about a year ago before she left and she said that she was a neighbor and she didn't really see anything wrong with it, she really enjoyed his art, things like that and then I mentioned to her that it could be a fire hazard. It could take the neighbors and the whole block out. And she realized and said that she never really thought of that she was just looking at it as a point of how it looked for being art and stuff like that.

City Attorney John Appel passed out some google earth images with dates on them and stated that he believes that the Commission will be able to identify the property in question and draw your own conclusions about the situation of the property on three or four different dates. He also provided a copy to Mr. Henson.

Mayor Whitehead asked that Mr. Henson cross examine City Staff.

Mr. Henson stated that he did not get to see the pictures that were given to him and he is seeing that we are not talking easement or litter in the street. You say it was the Street crew and he looked at what the issue was. At that time it was a house trailer. Google earth at one point was showing a house trailer and a sail boat. His sail boat was pushed up on his neighbors place. That's all there was to his problem on the street. They got rained out the day before they sent us the notice and now all of a sudden at 8:30 they show up knocking on your door. Several people in his neighborhood have passed away. Sometimes when you die you leave extra stuff around and you leave a depressing neighborhood or some things to recover from. He had made this little end thing a park, and he made the front thing still life's and people appreciate the still life's. He has a full trailer of driftwood and he only sold one piece at the auction. Did you notice the steel fences or paint lockers and stone fencing around the place?

City Attorney John Appel stated that he just wanted to clarify a couple of things that were brought up that are arguably related to this but really aren't they should have no bearing on your decision. Mr. Henson referred to an injunction that he had obtained he has not obtained such an injunction we are aware of a case he has filed in the district court in which he seeks an injunction against the Judge, Mr. Rubin and Mr. Chavez and as he was told by Judge Swazi at a hearing a couple of weeks ago but nothing is going to happen with that case unless he pushes it forward which he has not done at this time, but we are aware that complaint has been filed and so far he has been arrested; to the best of his knowledge, and also Mr. Travis' knowledge he thinks Mr. Henson does not totally understand why that has happened. None of that has been because of these problems.

Mayor Whitehead closed the Public Hearing and moved forward with the next item on the agenda.

Mayor Sandra Whitehead called for the next item, H. under New Business item H.1. Discussion/Action Water Asset Management Plan; David Schwent, Smith

NEW BUSINESS:

Engineering. Mayor Sandra Whitehead stated that most were aware this was previously held with a public workshop prior to the meeting tonight, the whole situation and project was discussed, does anybody have questions or comments.

Mayor Sandra Whitehead called for Commissioner Russ Peterson.

Russ Peterson, Commissioner, explained he had a couple of questions which were answered, he cover everything in the presentation. This is not all set in stone, what he has here, we still have the right to go in and make repairs. He stated an increase would be hard for him to vote on. He mentioned the availability of loans, and what not and have the availability to and do as much as we can do.

Mayor Sandra Whitehead called for Commissioner Jeff Richter, asking if he had questions or comments.

Jeff Richter, Commissioner stated that our engineer and consult, this should be a priority with the Commission and with City Staff, we have a failing infrastructure, we need to upgrade it, there's been nothing done in several years. It's like the paperwork says, we use it until it fails, and then patch it. We have a failing infrastructure which should take presidency to the Commission right now. He noted we need to move on it quickly and directly looking at the direction from our consultants.

Mayor Sandra Whitehead called on Mayor Pro-Tem Steve Green for questions or comments.

Mayor Pro-Tem Steve Green stated he could not have said it any better. Speaking to City Manager Juan Fuentes, he added it says discussion/action; are you asking us to accept the plan, is that what this is? He stated he wasn't quite sure what was needed from the Commission.

Juan Fuentes, City Manager, explained that is correct, at this time the Asset Management has been reviewed by the State and approved, this is just the first draft, the purpose of this plan is to begin the process of planning ahead so we can look at projects needing to be done.

Jay Rubin, City Attorney, noted he agreed with that and explained that it would come before the Commission again.

“Mayor Pro-Tem Steve Green moved for approval of the Water Asset Management Plan as proposed by Smith Engineering.”

Seconded by Commissioner Jeff Richter.

Mayor Sandra Whitehead called for further comments or questions, with none coming forward, Mayor Whitehead called for the vote.

Motion Carried Unanimously.

Mayor Sandra Whitehead called for the next item on the Agenda, H.2. Discussion/Action George A. Henson IV objection to Resolution requiring the prompt removal of accumulated rubbish, wreckage, and debris from the Property at 731 Wyona, T or C., she then called for Attorney Appel.

John Appel, City Attorney, noted that as the Commission knew, this is a question of whether you wish to vote to, in effect, affirm the Resolution, and enforce that Resolution; or whether you wish to resend the Resolution based on the Presentation that Mr. Henson made for you tonight.

Mayor Sandra Whitehead called for further comments or questions from the Commission. With no questions or comments coming forward, Mayor Whitehead called for the vote.

Mayor Pro-Tem Steve Green wished to say that being married to an artist, he feels it's a very fine line between what is art and what is art that becomes a public safety issue, I did not believe Mr. Henson understood the City is attempting to make a safe area for Mr. Henson and any emergency workers who have to be on the property, safety being the issue.

Mayor Sandra Whitehead asked City Manager Juan Fuentes for his recommendation.

Russ Peterson, Commissioner, noted he was surprised we have let it go on this long.

Juan A. Fuentes, City Manager, noted the recommendation is to affirm the Resolution, asking Attorney Appel if that was correct.

John Appel, City Attorney, answered yes, we are asking to affirm the Resolution and instruct the City Manager to enforce the Resolution which requires removal of the accumulated materials, whether they be art materials or whatever they may be, to be removed to a location giving reasonable access to the property for public safety purposes.

Mayor Pro-Tem Steve Green asked if there was any way they can affirm the Resolution and give Mr. Henson 10 days or so to remove everything off that Property, if he can seek storage or whatever, rather than having us come in. He stated he was going to vote to affirm the resolution but he wondered if there was a way to affirm and still give Mr. Henson time to clean up everything.

John Appel, City Attorney, noted he was sad Mr. Henson left the meeting, he explained that Judge Sanders had given Mr. Henson time to clean up and repeated extensions of time to give Mr. Henson time to clean up the area, and it is not getting done. There is an appeal period, which Mr. Henson has available, that appeal period would give Mr. Henson additional time, if he appeals to

District Court.

A lady from the Audience shouted out that she did not believe Mr. Henson understood this was a safety hazard.

Mayor Sandra Whitehead called out that the Commission was voting.

Russ Peterson, Commissioner, noted he was surprised we have let it go on this long. He also commented that those working on this have probably already extended time to Mr. Henson to clean up, and to work things out, and here we're going to do it again, either we follow the Code or we don't. He stated he did not like to extend because the next person will also expect us to extend.

John Appel, City Attorney, noted the thought Commissioner Peterson's remarks said a lot. He explained that Mr. Henson believes this is related to a 2009 incident, involving a dog somewhere in the neighborhood and which it does not, we have tried to explain that this is about the stuff on his property not the old case, it's completely separate. Mr. Appel stated he just doesn't understand.

"Steve Green, Mayor Pro-Tem, made the motion to Affirm the Resolution, which encompasses requiring the prompt removal of accumulated rubbish, wreckage, and debris from the Property at 731 Wyona, T or C".

Seconded by Commissioner Russ Peterson.

Mayor Sandra Whitehead noted she had a motion and a second, requiring the prompt removal of accumulated rubbish, wreckage, and debris from the Property at 731 Wyona, T or C., she noted she had for called for further comments or questions, with none, Mayor Whitehead called for the vote.

Motion Carried Unanimously.

Mayor Sandra Whitehead noted next item on the Agenda is H.3. Discussion/Action Resolution #50 14/15, Local Government Road Fund (LGRF), Don Armijo, Public Works Director.

Don Armijo, Public Works Director, noted he did not bring anything on this, we came to you guys, you approve and we sent it to the State, and now it's back to you guys for the Resolution. He explained it would be in the following year's budget.

Mayor Sandra Whitehead called for questions or comments.

"Mayor Pro-Tem Steve Green moved to approve Resolution # 50 14/15 Local Road Fund (LGRF)."

Seconded by Commissioner Jeff Richter.

Mayor Sandra Whitehead called for further comments or questions, with none coming forward, she called for 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. Russ Peterson responded AYE to a Roll Call Vote.

Motion Carried Unanimously.

Mayor Sandra Whitehead called for the next item is H.4. Discussion/Action Resolution #51 14/15, Authorizing the Execution and Delivery of a Local Government Planning Grant Agreement by and between the New Mexico Finance Authority and the City of Truth or Consequences, Manager Fuentes.

Juan Fuentes, City Manager, explained that back in 2013 the City applied for a Planning Grant to update our City Comprehensive Plan, the City received an allocation of \$50,000, and he spoke about also receiving the Housing grant. The Comprehensive Plan was approved and sent for approval, before we can submit for payment of the agreement, so we can submit for reimbursement of the funds.

“Mayor Pro-Tem Steve Green made the motion to approve Resolution #51 14/15 Authorizing the execution and delivery of a Local Government Planning Grant Agreement by and between the New Mexico Finance Authority and the City of Truth or Consequences.”

Seconded by Commissioner Jeff Richter.

With no further comments or questions, Mayor 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. Russ Peterson responded AYE to a Roll Call Vote.

Motion Carried Unanimously.

Mayor Sandra Whitehead called for the next item, Discussion/Action: Discussion: Certification of Petition “An Ordinance of the people of the City of Truth or Consequences, New Mexico for the preservation of a City Property, at 301 S. Foch Street, known as the Lee Belle Johnson Senior Recreation Center, as a permanent and perpetual recreation center for the people of Truth or Consequences”, per State Statue 3-1-5; Judy M. Harris, City Clerk.

Judy Harris, City Clerk, approached and explained that The “Citizen Initiative Ordinance was approved as to form on May 12, 2015. Per State Statue 3-1-5 the petition was received by the City Clerk on May 12, 2015. The Petition

had a total of 262 Valid Signatures, 195 were required. The Clerk received 22 affidavits stating those who signed requested to remove their name for the Petition. Clerk Harris stated we cannot remove names from the Petition, but wished to advise the Commission of those people. The Clerk did publish the entire petition, as per 3-14-18 (A) in both papers. Clerk Harris explained the item will come before the Commission in their next meeting July 23 for discussion and action, if the item does not pass it will trigger an Election in September 22nd 2015 Clerk Harris noted she would stand for questions.

Mayor Sandra Whitehead called for further questions or comments; noting that this item was discussion only.

Mayor Sandra Whitehead called for the next item on the Agenda, Item I. Reports, she called for the City Manager to begin.

Juan A. Fuentes, City Manager, noted he believed he email the Commission that we were awarded \$750,000 from the Colonia's Board for the Phase 2A of the Waste Water Plan Project we are also hope for word from CDBG for the replacement of the man-holes, and the trunk line for the Waste Water System. The City Manager explained we are in line, when the State Legislature meets for the Capital Out funding, \$150,000 for the wall at the Veteran's Center and for the animal shelter \$150,000 which gives us about \$250,000 at least, allocated for construction for the animal shelter.

Mayor Sandra Whitehead called on Attorney Rubin.

Attorney Jay Rubin had no report.

Mayor Sandra Whitehead called on Commissioner Peterson.

Russ Peterson, Commissioner, no report.

Mayor Sandra Whitehead called on Commissioner Richter.

Jeff Richter, Commissioner, "It Rain".

Mayor Sandra Whitehead called on Mayor Pro-Tem Green.

Mayor Pro-Tem Steve Green explained he was going to change his report, he didn't realize that they were going to put a time limit on his comments during the earlier presentation noting he wished to continue with the dialog so it gets to the record. The Mayor Pro-Tem went thru several of the items the AD HOC members had said which were incorrect. The Mayor Pro-Tem explained it didn't make sense to purchase a building, he spoke of the buildings downtown they had looked at He noted one way we fill empty buildings, he noted that what we did not hear tonight was that we looked at

every available building for use. He spoke of the price to rent Alco, which is 7 to 8 dollars a square foot per year. He noted they did not wish to purchase a building, when this is only for a couple of years. He stated the Commission had looked at every building, this building was the only one that would work to bring people downtown. He noted as the Commission we are trying to find something that will bring the greatest impact to bring visitors into our county, noting that the last choice was the Lee Belle Johnson Center. There was no other choice. To bring people into the downtown, for the businesses for the GRT. He ended his report by saying that with the support of the Community we can do this.

Mayor Sandra Whitehead stated she did not have a report, but she did have something from Kathy Clark Commissioner. She read into the Record as follows:

"Madam Mayor, Mayor Pro-Tem and Commissioners, Ken and I just spent one week in an area in Canada, where thought to water quality was not. All water must be boiled before use during several weeks of the year, and unfortunately, our week. This is all use at one City, at a ski resort. As I read the Smith Engineering Report, uncomfortably, I surmise and visualize the same, boiling water in T or C, if it reaches my kitchen faucet. I belabor the cost, where can \$25 million dollars will be found during the next ten years, just so we can all turn the kitchen faucets on without substantial health risk or even get water. This issue address our infrastructure, not aging but failing. I see in my mind the picture of wastewater and water department heads and workers in a hole at Pershing and Main, on a Friday a few weeks ago, when a water line broke. This break shut down several downtown businesses for hours. This expense was far more than the Smith estimate of replacement of \$185,000.00 per linear foot and the repair was a clamp. Mayor, Mayor Pro-Tem, and Commissioners, I am honored to have worked with you the past year. We have made some out of the box decisions in an attempt to create funding for our City and its failing infrastructure systems to lessen the burden of taxing our Citizens. Unfortunately some citizens offer not aide but criticism. I would beseech the Public to offer input pro-actively at a financial roundtable to create a business plan which will attempt to update and pay for this failing system. I suspect interpretation the electrical system report will need to be added. Without the Electrical report just yet, I calculate at least ten million for wastewater and twenty five million for water distribution. That's a serious ouch! Next time you turn on your kitchen sink water, please recognize the service by employees who are providing this crucial commodity.

Mayor Sandra Whitehead called for executive session consisting of Pending or Threatened Litigation 10-15-1(H), a).related to Amezcua and b).related to Riedemann, she noted the executive session would begin after a five minute break.

"Mayor Pro-Tem Steve Green moved to enter executive session pertaining to

Pending or Threatened litigation 10-15-1H (7) regarding 1)Amezcuca and 2) Riedemann”

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. Russ Peterson responded AYE to a Roll Call Vote.

Motion Carried Unanimously.

Note: Mayor Sandra Whitehead recused herself and left the building during the executive session.

“Mayor Pro-Tem Steve Green opened the meeting, noting that discussion incurred regarding during executive session regarding: 1. Pending or Threatened Litigation 10-15-1(H), a) related to Amezcuca and b) related to Riedemann. no vote was taken.”

Seconded by Commissioner Jeff Richter.

Motion Carried Unanimously.

“Mayor Pro-Tem Steve Green moved to adjourn. “

Seconded by Commissioner Jeff Richter.

Motion Carried Unanimously.

Passed and approved this 9 day of July, 2015 on a motion duly made by Commissioner Peterson and seconded by Commissioner Richter, and carried.


Sandra Whitehead, Mayor

ATTEST:


Judy M. Harris, City Clerk