

CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
CITY COMMISSION CHAMBERS, 405 W. 3RD St.
WEDNESDAY, OCTOBER 24, 2018

A. CALL TO ORDER

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

B. INTRODUCTION

1. ROLL CALL

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

Hon. Steve Green
Hon. Sandra Whitehead
Hon. Kathy Clark, Commissioner
Hon. Rolf Hechler, Commissioner
Hon. Paul Baca, Commissioner

Also Present: Renee Cantin, Interim City Manager
Angela A. Torres, Acting City Clerk

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

2. SILENT MEDITATION:

Mayor Green called for fifteen seconds of Silent Meditation and asked us to keep our veterans in our thoughts and prayers.

3. PLEDGE OF ALLEGIANCE:

Mayor Green called for Commissioner Baca to lead the Pledge of Allegiance.

4. APPROVAL OF AGENDA:

Mayor Green asked that Items G.1, G.2, H.1, and H.2. be postponed until a later date. This will give an opportunity to give everyone a chance to hear both presentation and also give both companies a chance to do separate presentations. Verizon will be back on November 14th and Gravity Pad will come before the Commission on December 12th and then the final vote will be brought back at the first meeting in January.

Mayor Pro-Tem Whitehead moved to approve the agenda postponing Items G.1, G.2, H.1, and H.2. Commissioner Hechler seconded the motion. Motion carried unanimously.

C. COMMENTS FROM THE PUBLIC (3 Minute Rule Applies)

Mayor Green called for Public Comment, noting those wishing to comment would get three minutes, may only approach the podium once, and any material for the Commission was to be left in the black box by the podium.

John Davis addressed the Commission related to:

- 1) Good morning, all. My name is John Davis. I'm a recently returned resident of T or C, having been in northern Nevada the past 10 years. Back before I left, we used to have these meetings in the evening. I'm not sure when they moved to morning meetings but morning meetings, in case nobody noticed, I think actively adversely impacts the ability of the citizens of T or C to engage in the civic affairs of their community. So I would ask that you consider moving the time back to evening hours for meetings such as this. And I would ask that the City Clerk maybe put that on the agenda for discussion at some future meeting.
- 2) I wanted to say it is possible, and I don't want to go this route because it would cost another special election. It would be possible to get signatures and do this as a ballot initiative but special elections as a general rule I'm against them. They are expensive and I don't see any need to do that, not at this point, anyway. Other than that, I will have to leave before the meeting is over, but no way am I going to miss the meeting, the part where you make the presentation to the officer. That having been said, I've got a minute and a half left and it is not going to take that. I'm the guy in case nobody has noticed yet, who gets out with Xochitl Torres Small sign, waving it at traffic up and down. I support her because of the ethical lapses of Yvette Herrell, but anyway, I expect each and every one of you folks to wave at me and say hi, when you see me out on the road. Thank you.

Ron Fenn addressed the Commission related to:

- 1) I have to rebut your argument of last week or your reply to public comment, in which you supported and defended the Colonias as something wonderful. That is unfortunately analogous to putting polish on a broken pot. It does not hold water. Colonias by definition, what is a Colonia? This is by the Bureau of Business and Research at UNM. The U.S. Department of Housing and Urban Development defines Colonias as rural communities in close proximity to the U.S. border, lacking access to basic services such as water, sewer, or housing. Official socioeconomic data on these communities has typically been scarce, making it difficult for government agencies to secure federal funding that could improve the Colonia infrastructure. I believe that the monies that are available are supposed to end the Colonia status, in other words, start providing the proper infrastructure for the people that you serve. Instead, we want to improve things like the infrastructure around the Sierra Grande Hotel, where I don't believe people are suffering from too much economic distress. This is a poor

community. It is not a tourist community. It is a retirement community for people of limited means, and you continuously ignore it. You do nothing whatsoever to improve the situation for the people who live here, while you pander to people that you think are going to drop dollars in your pockets. And when it comes to the same analogy being used for Mr. Ashbaugh [phonetic] and Mr. Townsend, the cracked pot that they are polishing is a chamber pot.

Stanley Rickert addressed the Commission related to:

- 1) He spoke to Raymond Chaves regarding the property violations next door to him. There is no proof that his neighbor is allowed to have a business at that residence and Mr. Chavez was not aware of the code violations. He wants to know what the Commission is going to do about that issue. The address north of him is 1715 Carrie St. I'm wondering when you guys are going to wake up to the fact that he is violating code. Even though Mr. Rubin, the city attorney for Truth or Consequences wrote a letter saying he did not need to enforce it, there is no proof that he is legally allowed to have a business there. When I spoke to Ray Chavez, the code enforcement officer, he didn't have a clue as to what I was referring to as to 6-foot high privacy fence. I told him, "Well it's in our ordinances. It comes under the ordinances in the occupancy permit for part three, I believe it is, that they can have a storage lot outside for storage of small items, but no bigger than 500 square feet. That would mean almost an acre and a half of storage is a little bigger than 500 square feet. So I'm wondering why this is taking place, and why it is being allowed, and what you're going to do about it for future because when you allow one person to do something like that, they all jump on the bandwagon and they continue to put more stuff in there. They're storing stuff in there that is illegal. It has no right to be there in a residential property.
- 2) I appreciate the fact that if you're going to do something about Edwards Park that people are driving over, and making ruts and stuff like that. You're going to do something so they can have a better place over there, so we'll see how that works out.

Ron Pacourek addressed the Commission related to:

- 1) Just an FYI that when I got off of the golf course the other day, there was a motor home for sale, sitting in the golf course parking lot which belongs to the manager of the golf course. But what perturbed me was that there was one of the greens keepers working on that, trying to fix something on that motor home. I didn't think that was appropriate.
- 2) I was looking at my utility bill and on the back of it says, "Usage." and it says, "If you have an electric meter, per city code, you will be charged for trash service." I looked and could not find anything related those two words, trash and electric meter in the code. But when I went looking, the first thing that popped up when I pulled up the code of ordinance of City of T or C, New Mexico, on page two it says the Mayor is Elmer and it says Stephanie is the Mayor Pro Tem. Rest his soul, Bobby Allen's name is on there. Freddy Torres' name is also on there.

None of your names are on there, and it said that Walter Armijo was the City Manager. If I was looking at that, and I think that is back in the early '90s. But when I started going through that, I was looking for the codes. I pulled up the municipal codes and I found some interesting things that the planning and zoning board has not had or isn't in existence right now, and hasn't had a meeting since 11/5 of 2013. Shouldn't we have a planning and zoning board? Evidently we're not advertising about it enough in the paper should be helping you all, trying to get some volunteers for that. I was looking for minutes and agenda for the impact fee board. It's not in that website. It's not under the municipal codes or minutes and meetings for all the boards. When I was looking for some information on the public utility advisory board for minutes, the last minutes was a video on 6/18, and the next available minutes on that site was on 3/17. So file maintenance has really not been taken care of. But I did see that you're advertising for a new City Manager. Thank you.

D. RESPONSE TO PUBLIC COMMENTS

Interim City Manager Cantin addressed the following comments:

- Mr. Davis' concern regarding the meetings. I wanted to let you know, on the request for evening meetings, we did just bring that up the first meeting in July.
- Mr. Pacourek I appreciate the comments on the Golf Course. I'll definitely check in to that for the RV. And the P&Z minutes and meetings as well, we can take a look at that. Actually, we have already discussed all of the boards and committees really haven't been kept up with, and so we are also looking into that.

Mayor Green also addressed the following comments:

- I'd just like to follow up, Mr. Davis, on Manager Cantin We did discuss it and one of the overriding factors to keep it during the day, and as you know, the county meets at 10:00 in the morning in Elephant Butte, I think at 1:00 in the afternoon, is that it's a long day. And for us to be at our best, which is what you demand of us, starting at 6:00 at night, and sometimes our meetings do get long, in truth because I talk a lot and we don't break until 9:00 at night. It's a real long day for some of us who are working and have jobs during the day so that was the reason that we felt that we could best serve this community and be at our best in the morning, rather than at nighttime.

E. PRESENTATIONS

1. Presentation: Recognition of Officer Marin for Life Saving Award:

Lt. Baker stated it is always exciting to me, anytime our patrolmen or our department in general does a good job on something. I'm always proud of them. It's even more rewarding when they do something outstanding and get recognized for it in the

community. I think it is very important anytime they do, do things that are above and beyond what they are asked to do. And that they are recognized for that. It gives them the confidence and motivation that we hope for that they're out there every day putting their lives on the line for the citizens of T or C. So with that being said, on September 28, 2018 Officer Marin responded to a house fire. During that time the residents were still in the house, along with their animals. Officer Marin went in there, without thinking of his own safety, again, because we are not trained to fight fires. He went in to the house, was able to get both of the residents out safely and also went back in for their animals as they had requested for him to do, which he didn't have to do, and got out just as the back end of the house started to catch fire. So with that being said, we would like to present Officer Rafael Marin with a certificate of commendation for immediate lifesaving efforts during a house fire which he saved the life of both residents on September 28th, 2018.

Fire Chief Tooley also thanked Officer Marin. While we're responding a lot of times, they're on duty. They get to the scene first and it just shows the coordination that we have between the fire department and the police department. We rely on them when we get there, and then hopefully they rely on us when we get there. So I just wanted to thank him personally as fire chief, for definitely getting those people out of the house at that time. Thank you very much.

2. Presentation: Promotion Ceremony to Sgt. for Officer Donald Venable:

Lt. Baker stated, for a long time I was the only supervisor, or should I say sergeant at the department and then I was promoted to Lieutenant and so I was kind of doing both jobs. So I was very excited when we started the hiring, the interviewing process for a new sergeant to take my old position over and to have new leadership in our department as well. We had the interviews probably a couple of weeks ago, and so he has kind of already been in the position, but we always have an official ceremony. It is very special, it's an honor and I would like to introduce you to our newly promoted Sergeant Donald Venable for the T or C Police Department. We have his father that is here to pin on his new badge for him. Sergeant Venable is also in law enforcement as well, so this is a special day for him. I would like to also recognize his mother, his sister, and his spouse that is here in the audience. They are all wearing blue, if you can't see them, here to support him as well.

Sgt. Venable's father stated he has ties to Truth or Consequences. He was at the Sheriff's Department with Sheriff Charley Cox and I stayed at the sheriff's department. I loved working up here. I had to do the Hillsborough run once a week, but it was nice to be up here, I know a lot of people and I enjoyed it up here. But when Charlie ran out of time as sheriff, I went to work for Dona Ana County Sheriff's Department, where I retired as a Senior Lieutenant. Apparently my son paid attention to what I was doing and I'm so proud of him. It's a tough business and the number of officers that are killed today is just out of hand. It takes a lot of courage to do that, and he has chosen to do that, so I'm proud of him. As far as me, because of the New Mexico retirement laws, I really can't do too much active, but I still work on four homicide cases for the Sheriff's

Department that are cold case homicides. Hopefully I get to go back there and go back to regular full time doing the cold case homicides.

3. Presentation: Special Use Permit for Verizon. Amy McKenzie, Black and Veatch:

Amy McKenzie stated she is representing Verizon Wireless and we've got a slideshow coming up. We came in February to discuss this and this was my hope to be going through the approval process today. The reason that we're here is both for a coverage and a capacity need in the city of Truth or Consequences. So again, the reason that Verizon is here requesting a collocation on the water tank is that there is a coverage and capacity need in the city. And the reason is we only have one highway site that is covering T or C and that is inadequate for what the needs are in T or C. You have citizens. You have visitors. You have businesses that depend on state of the art services and we need to get up to that speed and in order to do that, we need to have a site in T or C, not on the highway covering, but in T or C and that's what the proposal is about. As everybody knows, you can turn on your phone. It works fine but the problem is, is that the more people that you have, essentially like on the highway, the more crowded it gets, the lack of quality service. It starts deteriorating, excuse me, once you have more people on it. The demand for better service is here. It's now and we're trying to keep ahead of the game. The demand for data services, because nowadays, a phone is no longer a phone. Frankly, a phone is a computer. We're carrying around computers in our pockets. We need not just voice service, but we need data service. And the demand has grown 650% between 2013 and 2018, 650%. It's crazy. Everybody uses their phone. My son uses it at UNM to issue his reports. You use it to look up your GPS, to figure out how you're going to get to the lake. You use it for everything. You're downloading videos. You're uploading pictures. The demand is there and again, we are trying to meet that here in T or C. 76% of 911 calls originate from a cell phone now. I would say that I think it was 75% of millennials or the younger generation have never even owned a landline phone. They only have a cell phone. And as you know now, when you move, you don't even have to change your phone number anymore. You can carry your phone number to anywhere you go, across the country. So this is a necessity for the average American. 52% of the households again are only wireless, and more than 75% of prospective homebuyers prefer strong wireless signals. And so this is the path to me being here. We started originally with a company called Skyway Towers. They were proposing to the city a new 80-foot monopole. The city did not appreciate that. It did not really want an 80-foot monopole. So after looking at that, we said that is fine, and we started pursuing an alternate proposal which is the water tank. Back in November, we started talking to Robby Travis and Susanna Diller, and now we're talking with Tracy about that proposal. I came and gave the proposal in February of 2018 to the Commission and was given the green light to go ahead and start working on that proposal, and that is what we have been doing ever since. In May, we submitted the business terms to Susanna and to the city. We were looking at an initial five-year term with four or five year options, so that would be a 25-year lease. In July, Susanna advised us that we needed to kind of cart before the horse. We needed to get through this committee's approval first before we could finalize

negotiations with the lease, which is perfectly understandable. And then on October 2nd we submitted our SUP application. Verizon is proposing to have only six antennas on the water tank. They will be flush mounted, essentially at the band of the water tower. If you look at the mural, it's got the top decorative band. Essentially, that's where we would be at. The water tank is roughly 62 feet, and I believe our center line is 45 and that's a compromise even for us, we would like to go a little bit higher. But the way the water tank is shaped, as soon as it starts curving, you can't be flush mounted. You have to have kind of a vertical position on the tank. You can't put an antenna if it is curved, then it starts looking like a dog ear. We don't want that. We were given a direction. Don't put anything above the water tank that looks like an appendage, and we were also given the direction to blend into the water tank, which we took that direction. We're going to paint to match; we're going to flush mount them. We're going to make them as small as possible. We reduced the number of antennas so again, visually it's not going to be very impactful.

4. Presentation: Special Use Permit. Sean Milks, Gravity Pad:

Sean Milks stated the proposal that we have here, we're not going to be discussing, as per your request of business terms, so we really won't go into the teeth of it. This will just be a quick proposal and how it relates to Verizon. A bit of history. Gravity Pad, I am one of the owners. There is two. We're from Albuquerque, New Mexico. We started the company in 2005 and we have contracts with AT&T, Verizon, Sprint, Cellular One, Cricket, T-Mobile, basically all of the FCC wireless carriers. Gravity Pad owns over 25 sites throughout the state of New Mexico. Typically the business model is we build a site for all of the carriers and in many instances all over the state, we have built a site. As I stated previous, we have contracts with all of the carriers, and we provide the site to accommodate all of them for power, a lot of cases for fiber. Where this specific location, of course the water tank, we do believe that putting up a new tower would not benefit the city of T or C. We agree that utilizing the existing verticality which is the water tank is preferred. Where Gravity Pad comes in is we would assist the city and manage the water tank on behalf of the city. We won't get into business terms of that, but the city would be receiving revenue up front, including revenue of each wireless carrier. The intent is to not have any administrative cost for the city because we've been doing this over 20 years. We have extensive knowledge on other water tank facilities that we've done in the past. Specifically in the Village of Tejas, multiple sites in Rio Rancho and Albuquerque and in around the state. The intent is to get all of the carriers on the water tank so that it is providing service for T or C. Many of you might have Verizon. Many of you might have AT&T, T-Mobile, Sprint, whatnot. What the goal is to make it as easy as possible and ensure that each carrier is able to fit on the tank itself. Discussing that only one carrier can only be at the same RAD center, that's not true. We have horizontal separation and what we would do is be managing the water tank so that Verizon can go where they need to be. They have first right of refusal. We will work with them. That's not an issue. Currently we have a contract with AT&T. They also want to go on the water tank. We would manage both, to ensure that the horizontal separation was met, that all of the antennas were in different locations on the

tank, still providing the much needed coverage in the area. AT&T also only has one site on the highway, it's on the same tower as Verizon's so there is a definite need for the tank. There is more to just collocation and putting on a tank and making sure the antennas are painted to match. We want to keep the aesthetics of the water tank, and having a management agreement in place ensures that the local guys are here. As I stated, we are from Albuquerque, graduated from New Mexico State, so I grew up here, as did my business partner, so we are very familiar with the area. There is possible environmental SHIPO, NIPA, phase ones. All of these things have to be done through the state and federal level. FCC, FAA compliant, all of these things we would take care of and make sure that the other carriers did so as well. And as I stated before, the idea is to have all of the carriers here, both providing revenue for the city on a monthly basis, as well as coverage of the area. We have contracts with them. We work with them, and we make it as easy as possible for them and for you so that the end result is all of the carriers on the one site, all with painted to match antennas, all working with each other, making sure that there is separation so that there is no interference with the site and the existing 911 facility. So we would be managing and taking care to ensure that everything works in conjunction with one another, and I'm open for any questions that you may have.

Commissioner Clark stated that she is having a little bit of a problem here that we just heard from Amy and she is talking Verizon and now we're hearing from you, and you're saying Verizon, AT&T, Sprint, T-Mobile, those things. So are we listening to two different options for the same thing, on the same tank? Can Verizon still be on the tower?

Sean Milks replied that they could still be at the tower. Verizon was here first. We will honor that and we will work with them to keep the site and their location of their azimuth. The azimuth is essentially the exact location of where their antennas go. Okay? We're not trying to step on anyone's toes. We want everyone to be here. We're just simply going to manage the situation. This is AT&T's drawings, and we will ensure that when AT&T goes, they will not be interfering with Verizon because if Verizon is being interfered with, AT&T is being interfered with. But each FCC wireless carrier has their own frequencies. These frequencies are completely different. Verizon is at 900 MHz. AT&T is at 1900. And so although there has to be separation, it doesn't have to be vertical. It can be horizontal. AT&T's antenna's, T-Mobile, Sprint, Verizon, they use flat panel antennas. Some are 8 feet long. Some are 6 feet long. Some are wide. Some are narrow, but they are basically doing the same thing and they will all be at the same RAD center, so to speak, on the water tank, just at different azimuths. So Verizon might be at 012240. We would put AT&T at 3150270. We would put T-Mobile at a different azimuth, so they just rounded the tank and provided the coverage for the area. If T-Mobile or AT&T is looking at the tank and they're putting up their antennas, if they are interfering with Verizon, they are in turn interfering with themselves. So there would need to be definite separation. We have multiple water tanks throughout the state, throughout the country, throughout the world that have multiple carriers on it right now, at the same radius center. So there is just a separation but that is a pretty big water tank and there is a lot of room on it. As long as Verizon didn't say, "Well we want to go at

this location and we want 10 feet on either side," that's where our management comes in because we know that they don't need. We know that the separation doesn't have to be that far away. We also know that the radio frequency engineers for each specific company knows within a propagation study on how far it is shooting out so that it does not interfere with each other. They always play nice in the sandbox and you've just got to build the sandbox and make sure that everyone is doing what they're supposed to.

Commissioner Hechler asked how many antennas are we talking about here total?

Sean Milks stated that AT&T will have six. I could tell you T-Mobile will probably have six and Sprint typically uses three, one per sector. Now herein is the management proposal from Gravity Pad is as we move into 5G, as things happen, antennas have to be changed out, so you have to ensure everyone is doing what they're supposed to, per the lease agreement, making sure it's painted to match, making sure that they are sharing the fiber if it is available, the power, the ground equipment, everything. There is going to be maintenance, with trash and graffiti, and weeds, and stuff like that. We are proposing we take care of all of this so that it is nothing on the city. If an issue arises, you call me and I come down here and we handle the situation because we know and have done it many times.

City Attorney Rubin stated that he is glad Mr. Milks and Ms. McKenzie are here. Just backing up to when we were approving the agenda, and this goes back to the conversation I had with the Mayor a couple of days ago, when we were discussing the agenda. I think the assumption was that Verizon and Gravity Pad were competitors, that the position the city was in was that we had to pick maybe one proposal, and that would bar us from considering the other proposal. That was part of the reason why we decided to have this spread out. This special use permit hearing is kind of spread out so you would have an uncomfortable situation where you're giving a special use permit presentations the same day and you're cross examining each other the same day and that so that is kind of like involved in that, in giving that advice but in listening to Mr. Milks, you seem to be saying that the two of you are not necessarily competing. I don't really know where we are because I know, Commissioner Clark, you asked and the Mayor asked.

Amy McKenzie stated that her competition is with AT&T. It's not necessarily Gravity Pad. They're essentially like a property manager for a house. They're going to manage the property and I'm a tenant.

Mayor Green stated that he would like to leave it the way we have set this up. He thinks the public has a right to, since this has been a concern of some of the public, they have heard the presentations now, it will be advertised that we will have public hearings, where the public will have an opportunity to chime in.

City Attorney Rubin addressed a couple of points. It was set for today, and we had advertised it as such. But I believe that if we make the announcement right now as to when these special use permit hearings will be held, I think that would be sufficient, as

far as giving public notice. So Ms. McKenzie, we talked about Verizon giving their presentation for the special use permit November 14. Is that satisfactory to you?

Amy McKenzie stated yes.

City Attorney Rubin stated that Mr. Milks will present again on December 12th for your company. Is that satisfactory?

Sean Milks responded yes.

Rhonda Brittan addressed the Commission related to:

1) My little speech has been completely changed because my understanding was that there was going to be a tall antenna up there that is going to require a red flashing light, and that would just destroy the night sky for the downtown historic district. You just don't need a big blinking light all night telling you that yes, it is possible to dial 911. I just thought that would be completely inappropriate, detrimental to the downtown historic district which everybody has spent so much time in establishing, delineating the historic district, peppering it with historic building designations and trying to protect something that is very fragile, our tranquility. So this was my big concern was that this tranquility is getting nicked away between the military flyovers, the off-highway vehicles, the mine, which is also having their hearings today, a hospital helicopter and things like that. The other thing is okay. But there are toxic effects that are going to affect the downtown tranquility and the healing that happens down there. So this was my concern and I'm wondering about the need now that the antennas have changed remarkably since my last experience with this discussion, and it sounds like they don't require right now a red flashing light. But what about 6G, 7G, 8G? They're going to require oh, we're going to propose a higher antenna, but we're established there. So we are already in so you may as well get us this extra 20 feet of antenna with red flashing lights. You know what? I just don't want that to happen to the town. Okay, well thank you guys so much. I really appreciate your monumental effort that you all make here and the time that you all spend in protecting the citizens of the town. I really appreciate your efforts. Thank you.

Mayor Pro-Tem Whitehead asked Ms. Brittan to state her name for the record.

F. CONSENT CALENDAR

1. Public Utility Advisory Board Minutes, August 20, 2018.
2. Approval of Agreement between the Village of Williamsburg and the City of Truth or Consequences for Wastewater Treatment.

Mayor Pro-Tem Whitehead moved to approve the Consent Calendar as noted. Commissioner Clark seconded the motion.

Motion carried unanimously.

G. PUBLIC HEARINGS

- 2. Public Hearing: Request for a Special Use Permit for mounting Verizon antennas on the painted water tank at the end of West 2nd Street. Applicant is Amy McKenzie, Black and Veatch**

Item was postponed until the November 14th meeting.

- 3. Public Hearing: Request for a Special Use Permit for mounting antennas on the painted water tank at the end of West 2nd Street. Applicant is Sean Milks, Gravity Pad**

Item was postponed until the December 12th meeting.

H. ORDINANCES, RESOLUTION, & ZONING:

- 1. Discussion/Action: Request for a Special Use Permit for mounting Verizon antennas on the painted water tank at the end of West 2nd Street. Applicant is Amy McKenzie, Black and Veatch:**

Item was postponed until January 9, 2019.

- 2. Discussion/Action: Request for a Special Use Permit for mounting antennas on the painted water tank at the end of West 2nd Street. Applicant is Sean Milks, Gravity Pad:**

Item was postponed until January 9, 2019.

- 3. Discussion/Action: Resolution No. 17 18/19 Authorizing and Approving submission of a completed application for financial assistance and project approval to the New Mexico Finance Authority for the Colonias Infrastructure Fund for a Complete T or C Municipal Water System Improvements Plan. Traci Burnette, Grant/Projects Coordinator:**

Grant/Projects Coordinator Burnette stated this resolution will authorize the application to the New Mexico Finance Authority for a Colonias infrastructure requesting assistance for us to go forward with a complete, total water system, planning document. We're actually going to be changing the wording to that as a preliminary engineering report. It has been suggested that, that is better wording for financial assistance. By doing a complete water application planning document, we will be in a better position to request funding from not only a future Colonias for water infrastructure projects but actually any of the funding sources. So it will encompass our entire water distribution system. Right now our current PER is specific only to the downtown water lines. So I'm requesting approval of the resolution for a complete T or C municipal water system improvements plan. We will be requesting approximately \$100,000. We have had quotes from different engineers that I have reached out to that say we would be looking at anywhere from \$80,000 to \$100,000 for a complete plan. Colonias infrastructure is a loan portion

of 10% and a cash match of 10%. So if we applied for and received the \$100,000 we would be looking at a \$10,000/\$10,000 match loan component.

Mayor Green moved to approve Resolution No. 17 18/19 Authorizing and Approving submission of a completed application for financial assistance and project approval to the New Mexico Finance Authority for the Colonias Infrastructure Fund for a Complete T or C Municipal Water System Improvements Plan. Mayor Pro-Tem Whitehead seconded the motion. Roll call vote was taken by the Acting City Clerk.

Motion carried unanimously.

4. Discussion/Action: Resolution No. 18 18/19 Budget Adjustment. Melissa Torres, Finance Director:

Finance Director Torres stated the City of Truth or Consequences Finance is requesting the following budget adjustments:

- PD Confidential Fund 297, \$4,360, increased to purchase radios for the PD.
- CDBG Fund 314, transfer out \$326,341.45. This is due to the manhole project being completed. And we are putting the money back to the home source of it.
- Water transfer in \$276,341.45. The increase in will take care of the originated for this manhole project, where we have the start money.
- Water expense fund 504, \$160,000. This will be for the rehab project for Well 8, wastewater transfer in, Fund 506, \$50,000. Again, this is also originating the funds from the CDBG project.

Mayor Pro-Tem Whitehead moved to approve Resolution number 18 18/19, budget adjustment, as presented by Melissa Torres, our Finance Director. Commissioner Baca seconded the motion. Roll call vote was taken by the Acting City Clerk. Motion carried unanimously.

I. UNFINISHED BUSINESS:

1. Discussion/Action: Identify and approve specific streets for improvements using allocated funds. Traci Burnette, Grant/Projects Coordinator:

Grant/Projects Coordinator Burnette stated as discussed in a previous meeting, we are back before you for the Sims and McAdoo project, minus the water lines. This would be for streets only. The Streets Department has identified different section of the street from the sidewalks. So on McAdoo, Sims, and Daniels, specifically between the Foch Street and Clancy Street areas that are in need of improvements, we received \$100,000 for capital appropriation, as well as a donation in the amount of \$26,000 to put towards the McAdoo section in front of Sierra Grande Lodge. We have with you a list of the streets, broken down within that project area, a cost for each one of the improvements

on those streets. We've also included a section of Kruger, which is a section of roadway that was not completed in streets department LGRF fund.

Streets Supervisor Fuentes stated you're all familiar with the McAdoo project. We took off the concrete curb and gutter and stuff because that's done already on those streets. So what I'm proposing is to come in and reclaim these streets, and then put a 2 inch overlay of asphalt on. On Clancy all the way down to Foch would probably be a good one because I haven't seen any water leaks on that street. So we could do those two blocks and it shouldn't be a problem. The one I wouldn't recommend to do would be the one in front of the bank, and in front of City Hall because they've had problems with that sewer line right there and they keep digging it up. So we'd be wasting our money I right there. We got the other little stretch done right there in front of City Hall, so we can do that too.

Mayor Green followed up on one more thing that Commissioner Clark had said. So Sims, between Clancy and Daniels, I understand that the piping is really suspect, the drain, the hot water ditch, etc. Without a penny, is there anything you could road wise, to beautify that stretch of road?

Streets Supervisor Fuentes said the cheapest thing we can do on that road to make it better, would be to throw a chip seal on it, which is way cheaper than doing asphalt or anything like that. It will seal that road up and make it look 100 times better.

Mayor Pro-Tem Whitehead moved to approve the Streets Project presented by Grant/Projects Coordinator Burnette and Streets Supervisor Fuentes. Commissioner Clark seconded the motion. Motion carried unanimously.

2. Discussion/Action: Final approval of the Tower Lease Agreements and rental fees for KOB, KASA, and KRQE. Bo Easley, Electric Division Director:

Electric Department Director Easley is bringing back to you the final approval of the tower lease agreement and rental fees for KOB, KASA, and KRQE. He and Melissa Torres did have conference calls with all three individual companies. We came to agreement with them to go ahead and keep the same cost of rental agreements up on the towers. I believe KASA was \$500, KOB was \$500, and KRQE was going to remain \$1,600. The reason why KRQE is so much higher is they broadcast quite a few more. They broadcast KRQE Fox New Mexico, KWBQ, KASY, KREZ, KBIM, and KRWB.

Mayor Pro-Tem Whitehead moved to approve Final approval of the Tower Lease Agreements and rental fees for KOB, KASA, and KRQE as presented by Electric Department Director Easley. Commissioner Baca seconded the motion. Motion carried unanimously.

3. Discussion/Action: Live/Work Special Use Permits on Commercial Buildings. Steve Green, Mayor:

Mayor Green stated that he has a little bit of a concern that we only have so many commercial buildings in our city that generate GRT, to help us run the city. And already, in our historic hot springs district, we have two promotional buildings that are strictly not live/work, but live. And that doesn't do us any good. Within the last two months, we have approved two special permits for live/work. It occurred to me that if the business closes and they go out of business, now we have a commercial building as a residence, full time, not generating any money. And we have no mechanism to ask them to leave, to open up another business. I will tell you that when I served with Commissioner Montgomery, Laurie Montgomery, we did discuss this. And we got up to the point of coming up with some numbers that we felt would be fair, and not discourage people from opening up businesses for live/work downtown, but also protect the city's interest as it goes further because in my nightmares, in 20 years, we could have 90 people living downtown, which would be great, and we don't have any businesses downtown. And then where are they going to go, and how are we going to get that GRT? We never were able to come to something that was fair and reasonable at that commission level. But everyone felt it was important that we do something. I realized the value of live/working in our downtown. It's security for our police force. It shows more activity of people walking on the streets. If you want to own a business, open up a business and there is room to live in the back of that business, why should you rent a house or build a house? It doesn't make any sense. It discourages that type of growth. My concern is what happens if the business closes down, number one? Do we require them to be open a number of days? I know this is not back east, but in some of the leases that you sign, you are required to be open so many hours, so many days a week. Otherwise you did not sign that lease. You weren't given that opportunity. This is our community, and it's different. And I'm not trying to make it what it is back east. But I am trying to protect the community as we move forward with this gem. Rhonda Britton talked about this precious thing that we have, which is our historic hot springs district that separates us from any other community in the world. I'll use Commissioner Clark's word, on the planet. And I want to make sure that that stays. That culture of that downtown stays and doesn't become, in 20 years, a residential area. And then where do businesses go? No place. We have no business. Mr. Fenn talks about strictly a bedroom community, which is beds, and you do your shopping someplace else. So that's what I wanted to have a discussion with my fellow commissioners on, to see if there is something that we could come up with, and maybe we start this discussion and we continue it at the next meeting till everyone is comfortable that we think it's fair and reasonable to put in an ordinance that requires you close your business, you have to open up another business in such a period of time or vacate. So I'm open for ideas and suggestions, or comments.

Commissioner Clark stated she has a place right down in that downtown area myself, a couple of them actually, I have a couple of thoughts. One is that a couple of these buildings are actually apartment buildings. The ones that are kind of open that would be for businesses, a lot of the ones that I'm aware of are rented. So that being said, I think

the two special permits that we approved were on a rental property, not on a purchased property. Is that correct?

Mayor Green replied, right.

Commissioner Clark continued, I think when you have something zoned commercial that unless it's like grandfathered in a different direction, that commercial means commercial. And I think it's nice, personally, to have people living in the buildings. But I also believe that if we're going to give a special use permit and they're saying they're going to be open for business, that open for business means open for business. And you can go out of business easily in this town. I see that happen a lot. But then again, are they just still paying rent on those properties? It's a really difficult call.

Commissioner Hechler he would like to have somebody from your staff or communities that are already doing this, and maybe even ask them for a copy of their special use permit, to see what they're doing. I guess a point I want to make is if all of the businesses turn residential, all of sudden, we're not only losing GRT, but our businesses are losing the opportunity of having extra customers. So I think we have to go at this with that in mind. And so I would like to see us define it on the permit that they have to be open so many hours per week of operation for a commercial business and/or that you have to vacate within six months if the business fails or whatever else. But we need to stipulate those things out. And I'm hoping some other communities have had this discussion and have already instituted something similar. And I'd like to get a copy of their special use permits, or how they go about doing those things, so that we have more information to make our decision on.

Mayor Green stated his focus was downtown, when all of a sudden we had two special use permits hit us, live/work within two months. That's what started me thinking about this. I would like to eventually craft an ordinance that's fair and reasonable and is not an impediment to people opening up a business and living in a building. It should be for all commercially zoned areas of the city.

No action was taken on this item.

J. NEW BUSINESS:

1. Discussion/Action: Award ITB 18-19-003 for Well No. 8 Rehabilitation Project. Pat Wood, CPO:

CPO Pat Wood stated they are here to award for bid ITB 18-19-003 for Well No. 8 Rehabilitation Project. They had a bid opening on Tuesday, September 25th at 2:00 P.M. and they received 3 bids for this project. A recommendation is being made by Wilson and Co. to award the bid to Hydro-geological Services Incorporated in the amount of \$100,069.55.

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Commissioner Clark asked if Wilson & Co. did the bid item breakdown of what needed to be done on that Well because her concern is that we are not re-casing the well.

CPO Pat Wood stated, Alpha Southwest took videos of the inside of the well last May, to find out what they needed to do.

Mayor Green asked if the money was already appropriated.

CPO Pat Wood stated yes, the money came from the CDBG Grant.

Commissioner Clark stated that her only concern is if we are doing all of this money, and we are not re-casing it if it needs to be, then that casing might collapse on us. She is wondering why we aren't doing the whole thing at the same time, but if they feel that it is not needed then she will go along with it. She just wanted to note her concern of the well not being re-cased.

Mayor Green asked Pat Wood if it would be possible to get Commissioner Clark a copy of the engineering report.

Commissioner Hechler asked for a life expectancy of the casing that is there now.

Interim City Manager Cantin stated that she received a response from Arnie Castaneda that the well does not need re-casing.

The Commission asked that they still receive the reports.

Commissioner Hechler moved to approve Award ITB 18-19-003 for Well No. 8 Rehabilitation Project to Hydro-geological Services Incorporated for 100,069.55 as presented by Pat Wood, with the stipulation that they contact the company that was suggested to see if the well needs to be re-cased and to try and determine the life expectancy of the well casing, so they can make any changes if needed. Mayor Pro-Tem Whitehead seconded the motion. Motion carried unanimously.

2. Discussion/Action: 1st Quarter DFA Budget Report. Melissa Torres, Finance Director:

Finance Director Torres presented the 1st Quarter DFA Budget Report:

- This is the 1st quarter, that's from July 1st to September 30th, to go over our revenue and expenditures.
- The General Fund is up at 27.57. As you know, the first quarter, we should be at 25 percent. On the revenue, anything less than 25 percent is Utility Office Fund 502, which is 21.85.
- Solid Waste Fund 505, is down 23.69.
- Golf Course Fund 508 is down 19.56.

- Going on to the expenditures, again, just summarizing, the one to bring attention would be the City Manager's Office. It's up 46.48. However, looking at the General Fund as an overall, we are within our boundaries. It's at 22.88.
- On our enterprises, including the swimming pool, our expenditures for higher than the 25 percent is the Water Division Fund, 504. They're up 31.20.
- Solid Waste Fund 505, they are up 30.26.
- Waste Water, they're up 37.76.
- Airport Fund 509, they're up 34.97.
- Moving onto our revenue and expenditures for special funds, the one to bring your attention for the revenue, the LEPF, we are up 91.37. Expenditures to bring to your attention on the special revenue is the LEPF, and we are up 27.99.
- Moving on to our next on our capital revenue and expenditures, the summarized for Capital Fund 300s, we're up on our Impact Fees for revenue, 3492.19.
- Fund 314, the CDBG, revenue is up 215.71.
- Expenditures over 25 percent, Veterans' Ball, 27.22.
- Fund 505, General Capital, 73.85.
- Capital Joint Utilities, 32.80.

L. EXECUTIVE SESSION

1. Threatened or Pending Litigation (Augustin Plains Ranch, LLC v. Tom Blaine et al.) Pursuant to 10-15-1(H.7)
2. Threatened or Pending Litigation (Ashbaugh v. City of Truth or Consequences) Pursuant to 10-15-1(H.7)
3. Limited Personnel Matters (City Manager Recruitment), Pursuant to 10-15-1(H.2)

Mayor Pro-Tem Whitehead moved to approve going into executive session at 11:33 a.m. to discuss Threatened or Pending Litigation (Augustin Plains Ranch, LLC v. Tom Blaine et al.) Pursuant to 10-15-1(H.7); Threatened or Pending Litigation (Ashbaugh v. City of Truth or Consequences) Pursuant to 10-15-1(H.7); and Limited Personnel Matters (City Manager Recruitment), Pursuant to 10-15-1(H.2). Commissioner Baca seconded the motion. Roll call vote was taken by the Clerk-Treasurer.

Motion carried unanimously.

Mayor Green reconvened the meeting in open session at 12:25 p.m.

Mayor Pro-Tem Whitehead certified that only matters pertaining to Threatened or Pending Litigation (Augustin Plains Ranch, LLC v. Tom Blaine et al.) Pursuant to 10-15-1(H.7); Threatened or Pending Litigation (Ashbaugh v. City of Truth or Consequences) Pursuant to 10-15-1(H.7); Pursuant to 10-15-1(H.2) was discussed in Executive Session and no action was taken.

Commissioner Hechler moved that in regards to threatened or pending litigation, Augustine Plains Ranch LLC versus Tom Blaine et al. that we authorize our

attorney, Mr. Appel to file an appearance on a limited basis and keep abreast of this litigation. Mayor Pro-Tem Whitehead seconded the motion. Roll call vote was taken by the Clerk-Treasurer.

Motion carried unanimously.

Mayor Green called a 5 minute break at 12:28 p.m.

Mayor Green reconvened the meeting at 12:33 p.m.

Continued...

J.2. Discussion/Action: 1st Quarter DFA Budget Report. Melissa Torres, Finance Director:

Finance Director Torres reported our system at the beginning of the fiscal year, we have to load what DFA and yourselves have approved. Based on that, it's based on itemized. Each accounting line has its own budget, and when a purchase is being done, she's able to see if this was something that is within the means of their budget, or if it's not. Now, I just implemented, about six months ago, because there were a lot of departments that were putting their departments in the negative in those accounting lines, and we were getting the go-ahead on our previous city manager to go ahead and keep on going. However, again, we have to ensure that we're complying with DFA, too, you know, and so here we are expending stuff that we don't even have money in that particular account, so one of the things that I implemented about six months ago, I said, okay, if you have no money, I advised Pat, because that's what's nice about being in Finance, where you're able to have that umbrella that you can oversee and say, okay, Pat, at this point, don't approve any purchases that are in the negative, unless they have talked to Renee or myself to do a budget transfer, so what we need you guys to do in the departments is, you can go ahead and put the requisition in the system, but just put it as a hold until we transfer the funds to make sure that it's a clear purchase, and that's what we've been having to do. For the most part, it's working really well, but some departments are still old school, so they're having a hard time to understand why that's so important, but it's like writing a check without money, in a sense. We have to be cognizant of that, of our budget, and ensure that we're not operating our accounting lines at a negative. Right now, you have Tracy Burnette, as our Grant Coordinator and Community Development, but then you also have Susanna Diller, which we're still budgeting the rest of her wages and her benefits. You have to do that, because if we don't, then we're going to put that particular expenditure into a negative. That's one thing that we weren't doing before I came, and bless the Department's heart, I don't know how they did it, because before I came, the benefits weren't even figured into these employees, and they have to be figured into, because guess where they're going to have to get the money from? Their operational money, and that's what they were doing. They were taking their operational money and covering these benefits. That's something that changed when I came and oversaw payroll, is as soon as we load a budget, we're loading benefits, too, so that particular department isn't having to worry about their operational funds to cover those benefits, because you're looking at almost \$10,000 if it's a family. That's a lot of money for somebody like Streets or Facilities to

have to account for that, when we're already using 69 percent of our budgets in wages, in personnel.

No action was taken.

**J.3 Discussion/Action: Marketing Campaign for Truth or Consequences.
Steve Green, Mayor:**

Mayor Green began by saying for ten years, people have stood up in front of us and say I was born here. Well, when is the last time that anyone made the decision where to be born? Basically, it took them five years to realize that what they're really saying is, I'm honoring my parents, that they were here, and they decided to stay here. We have heard, it's the old timers, it's the new timers, and frankly, it's divisive, our whole country is divisive right now, by the way, and I thought, what could we do to make our city try to come together and not be so... he said, she said, I was here longer than you, therefore my voice is more valuable, my opinion is more important than yours... I thought about the idea of a program, I chose T or C, in the form of a heart, and a pin, that everyone would wear, we would get 6,000 of these, every citizen who lives here today, chose to move here or to stay here, that's what keeps us coming, that's the commonality of us all, and I thought it would be a great marketing, I think we'd get a lot of publicity, I think we'd get in the Guinness Book of World Records, so that was just my idea, if you guys can just think about it, we don't have to necessarily take action now. If you think it's a good idea, I'll look for the money. I think these pins are about a buck each or something like that, so we're talking about 6,000, but can you imagine, 6,000 people, kids going to school, adults walking down the streets, and everyone wearing a pin that's recognized, that says, I chose T or C. That makes us all equal, and I think that's all we ever ask of anybody, just to be equal with someone else. That's my idea.

Mayor Pro-Tem Whitehead said she thinks it has got some merit, but getting everybody to wear this, the little badges... why not just get five, one for each of us, one for Renee, and one for Angela?

Mayor Green responded we could start, and see if people would say, what is that about.

Discussion ensued regarding the idea of the pins. No action was taken.

REPORTS:

1. City Manager:

Interim City Manager Renee Cantin reported:

- Chief Aragon is returning to work Monday the 29th, but he'll be gone for two weeks at his recertification class beginning Monday.
- There's a public hearing for the roundabouts on November 14th at 4:00 P.M. in the Red Room.

2. City Attorney:

- No reports.

3. City Commission:

Hon. Steve Green:

- No reports.

Hon. Sandra Whitehead:

- No reports.

Hon. Kathy Clark, Commissioner:

- No reports.

Hon. Rolf Hechler, Commissioner:

- No reports.

Hon. Paul Baca, Commissioner:

- No reports.

1. EXECUTIVE SESSION:

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

Mayor Pro-Tem Whitehead moved to approve going into executive session at 1:00 p.m. to discuss Limited Personnel Matters (City Manager Recruitment), Pursuant to 10-15-1(H.2)

Commissioner Hechler seconded the motion. Roll call vote was taken by the Clerk-Treasurer. Motion carried unanimously.

Mayor Green reconvened the meeting in open session at 2:25 p.m.

Mayor Pro-Tem Whitehead certified that only matters pertaining to Limited Personnel Matters (City Manager Recruitment), was discussed in Executive Session and no action was taken.

Passed and Approved this ____ day of _____, 2018.

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Steven Green, Mayor

ATTEST:



Angela A. Torres, CMC, Acting City Clerk