

CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
CITY COMMISSION CHAMBERS, 405 W. 3RD St.
WEDNESDAY, NOVEMBER 14, 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-Treasurer

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 Mayor Pro-Tem Whitehead to lead the Pledge of Allegiance.

4. APPROVAL OF AGENDA

Mayor Green asked that item I1 be moved after the Consent Calendar and make that H1 and move everything down one item.

Commissioner Hechler moved to approve the agenda with changes mentioned above.

Mayor Pro-Tem Whitehead seconded the motion.

Commissioner Clark asked that I1, H2 and H3 be moved after the Consent Calendar.

Commissioner Hechler amended his motion as stated by Commissioner Clark. Mayor Pro-Tem Whitehead 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.

Randy Ashbaugh addressed the Commission related to:

- 1) He is speaking for quite a few residents in T or C and they are recommending Paul Tooley as City Manager. They think that he has done great things with the Fire Department. His Organization has been one of the best Fire Departments in the whole nation. There are very few Volunteer Fire Departments that have the qualifications that our Fire Department has. He is a very sharp individual, he catches on quick, and he'll be fast on catching up on what needs to be done. Not only do you have to hire a City Manager, but you need a good assistant City Manager, someone who knows how to go for grants and work with the City Manager and the other employees because the City Manager has his hands totally full with the way things are. He was a little bit dismayed on... he thinks the money is short, \$125,000 probably isn't enough money for a City Manager. That is quite a bit for Paul Tooley, and the biggest factor of all is that he was born and raised here, and he cares. That is extremely important. We don't need somebody that doesn't care. Paul loves the City and he will do a heck of a job.
- 2) Virgin Galactic is fixing to have flights probably this next year and the visitor center on his property is still available, it's designed, it can go to bid tomorrow morning. The visitor center down town is not attracting any people. Are we going to lose it to Hatch, Upham, or Las Cruces? There is going to be a visitor center and it is going to be in one of four places, T or C, Upham, Hatch or Las Cruces. We can keep didleing around and freeze ourselves out, or we can get on the stick and the Commission can get behind getting the visitor center here which can also be used for a lot of other tours like cave tours and Turner's tours, all kinds of tours. He said before, this little city has more potential than any other little city he has ever seen and he has gone all over this Country. The City Commission needs to get behind the Spaceport visitor Center and forget about him selling the property and making some money. That is nice for him but the center needs to be very visible to people who go down I-25 every day. So let's get with the program, let's get us a good City Manager, and let's get us some tourism back in.

Ron Fenn addressed the Commission related to:

- 1) Speaking of the Spaceport Visitors Center, 11 months, and we have had 346 visitors, not Mr. Green's 20,000 visitors, not Spaceport America's 200,000 visitors, 346 visitors in 11 months which has earned the Spaceport \$1,010.92. Then the Spaceport has taken public money and given it to the city, to the tune of \$3,300.00 supposedly for utilities which the city fraudulently records as rent of

public facilities. Fraudulently, the contract says there is \$0 rent and only \$300.00 contribution towards utilities. What happens is that money does not go into the utility fund to help pay our utilities. It goes directly into the General Fund for whatever nonsense the city spends it on. In the meantime, the citizens have lost weeks, well actually probably months of recreation due to the city's renting out at \$0 rent, the Civic Center. What is wrong with this picture? The Poorest community in New Mexico is giving itself away for free because we have no self-respect. This community is a joke. You people are supposedly in charge and yet you treat this city as though... we'll give anybody anything, just come here and spend your money because we get \$.02 for every \$1.00 that you spend. The money that we have given away on our Senior Recreation Center, \$20,000, will require \$1,000,000 in taxable spending by the people who come here for Space Port America. That amounts to almost \$3,000 per person for that \$346 people. Do you honestly believe that we are getting any kind of return for this ludicrous Space Port business? It's not there. Wake up before we are dead broke and out of business.

Les Dufor addressed the Commission related to:

- 1) Unfortunately he had another member on the Golf Course Board who had to resign due to medical reasons. He has an application from Kay Thompson who owns When Pigs Fly, and he is very excited. Hopefully the Commissioners will approve her to the board. She has a business background that we haven't had in quite a while. And he thinks it's time that they get a little more business orientated with the Golf Course. So he is hoping that her addition will help them provide some valuable information to the Commission.

D. RESPONSE TO PUBLIC COMMENTS

Interim City Manager Cantin addressed Mr. Dufor's Comments regarding the vacancy on the Golf Course Board and informed Mr. Dufor that we will advertise for the position on the Golf Course Board and bring it back to the Commission.

Mayor Green addressed Mr. Ashbaugh's comment about Fire Chief Tooley "cares" because he was 'born" here. He's quite sure Mr. Tooley cares, but he rejects the fact that you have to be born and raised here to care. He thinks it's a slap in the face for all those people who have chosen not been forced to, but chose to move to our community. They chose to move to Truth or Consequences, they chose to stay in truth or Consequences. Because you were born here does not make your personage any more valuable, or less valuable than those who made a decision on our own. It wasn't our parent's decision, and you have bragging rights because you were born here. You had nothing to do with that decision. It was your mom and dad's decision. So he doesn't think that you have to be born here to be able to fall in love with this community and give it your all, and try and make it better.

E. PRESENTATIONS:

1. Presentation of a Proclamation for Small Business Saturday on Saturday November 24, 2018.

Steve Green, Mayor. Mayor Green presented the Saturday November 24, 2018 Small Business Saturday Proclamation.

2. Presentation: POMS and Associates Presentation on Services for City:

Carlos Trujillo, POMS and Associates president, reviewed the various trainings POMS and Associates offer and noted that a big portion of what they do is Risk Management. There is no cost to the Municipality for POMS and Associates to work with the City. They have started a Supervisory Training Program and this started back in 2016 when he met with the City of Roswell. The trainings that are offered by the NMSIF does not always fit each employee. Right now there are many employees who receive training that doesn't pertain to them, just so they can get the training that is required by the NMSIF. It is very important to them that they provide targeted training for the job description of the employees that are out there working every day.

Commissioner Hechler stated, as a former state employee he is very familiar with the program, as well as the concept of having an aggressive safety officer that goes actually goes out and does things and that can really make a difference in the type of premiums that we pay and we have to have our employee buy in. So he looks forward to seeing how this shapes up and he will be interested in the process.

Interim City Manager Cantin asked that they explain how the program is paid.

Carlos Trujillo, POMS and Associates president explained that the broker fee is already built into the premiums that you are currently paying.

Finance Director Torres stated in 2016 or 2017 our staff attended a Municipality where POMS and Associates were invited and at that time, they discovered that they as a municipality were paying this broker fee which is about \$25,000 and they have been paying it for years. So when they looked into it they found out the Grindell & Romero were our brokers, and when we gave them a call, they didn't even know who we were. As a Municipality, one of the things that brightened our eyes in administration is... here we have an additional resource for Risk Management, and Human Resources so that is an awesome thing for us in administration. They do have the New Mexico Self Insures and the safety program however, they are so stretched out at times that they can't customize certain things. POMS and Associates have sat down with us several times and asked us what are needs are as well as our liabilities. So with POMS we will be able to customize these trainings just for our Municipality to be able to be proactive and try to get ahead of this stuff.

CITY COMMISSION NOVEMBER 14, 2018 REGULAR MEETING MINUTES

Commissioner Hechler stated that our City Manager has the authority to make these classes mandatory for our staff, and she should convey that authority to our safety officer so that our safety officer has the authority to call these people to these classes and make sure it's a mandatory meeting.

F. CONSENT CALENDAR

- 1. City Commission Regular Minutes, August 22, 2018**
- 2. City Commission Regular Minutes, September 12, 2018**
- 3. City Commission Regular Minutes, September 26, 2018**
- 4. Accounts Payable, October 2018**
- 5. 1st Quarter Reports for Lodger's Tax Grant recipients**
- 6. 1st Quarter Reports for Subrecipient Grants**
- 7. Appointment of Lori Montgomery to the Sierra Vista Hospital Governing Board**

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

Commissioner Clark thanked Interim City Manager Cantin to step up to serve on the SVHGB.

Mayor Green thanked Ms. Montgomery for applying to serve on the SVHGB. As shown by her application she is highly qualified.

Motion carried unanimously.

- 1. Discussion/Action: Resolution No. 20 18/19 for the Second Amendment and Restatement of the Joint Powers Agreement between Sierra County, T or C, Williamsburg and Elephant Butte (JPA No. 97-059) related to the Sierra Vista Hospital. Renee Cantin, Interim City Manager:**

Interim City Manager Cantin reviewed Resolution No. 20 18/19 for the Second Amendment and Restatement of the Joint Powers Agreement between Sierra County, T or C, Williamsburg and Elephant Butte (JPA No. 97-059) related to the Sierra Vista Hospital with the Commission.

Commissioner Clark moved to approve Resolution No. 20 18/19 for the Second Amendment and Restatement of the Joint Powers Agreement between Sierra County, T or C, Williamsburg and Elephant Butte (JPA No. 97-059) related to the Sierra Vista Hospital.

Mayor Pro-Tem Whitehead seconded the motion. Roll call vote was taken by the Clerk.

Motion carried unanimously.

2. Discussion/Action: Tri-State/Sierra Electric Cooperative New Rate Schedule. Renee Cantin, Interim City Manager & Bo Easley, Electric Division Director:

Commissioner Clark explained that if it weren't for Denise Barrera from Sierra Electric Coop. fighting for us to get something different, we would be looking at a 21% increase. What we were able to be given was a set figure of numbers through 2027. The numbers go up a little bit, but not much. They start at 7.999% and go up to 8.3% 10 years from now. Tristate wanted to extend this agreement with us for 5 extra years past that point and it was open ended. Fortunately, Ms. Barrera was able to make an agreement with Tristate for those extra 5 years if we extend this contract. In order to get these good rates, she would extend in her contract with us and we would be at a Grade A electric rate, which is basically the rate plus an add on of .003% that Sierra Electric Cooperative passes on to us. Her understanding that Steve House (*who is the consultant to the Electric Department*) looked at the original contract with Sierra Electric Coop., and we are basically bound by this. We looked at different WAPA Power, and other options on the table between the several of us, but we feel that this is the best agreement because 21% is not a good idea for us because then we would have to be passing an awful lot of that onto our people. There is a little bit of an increase in the electric cost we have budgeted into the line item and there is a possibility that we can absorb a part of that because it is already in our budget. We haven't yet sat down to actually pencil it through. One other thing is that we have not raised our utility rates to our customers for over a decade, so that is something that may come up, but that would be a small increment if we had to make that consideration.

Commissioner Clark moved to approve Resolution #20 18/19 for the Tri-State/Sierra Electric Cooperative New Rate Schedule. Commissioner Hechler seconded the motion. Roll call vote was taken by the Clerk. Motion carried unanimously.

E. PUBLIC HEARINGS:

1. Public Hearing: Request for a Plat Amendment at 2205 N Date Street to amend the property line to separate the property between Denny's and Comfort Inn for SRC Property LLC. Traci Burnette, Grants/Projects Coordinator:

Grant/Projects Coordinator Burnette stated that the applicants are wanting to split this property. All required documents have been submitted as required. Their fees have been paid and splitting the lot will not significantly alter any of the impacts on utilities, drainage or traffic. A Public Hearing Notice was posted on October 31st, certified mailings were sent out to the adjacent property owners. The provisions for the summary

plot amendment from our municipal code has been provided. Both lots have unobstructed legal access to existing city water and waste water lines. Both Comfort Inn and Denny's have their own water meters, electric meters and their own wastewater drainage.

Commissioner Clark stated that Mr. Easley mentioned that there is one transformer that is feeding both of those buildings and that they would have to be split and there would have to be another transformer put in?

Grant/Projects Coordinator Burnette stated that she reached out to him last week and he said that everything was good.

Mayor Green closed the public hearing.

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:

Grant/Projects Coordinator Burnette stated before you is the Special Use Permit for mounting the Verizon antennas on the painted water tank. Ms. McKenzie was here at our last meeting and did a presentation so this is the Public Hearing portion of it. They have been presenting to us at previous Commission Meetings and she thinks that everyone here is very familiar since we did the big presentation at the last meeting.

Acting City Clerk Torres swore in Amy McKenzie and Paul Tooley.

Proponent:

Amy McKenzie noted, since their last meeting, nothing has changed with their proposal. They are still planning on mounting onto the water tank and having our ground space at the bottom. This will provide the coverage and capacity in the City of Truth or Consequences that is currently lacking. Right now the only coverage that we have in Truth or Consequences is off of the highway and that is the middle green symbol. They are here to provide that coverage and capacity. They submitted their application and gave a presentation last month at the request of the City Commission they went back to Gravity Pad who also gave a presentation and as you recall, they were pitching for At&t to also co-locate on the water tank. We did a communication with them and we've been speaking with them for a couple of weeks now. She does have a commitment letter from them that essentially agrees to everything that we had agreed to with the city as far as placement with of Verizon's antennas, placement of equipment, and all of the technology that Verizon would need, and they are including in their special use permit. They would honor that assuming that the City of Truth or Consequences decided to go into a management agreement with Tor C. Assuming that their SUP is approved, and they do go into leasing for the water tank, they are prepared to do that with the city or with a management company, should the city decide to entertain that with Gravity Pad.

City Attorney Rubin asked Ms. McKenzie if she is willing to adopt the comments that were made in last month's presentation for her sworn testimony today.

Amy McKenzie responded, absolutely.

Opponent:

Fire Chief Tooley stated he is not a total opponent of this. He just has some concerns as Fire Chief and as the Emergency Service Administrator for the County, as well as sitting on the SCRDA Board. He has some issues because everything that is up there right now is all public safety. So what he would like to see is a modulation study done by these companies so that they can be approved by our companies on the communication side and make sure they don't interfere with what we are currently doing up there. He wants to make sure that they have that in writing that they will not interfere with what we currently do up there. One way to look at this is to imagine going into a concert and you have the stage down there, and there is nobody in the building. It is easy for me to talk to somebody on the stage but when that room gets filled up with people it's harder for him to get to the stage to talk. That is kind of how you can think of how the noise level would be added to up there on tank hill. Those are just some concerns he has to make sure they do not interfere with our public safety. Everything we have from Fire, Police, S.O., and State Police is on top of there. He does know that there are two temporary antennas on there and one of them receives transmits for the Police Department and the other one is on the County tower after theirs blew over. So there are some issues that they are not running at 100% right now as well because of that big wind storm we had and they lost that tower. His concern is that a modulation study is done and our people from SCRDA are both on the same page and know what's going on and they know that adding this up there is not going to interfere with what we currently do.

Fire Chief Tooley asked Ms. McKenzie if those studies have been done.

Amy McKenzie stated that they have not done a modulation study for those specific things, but she does not have a problem going back to Verizon and asking if they would perform that. Verizon works on different frequencies than the emergency management communications. In their lease in all of their dealings, including special use permits, it is Verizon's requirement that they remedy any kind of interference. Interfering with emergency management is not a typical problem that Verizon would have, but if that is a concern she can go to Verizon to see if they can do a modulation study. The only thing they would require is that information of what is on the water tank as far as EMS services goes.

Mayor Green asked if it is the will of the Commission could that study possibly be done as soon as possible because he believes this is due to come back for final approval the first meeting in January.

Amy McKenzie replied possibly. She doesn't know how long that type of study would take. It would certainly be helpful. The sooner she has the information of what she is

studying as far of what kind of communications equipment is on there that would be most helpful. She will endeavor for that, but she just does not know because of holiday schedules and that sort of thing, but that will be her goal to meet before the January meeting.

Mayor Green closed the Public Hearing.

ORDINANCES, RESOLUTION, & ZONING:

- 1. Discussion/Action: Request for a Plat Amendment at 2205 N Date Street to amend the property line to separate the property between Denny’s and Comfort Inn for SRC Property LLC. Traci Burnette, Grants/Projects Coordinator:**

Commissioner Clark asked if there is enough distance between the buildings to allow the separation.

Grant/Projects Coordinator Burnette replied yes.

Commissioner Hechler moved to approve the request for a Plat Amendment at 2205 N. Date Street to amend the property line to separate the property between Denny’s and Comfort Inn for SRC Property LLC as presented by Grant/Projects Coordinator Burnette. Commissioner Baca seconded the motion. Motion carried unanimously.

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

Finance Director Torres presented the following budget adjustments:

Vet Wall Perp Care– Transfer Out Fund 293 293-5103-49930	\$16,000	Transfer Out – From Ending Cash Balance – Additional Costs to Finish Vet Wall Project – Change order Smithco Addition, Replacement Panel, Metal for Top of Panels
PD GRT– Expense Fund 296 296-2403-80845	\$32,800	Increase Expense - From Ending Cash Balance – Purchase Vehicles Additional Costs
Vet Wall– Expense Fund 303 303-4703-60840	\$16,000	Increase Expense – Additional Costs to Finish Vet Wall Project – Change order Smithco Addition, Replacement Panel, Metal for Top of Panels
Vet Wall – Transfer In Fund 303 303-4703-39935	\$16,000	Increase Transfer In – Additional Costs to Finish Vet Wall Project – Change order Smithco Addition, Replacement Panel, Metal for Top of Panels
Electric – Expense Fund 503 503-3702-48598	\$24,750	Increase Expense- Ending Cash Balance – YESCO for Electric Meter Infrastructure Project

Water – Expense Fund 504 504-3803-48598	\$24,750	Increase Expense- Ending Cash Balance – YESCO for Water Meter Infrastructure Project
---	----------	--

Mayor Pro-Tem Whitehead moved to approve Resolution No. 19 18/19 Budget Adjustment presented by Melissa Torres, Finance Director. Commissioner Baca seconded the motion. Roll call vote was taken by the Clerk. Motion carried unanimously.

**J. REPORTS
CITY MANAGER:**

Interim City Manager Cantin:

- Mr. Carrasco and John Appel were standing by for the Hospital agreement. She told them that we approved it but she would be contacting them by email to get further information so they will be ready for the hospital resolution item.
- She thanked Tracy Johnson and Traci Burnette, David Johnson and Facilities, Lisa Gabaldon, as well as all of those who were involved for in the Veteran Wall ceremony.
- There was a 19% increase in the ridership for the shuttle this summer. A majority of the riders were from the lake and bringing them down to the city which was a great benefit for us. The DWI Program will be assisting in providing door to door service for New Year’s Eve.
- The pool dome started going up yesterday. She thanked our Parks Supervisor OJ Hechler for jumping in while several of our public works employees were on vacation and out sick. She also thanked County Manager Swingle for sending over some county employees to assist us when we didn’t have enough muscle.
- She thanked the Commission for including her in the Sierra Electric Coop. conference call.

CITY ATTORNEY:

City Attorney Rubin:

- They have successfully resolved the litigation that they were involved in concerning the property located on the corner of 8th and Kopra which is where they have the children’s memorial park.
- He touched briefly on the Commission’s concern regarding legal fees stating that he believes in the next couple months his fees will be back to normal. The several litigations he has had in the past few months are what raised his fees.

Mayor Green responded that it has come to light that they are having a lot of budget adjustments that they have to make, because we are either under budgeting for important line items or we are budgeting what we think is sufficient and we are going over. He doesn’t know what the new regime is coming in, in January with a new

CITY COMMISSION NOVEMBER 14, 2018 REGULAR MEETING MINUTES

Governor or whether they are going to re-institute the small city assistance program that we lost a half a million dollars from the last 2 years. So he just wanted to bring to the table that these are not good times for us financially. It was nothing against the work you do for the city.

CITY COMMISSION:

Mayor Pro-Tem Whitehead:

- Mayor Pro-Tem Whitehead had no reports.

Commissioner Hechler:

- Commissioner Hechler had no reports.

Commissioner Clark:

- Noted that she feels partially responsible for some of the legal fees because there has been several times she has called legal for advice that has to do with city business. Without their help she does not believe she would have been able to help this Commission and help this city.

Commissioner Baca:

- Commissioner Baca had no reports.

Mayor Green:

- Yesterday he was up at the Collection Center doing some recycling, and he dumped some metal on the collection floor (an item they don't charge for). The car in front of him had just left, and a new gentleman who is replacing Ryan on the floor was picking through the garbage and taking out all of these cookie metal cans that you get for Christmas as well as other pieces of metal and aluminum and he was throwing them off to the side. I told him thank you for doing that, and he said that he doesn't understand why citizens don't understand that this is money that they are throwing away. Money that the city gets for selling metal. To him, when Commissioners are working very hard to make Tor C the best it can be, and to have people just not respect their own community and not want to do what's best. We are going into Christmas right now and he can guarantee that we will be throwing away tons and tons of cardboard that come in Christmas gifts because people will not take the time to recycle.

K. EXECUTIVE SESSION:

1. 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 10:46 a.m. to discuss Limited Personnel Matters (City Manager Recruitment) Pursuant to 10-15-1(H.2).

Commissioner Clark seconded the motion. Roll call vote was taken by the Clerk. Motion carried unanimously.

Mayor Green reconvened the meeting in open session at 12:22 p.m.

Mayor Pro-Tem Whitehead certified that only matters pertaining to Limited Personnel Matters (City Manager Recruitment) Pursuant to 10-15-1(H.2) was discussed in Executive Session and no action was taken.


L. ACTION ON ITEMS DISCUSSED DURING EXECUTIVE SESSION, if any.
ADJOURNMENT

No action was taken.

M. ADJOURNMENT:

Mayor Pro-Tem Whitehead moved to adjourn at 12:25 p.m. Commissioner Hechler seconded the motion. Motion carried unanimously.

Passed and Approved this 9th day of January, 2019.



Sandra Whitehead, Mayor

ATTEST:



Renee Cantin, CMC, City Clerk