

**CITY COMMISSION MEETING MINUTES  
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO  
CITY COMMISSION CHAMBERS, 405 W. 3<sup>RD</sup> St.  
WEDNESDAY, DECEMBER 12, 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 led the Pledge of Allegiance.

**4. APPROVAL OF AGENDA**

**Commissioner Hechler moved to approve the agenda as presented.  
Mayor Pro-Tem Whitehead seconded the motion. Motion carried unanimously.**

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

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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.

Mayor Pro-Tem Whitehead read a letter from Harv Klienstiver related to:

- 1) He was at the City Commission Tree lighting ceremony and would like to express how nice it was. A very large crowd of citizens showed up. When the lighting was turned on they were amazed at how great they looked. A lot of hard work was done by the City Parks personnel, Electric and Facilities. They not only did the street lighting but all of the other lighting which in all, makes our city show the Christmas spirit. A big thank you to the City Parks, Electric and Facilities Personnel as well as all of the city staff.

George Szigeti addressed the Commission related to:

- 1) He is speaking as the Chairman of the Public Utility Advisory Board. He wanted re-iterate personally to the Commission their findings and opinions after discussion of the AMI and AMR system. It is their combined opinion that we really need to go with the AMI System as opposed to an AMR. All the AMR System essentially does is replace the need for a meter reader to collect the data, but that just gives us data for one point in time during the month. An Ami system actually continues to feed data back to the Electric Department 24 hours a day, 7 days a week and allows them to actively manage the electric system. It reports power outages almost immediately to the Electric Department. They know which meters and where are not receiving electricity. Without the customers having to call in to report the outages. There are many advantages such as that to the AMI System. When we first discussed it we wanted to make sure if they decided to go with an AMR System because of the reduced cost then that system could be upgraded to an AMI in the future. In fact, the systems discussed can be upgraded. However, the resulting system is not compatible with the AMI System that is available for the water meters. So if we go to AMR and upgrade it to AMI, and then decide to do the water meters, we would have to have a totally different AMI System for the water which results in duplication. So we want to go directly with an AMI System that is compatible with that available for water meters so that we can bring our entire system together under one program.

Ron Fenn addressed the Commission related to:

- 1) All of this wonderful data that is going to be produced by these AMI Systems according to Mr. Szigeti, to his knowledge there is no one in this city who has ever paid any attention to data. This is not a technological city. This is a small city and we don't have the kind of people who react to data. He is looking at the city's budget and the city's budget tells him that 10.5 million dollars comes out of the Joint Utility Fund. That's have of the revenue of the city and yet this city is concentrating on asking for more tourism. Tourists don't pay utilities, people pay utilities, residents pay utilities and in the meantime that's all we're concentrating on. This vague amount of money that is supposedly coming in from tourism and

yet she has never seen a budget figure or a budget estimate that is based on tourism because we don't collect data on tourism. But tourism produces \$.02 per \$1.00 to the city. Whereas the utilities it's a \$1.00 for \$1.00. Where are we going? You tell me.

Klaus Wittern addressed the Commission related to:

- 1) He wants you to know that he 75% agrees with George on the electric side. He doesn't agree that the system he is talking about that can be compatible, won't be compatible. The AMI water system that is available is not compatible with the electric side. But you can combine the two outputs from both systems, and integrate them at the highest level of the utility billing side. You can combine them there and you should. I am recommending to you that you commit yourself to AMI on both sides today if that is what you want to do. Go out for bid, because the revenues are in the system we know how much revenue can be saved on the AMR/AMI on the water side. He will give you a figure right now. Both sides can be purchased for approximately 2.2 to 2.4 million dollars, and you can pay off the electric side in 7 years and you will probably have to pay off the water side in 10 years. That gives you 10 years at a minimum of use of the meters on the water side because they will be accurate. It has been proven. It will cost you somewhere between \$300,000 and \$345,000 a year.

Linda DeMarino addressed the Commission related to:

- 1) She thanked everyone at the city who helped out with Old Fashioned Christmas. They couldn't have done it without all of the people who helped get the parks ready and the Police Department who helped with Street closures and everybody else who did everything. She wants to thank you so much for that.
- 2) We got the Great Blocks on Main Street Grant and pretty soon we will be starting some public input sessions to talk about that little stretch of Foch Street that goes between Main and Broadway and that will be open to the public. So if anyone who is hearing this is interested then you may want to take a little walk down there and figure out what some of your ideas might be because we will be gathering ideas for that section.
- 3) Mainstreet T or C will be having a fundraiser on New Year's Eve at the Brewery. It is a New Year's Eve Party with 24/7 playing and it is sure to be a good time.

#### **D. RESPONSE TO PUBLIC COMMENTS:**

Interim City Manager Cantin addressed Linda De Marino's comment and stated that Sierra County DUI Program will be running the shuttle on New Year's Eve as well and they are offering door to door service. The fliers will be going out and they will be posted on the County website, Mainstreet, and we'll link it on our city page.

Mayor Green addressed Mr. Fenn's remarks regarding "tourists don't pay utilities" Mr. Fenn was talking about all of the utilities that generate and yes we are appreciative of that but if you didn't have tourists then you wouldn't have lights on in motels, and spas. If those rooms were not rented, there would be no garbage that would be generated. If

there were no rooms rented, there would be no water use and no toilets would be flushed. So certainly do the citizens of T or C generate a lion share of the revenue that is generated from our utilities yes, but to make a statement that tourists don't help contribute to the economic vitality of our community, I believe is making up facts that don't exist.

**PRESENTATIONS:**

**E. CONSENT CALENDAR**

1. City Commission Regular Minutes, October 10, 2018
2. City Commission Regular Minutes, October 24, 2018
3. City Commission Special Executive Session Minutes, November 15, 2018
4. City Commission Special Executive Session Minutes, November 28, 2018
5. Public Utility Advisory Board Regular Minutes, August 20, 2018
6. November 2018 Accounts Payable
7. Joint Powers Agreement (JPA) between the Village of Williamsburg and the City of Truth or Consequences related to Police Services
8. Joint Powers Agreement (JPA) between the Sierra County Commission, Sierra County Detention, and the City related to the renewal of detainee housing term.
9. FY 19 NM Fire Protection Grant Awards.

**Mayor Pro-Tem Whitehead moved to approve the Consent Calendar as noted. Commissioner Baca seconded the motion. Motion carried unanimously.**

**F. PUBLIC HEARINGS:**

1. **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 Sean Milks, Gravity Pad:**

Acting City Clerk Torres swore in Sean Milks and George Szigeti.

**Proponents:**

Sean Milks presented the Request for a Special Use Permit for mounting Verizon antennas on the painted water tank at the end of West 2nd Street by noting that they are a local New Mexico company that builds and manages several sites all over the state. The proposal is to manage the water tank. They have come to a business agreement with Verizon who also wants to come on the tank. They have also come to an agreement with AT&T mobility to co-locate on the tank as well. They have a lease before the board that they won't necessarily go into at this time but they will work over the next several weeks to go through the legalities of it as well as the business terms of that lease. Essentially, the goal is to bring a lump sum of revenue to the city immediately and then as moving forward, a percentage of each carrier including Verizon, At&t and he would be marketing it to the other carriers, T-Mobile and Sprint as

well. To generate revenue for the city on a monthly basis as well as providing desperately needed coverage in the downtown area. They will be managing the water tank in the downtown area. They will be managing the water tank so the antennas will not be affecting the existing tower that the city owns. They are going to have a 3<sup>rd</sup> party modulation study to prove that the antennas that are proposed will not affect in any way shape or form, the existing or future antennas that the city will be placing on the cell support tower that's in front of it. Managing the site to insure that all the permits, environmental, FAA and FCC documentation is clear and up to date as well as correct. They will also make sure that the future tenants paint to match the antennas so they blend in with the water tank as best as possible.

Mayor Green asked if his agreement with Verizon and AT&T is verbal or contractual.

Sean Milks responded that they have a verbal agreement with Verizon. Once Gravity Pad and they city hopefully come to an agreement and sign the document then legally they will enter into a contractual agreement with Verizon as well as AT&T.

Commissioner Hechler asked that Mr. Milks get Fire Chief Tooley's approval for and signature to sign it off. Once they get a go ahead from him...that will help them make their decision here as well. Once or if you get the approval, how long is it before everything gets installed?

Sean Milks stated, typically if they get approval from the governing body, the leases will be signed which should take roughly 4-6 weeks. Concurrently, they will be filing building permits with the City and the State CID for the electrical permits. The hope is that once they get an approval from the governing body, materials will start to be ordered and they will be looking into ordering power and things like that. Depending on that, typically it takes about 3 months.

George Szigeti stated he is here as a representative of many business owners downtown. Every one of them have said that we desperately need cell service downtown. He thinks this is a good way to do it and hopefully this will contribute to preservation of our scenic water tank as well. That is a good use for some of the funds being generated by this lease. We are a tourist destination and the biggest short coming that this town currently has is the lack of cell service downtown and if we can remedy that it is going to help all of our businesses and make things much better. It will help him personally because he doesn't get a signal downtown either. So with that being said he really hopes we go with this and fix this one short coming in our beautiful town.

Mayor Green closed the Public Hearing.

#### **G. ORDINANCES, RESOLUTION, & ZONING:**

- 1. Discussion/Action: Resolution No. 21 18/19 Budget Adjustment. Melissa Torres, Finance Director:**

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Interim City Manager Cantin reviewed the budget adjustments as follows:

<b>Description</b>	<b>Amount</b>	<b>Recommendation</b>
General Fund– Revenue Fund 101 101-1099-37380	\$15,200	Increase Revenue – Miscellaneous Revenue
General Fund– Expense Fund 101 101-1001-44607	\$8,500	Increase Expense - From Miscellaneous Revenue Increase – Special Election
Electric– Expense Fund 503 503-3702-80810	\$38,600	Increase Expense – From Ending Cash Balance – For Electric Replacement Poles
Electric – Expense Fund 503 503-3702-80845	\$3,400	Increase Expense – From Ending Cash Balance – For Enclosure of Electric Car Port

**Mayor Pro-Tem Whitehead moved to approve Resolution No. 21 18/19 Budget Adjustment presented by Interim City Manager Cantin. Commissioner Baca seconded the motion. Roll call vote was taken by the Clerk. Motion carried unanimously.**

**H. NEW BUSINESS:**

- 1. Discussion/Action: Approval of contract for new City Manager. Renee Cantin, Acting City Manager:**

Commissioner Hechler noted that the Commission has made a tentative selection for their new City Manager. They have not negotiated to its completion a contract. There are a couple of things up in the air, but it is a very good contract on behalf of the city. He doesn't know how much they can disclose at this time without actually offering that negotiation to the selected candidate.

Commissioner Clark she personally does not believe that it is discussable until it's actually gone through the process.

City Attorney agreed since there is no signed agreement in place and we are basically still under negotiation.

**PRESENTATION:**

Captain Mike Apodaca presented ACO Dee Brown with an award of retirement as well as a certificate of appreciation.

**NEW BUSINESS** continued...

**2. Discussion/Action: Final approval of the WAPA Contract. Bo Easley, Electric Division Director:**

Electric Department Director Easley presented the WAPA Contract. They did a comparison from the old contract to the new contract. It shows the minor changes that were made. The new contract was cleaned up and the definitions were explained more clearly. The power sale raise will remain the same at 0.029 per kilowatt. City Attorney Rubin and Appel both have looked at this contract and approved the changes.

**Commissioner Clark moved to approve the Final approval of the WAPA Contract as presented by Electric Department Director Easley.**

**Mayor Pro-Tem Whitehead seconded the motion.**

**Motion carried unanimously.**

**3. Discussion/Action: Approval to move forward with the AMR or AMI project. Bo Easley, Electric Division Director:**

Electric Department Director Easley reviewed the AMR/AMI Project Presentation by explaining that meter readers average 200 meters read a day to stay ahead of the billing cycle. Holiday seasons require more meters read a day to stay on schedule. It's extra work if a meter reader is on vacation or is sick. Meter readers average 6 walking miles a day and 108 miles a month walked by each meter reader. Meter readers are exposed to injuries while reading meters. The benefits of an automatic meter reading system is the ability to read meters in a shorter time period and they are not exposed to as many hazards. There will also be less walking for meter readers and allows meter readers to assist line crew on projects. Accurate readings is also another benefit and there will no longer be a need to go into customer's yards or homes to read the meters. It gives the customers more privacy also. The meter reading system is an efficient system if they go with AMI or AMR inside the office and in the field. They'll only have one meter reader technician who reads water and electric meters and will handle work orders along with other duties. They will be able to read all meters in the city within a reasonable time. A drive-by system can read electric meters while the technician is reading water meters. He has required some AMI estimates. Recourse Wise has given them an estimate and he has also received an estimate from EITEN. They also received an AMI estimate from L & G which is not too much from an AMR estimate but it does not include installing the meters. You've heard everyone talk about the AMI and how much better the AMI is. Raton just did an RFP to go with the AMI and Sierra Electric Cooperative is in the process of writing up their RFP to with AMI as well. He has heard rumors that the AMR is an old system. Its 12-15 years old and everyone is getting rid of it, but he also heard stories that it is still a good program. He is wanting the direction of the Commission to see which system they feel is best.

Commissioner Clark stated that she understands that the AMR is something that came out in the 80's and the AMI is more of the 2000's so it's like 20 years more up to date than the AMR system. She doesn't see any reason to go back to the 80's necessarily

because we are not in that decade any longer. So the AMR is the \$657,000 and they install and we install the AMI system. So this is going to take a little more money than what we actually have up here that we can see because we are going to be putting our labor into it. She had another concern that they talked about this with the water meters and that was this constant pulsing. Is the AMI a constant pulse that goes out every couple of seconds so you can read it when you go by or is it just something that you're going to pick up on a monthly basis? That was a concern for a lot of the citizens when we were talking about the water meters.

Electric Department Director Easley responded that can't answer that because he is strictly on the Electric right now.

Commissioner Clark stated that she also had a concern about having an electric meter go out on one of her buildings that she just re-wired. She had to re-wire for a new meter because the meter that was on her building, the wiring was not sufficient for the meters that were available at the time.

Electric Department Director Easley stated that this will take care a lot of those problems.

Aaron from Resource Wise responded to Commissioner Clark's concern regarding the continuous pulse by saying on the water side, the water meter does send out a pulse to the iTron antenna and then from there it would send out to the electric meter and then from the electric meter to the mobile reader or the collector for AMI. The frequency that is put out is a very low frequency. There is more radio frequency from you cell phone than you will ever be exposed to with an AMI or AMR system.

Commissioner Clark asked how long it would take to change out the system in-house.

Electric Department Director Easley responded that it would take about a year to a year and a half with keeping up with their regular duties and it would take approximately 4-5 months if we put it out for RFP.

**Commissioner Hechler moved that they move ahead with Mr. Easley and his department to get the required quotes for the AMI System to present back to our Commission and to break out in sufficient detail the cost of the system and the cost of installation so that we can make some comparisons and bring that back for our review. And we have a guarantee that the system will be compatible with all of the buildings in the city. Mayor Pro-Tem Whitehead seconded the motion. Motion carried unanimously.**

**4. Discussion/Action: Walmart Community Grant Program. Traci Burnette, Grants Project Coordinator:**

Grant/Projects Coordinator Burnette Walmart stated that Walmart has a funding opportunity through their Walmart Community Grant Program that is offering 100%



grant funds specifically within their public safety section. The 2018 grant application deadline is December 31<sup>st</sup>. The awarded grants range from \$250 to \$5,000. The Police Department would like to apply for the \$5,000 grant for the purchase of radar detectors and a couple of computers within their department. If awarded, they would be notified with any decision via email, sometime after January 4<sup>th</sup>. If they are awarded they will receive a check in the mail. The only responsibility from the Police Department and the city would be to contact the local Walmart Facility and schedule some sort of recognition and a thank you. Part of a requirement for this grant is a letter and we are requesting that the Commission sign the letter and approve us to submit the application.

**Commissioner Clark moved to approve the Walmart Community Grant Program as presented by Grant/Projects Coordinator Burnette. Commissioner Hechler seconded the motion.**

**Motion carried unanimously.**

**5. Discussion/Action: Topographic Survey Request for Foch Street Great Blocks Project on MainStreet. Mayor Green:**

Mayor Green received an email from William Powell who is a contractor to the MainStreet program under Economic Development of the State of New Mexico. This was brought to us once before that they wanted city buy in for this project. And we voted \$20,000 for the project and we thought that was kind of the end of it or beginning of it and this email talks about topographic survey that they are now requesting. We called Mr. Powell yesterday and asked him if we could use a portion of the \$20,000 that we have already been committed to, to use for the expense and the cost of this survey and as of this morning Mr. Powell has not gotten back to us. So frankly, he cannot tell you whether this is an additional request for additional money or if we can take \$5,000 to \$10,000 out of the already appropriated \$20,000 and ear mark that for the topo survey.

Mayor Green asked that this item be added to the 1<sup>st</sup> meeting in January so we will have additional information on this project.

Commissioner Hechler stated that we could make a motion that if the money was available that they would approve it and if it is not then it needs to come back before the Commission.

Interim City Manager Cantin stated that she discussed with the Finance Director and Finance, and they reviewed that the portion of money Kerin was telling her about is already dedicated for this. So I think it is already in there but we did identify being that it has to do with the streets and such we identified another pool of money that we can use.

Linda DeMarino stated that it is her understanding from when applying for this is that the \$20,000 is to be used for things like this. One of the things the letter that was said was "oh, we thought you had this already" so she's a little confused and she's sent off a text, but she would think that it is probably going to come out of the \$20,000.

**Commissioner Hechler moved to approve Topographic Survey Request for the Foch Street Great Blocks Project on Main Street as presented, and that they use the \$20,000 funding that was pledged to the MainStreet Project to pay for this survey if it's available. If it's not available, then he asks that it come back before the Commission for further discussion and action. Commissioner Clark seconded the motion.**

**Motion carried unanimously.**

**6. Discussion: Elected Officials Salaries. Commissioner Clark:**

Commissioner Clark asked that this item be added to next week's special meeting.

No action was taken on this item.

**I. REPORTS:**

**CITY MANAGER REPORTS:**

**Interim City Manager Cantin reported the following:**

- The Airport well test results came out fairly well. They had a question on total dissolve solids. They are looking into that and they have been directed to test the well for E.-coli. The quotes are obtained and Traci is assisting us with the PO for that and Sal will be doing the sample and sending it out for testing. We will need to come up with a plan for compliance which will also include monthly testing. That is the main issue for our compliance for over there.
- She met with the Chief on his Police Department assessment which is very impressive and she'll send her recommendations for the Commission to review and take a look at prior to the final authorization and we will probably have the chief make a little report.
- Since we have vacancies in both the supervisor and director positions in the Water/Wastewater Department. She has been meeting with them each morning to keep the communication open and make sure that very important services continue and they don't feel like they don't have any leadership or direction and give them what they need to do their jobs. She wants to give a special thanks to Jeff Dornbusch from the PUAB for his assistance in sharing his extensive experience and knowledge in both water and wastewater. Commissioner Hechler, herself and Commissioner Clark are searching for a qualified candidate to bring in.
- Business registration renewals went out on December 5<sup>th</sup>.
- Special Election voter registration closes next Tuesday. Ballots will be sent out next Wednesday to all the voters who are registered in the Truth or Consequences City limits by the Tuesday date. You can return them by mail or in person to the City Clerk's Office, not the County Clerk's Office. There is no Early voting or Absentee voting since every registered voter will be mailed a ballot and

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they have to be returned to the Clerk's Office by mail or in person by January 15<sup>th</sup> up to 7:00 p.m. and we will wait for the final details.

- Impact Fee Study Public Hearing is scheduled for the 2<sup>nd</sup> meeting in January.
- She thanked the city staff for all their hard work and wished everyone a Merry Christmas.

### **CITY ATTORNEY REPORTS:**

City Attorney Rubin had no report.

### **CITY COMMISSION REPORTS:**

#### **Mayor Pro-Tem Whitehead reported the following:**

- Thanked everyone for all of their help. We had a great 2018 and she looks forward to a great 2019.

#### **Commissioner Hechler reported the following:**

- Requested that the Golf Course be placed on the Special Meeting agenda. He would also like Terry Taylor to attend the meeting.
- He also thanked Jeff Dornbusch for helping the city these past few weeks.
- He also thanked Commissioner Clark for her dedication and efforts.

#### **Commissioner Clark reported the following:**

- She also thanked Commissioner Hechler for his dedication and efforts and she also thanked Jeff Dornbusch for all of his help.

#### **Commissioner Baca reported the following:**

- He wished everyone a Merry Christmas and a Happy New Year.

#### **Mayor Green reported the following:**

- He wished everyone a happy holiday, and the best in New Years.
- He has been told on more than one occasion by a lot of well-meaning folks, Commissioners included, that if he writes down his thoughts, rather than speaking extemporaneously, he could, and would, be a lot quicker in his messaging. Today he will follow that advice. He has always lived his life demanding that he give 110% of himself to any job or activity he tackles. And when he can no longer do that, and it would reflect poorly on himself, his wife Paula, the Commission, the staff, and the citizens of Truth or Consequences, then it is time to step down and let someone else be part of the relay team and carry the torch. Therefore, effective 12:01 a.m. on January 1, 2019, he will resign his appointment of Mayor and his Elected Office of City Commissioner. Just last week he came across the following in a magazine. Meister Eckhart, a German Theologian said "If the only prayer you said in your whole life was thank you that would suffice." He thanked Paula who has always stood by him, especially these past 10 years and 10 months of elected life. He knows it was not the retirement years she had envisioned, but none the less, she was there for him as an

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advisor, a cheerleader, a voice of reason, and put the welfare of the city and my contributions as part of a team, foremost. Hopefully he will be granted the years to show her his appreciation and gratitude.

**K. EXECUTIVE SESSION:**

**1. Purchase, Acquisition or Disposal of Real Property (450 W. Riverside) 10-15-1H (8):**

Mayor Pro-Tem Whitehead moved to approve going into executive session at 10:51 a.m. to discuss Purchase, Acquisition or Disposal of Real Property (450 W. Riverside) 10-15-1H (8). Commissioner Hechler seconded the motion. Roll call vote was taken by the Clerk. Motion carried unanimously.

Mayor Green reconvened the meeting in open session at 11:21 p.m.

Mayor Pro-Tem Whitehead certified that only matters pertaining to Purchase, Acquisition or Disposal of Real Property (450 W. Riverside) 10-15-1H (8) was discussed in Executive Session and no action was taken.

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


Commissioner Hechler made a motion for staff to do additional research on this item and bring it back to the Commission. Mayor Pro-Tem Whitehead seconded the motion. Motion carried unanimously.

The Commission agreed to have the Special Meeting on Wednesday, December 19, 2018 at 3:00 p.m.

**M. ADJOURNMENT**

Commissioner Clark moved to adjourn at 11:23 a.m. Commissioner Hechler seconded the motion. Motion carried unanimously.

Passed and Approved this 9<sup>th</sup> day of January, 2019.

  
Sandra Whitehead, Mayor

ATTEST:

  
Renee Carlin, CMC, City Clerk