

CITY COMMISSION MEETING MINUTES  
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO  
CITY COMMISSION CHAMBERS, 405 W. 3<sup>RD</sup> St.  
WEDNESDAY, OCTOBER 9, 2019

**A. CALL TO ORDER:**

The meeting was called to order by Mayor Sandra Whitehead at 9:00 a.m., who presided and Renee Cantin, City Clerk-Treasurer, acted as Secretary of the meeting.

**B. INTRODUCTION**

**1. ROLL CALL:**

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

Hon. Sandra Whitehead, Mayor  
Hon. Kathy Clark, Mayor Pro-Tem  
Hon. Rolf Hechler, Commissioner  
Hon. Paul Baca, Commissioner  
Hon. George Szigeti, Commissioner

Also Present: Morris Madrid, City Manager  
Renee Cantin, City Clerk-Treasurer

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

**2. SILENT MEDITATION:**

Mayor Whitehead called for fifteen seconds of silent meditation.

**3. PLEDGE OF ALLEGIANCE:**

Mayor Whitehead called for Commissioner Szigeti to lead the Pledge of Allegiance.

**4. APPROVAL OF AGENDA:**

Mayor Pro-Tem Clark moved to approve the agenda with H.1 to read \$473,000 as amended. Commissioner Hechler seconded the motion. Motion carried unanimously.

**C. PRESENTATIONS:**

**1. Presentation of a Proclamation naming November 10<sup>th</sup> as American Legion Women's Auxiliary Centennial Day.**

City Clerk Cantin requested to postpone the presentation.

**D. COMMENTS FROM THE PUBLIC:**

Jack Noel, 601 Broadway addressed the Commission related to:

- 1) He is here related to electro radiation caused by the Smart Meters. He asked that the City Commission stop with the contract and open the issue up for discussion to the public.

Ron Pacourek addressed the Commission related to:

- 1) He said the Golf Course is looking a lot better. He asked if an engineer has come out to look at the flooding problem.
- 2) He asked when we are getting a Building Inspector.
- 3) He asked Commissioner Szigeti where we are at on the wording for the Electrical Pass-Thru.

Diane Lombardo addressed the Commission related to:

- 1) She first wanted to commend City Manager for cutting the Animal Shelter from the Police Department. She feels they need a Shelter Board to assist the Shelter Manager. That position needs a strong experienced person who knows the duties.

Richard Henson addressed the Commission related to:

- 1) He is here today because he can't get information on who is responsible for enforcing city codes. He is having issues with a lady who is built a deck in her back yard and removed an existing retaining wall and it is causing issues flooding issues on his property.

Ron Fenn, 316 North Foch addressed the Commission related to:

- 1) He voiced his concerns regarding the AMI Meters. He feels that moving forward with the AMI system is a bad idea.

Ariel Dougherty addressed the Commission related to:

- 1) She is opposed of the Smart Meters because they are far too expensive and a health hazard. She wants the Commission to provide evidence that these meters are safe.

**E. RESPONSE TO PUBLIC COMMENTS:**

**Commissioner Szigeti responded as follows:**

- He asked about the issue Mr. Henson presented and asked if it falls under the state code.

City Manager Madrid explained that he visited the site with an engineer and it's a drainage issue with several contributing factors. Two out of 3 involve water flow through a neighbor's property. He informed Mr. Henson that we do not regulate that issue and it is a civil matter. We do not have jurisdiction over private properties and we can't assume there have been code violations or anyone has broken the law. However, we

are responsible for the way our road was laid out. It was sloping somewhat to that area, and we will be upgrading the asphalt so that the water flows away from that area.

**F. CONSENT CALENDAR:**

1. **City Commission Regular Minutes, September 25, 2019**
2. **Acknowledge the Golf Course Advisory Board Minutes, August 7<sup>th</sup>, 2019**
3. **Acknowledge the Airport Advisory Board Minutes, August 6, 2019**
4. **Acknowledge the Library Board Minutes, September 30, 2019**
5. **Accounts Payable, September 2019**

**Commissioner Baca moved to approve the Consent Calendar as noted. Commissioner Hechler seconded the motion. Motion carried unanimously.**

**G. PUBLIC HEARINGS:**

1. **Public Hearing/Discussion/Action: Final Adoption of Ordinance 707 amending the Uniform Traffic Ordinance (UTO). City Manager Madrid and Jay Rubin, City Attorney:**

City Manager Madrid and City Attorney Rubin gave an overview of the changes stating that the state has made changes to the Uniform Traffic Ordinance and we are mandated to adopt those changes. The two changes to the Uniform traffic Ordinance are as follows:

- **12-6-12.3 DRIVING WHILE INTOXICATED WITH A MINOR IN THE VEHICLE.**
- **12-6-12.8 DRIVING WHILE LICENSE ADMINISTRATIVELY SUSPENDED.**

**Public Comment:**

Ron Fenn stated Section 66-7-104 of the UTO is being abused. He referred to the signs near the school that say “no parking” and there are cars that are there all day. There is also a sign that says no exit, but there is no other exit from the lot. He has spoken to the Principal of the High School, the Superintendent, the Chief of Police, the Sheriff, a Deputy, and teachers and everyone tells him they don’t know what to do with the signs. His suggestion is to take them down and he can assist if needed. The no parking during school hour signs were meant for the contractor who was building Wellness Center and that project has already been completed.

Mayor Whitehead closed the Public Hearings.

**Commissioner Hechler moved to approve the Final Adoption of Ordinance 707 amending the Uniform Traffic Ordinance (UTO). Commissioner Szigeti seconded the motion. Motion carried unanimously.**

**H. ORDINANCES/RESOLUTIONS/ZONING:**

- 1. Discussion/Action: Ordinance No. 708 for publication authorizing the City to Enter into a Loan Agreement with The New Mexico Environment Department for the purpose of obtaining Project Loan Funds in the amount of \$473,000.00 for rehabilitation of the Vacuum Sanitary Sewer System:**

Grant/Projects Coordinator & Designated Zoning Official Burnette apologized for the typo in the packet.

Water & Wastewater Director Cole reported the Vac Station runs along Riverside Drive and the Rodeo Arena Area. It's an old system that was built in 1996 and it has been well maintained throughout the years. The \$473,000 would get them upgraded to the point to where it runs very efficiently.

City Manager Madrid also reported putting off this type of maintenance has been a problem and it's an entire infrastructure issue.

Grant/Projects Coordinator & Designated Zoning Official Burnette also reported the Principal amount is \$373,000.00 plus an accrued interest rate of 1.2% and the loan subsidy grant funds are in the amount of \$100,000.00 for a total funded amount of \$473,000.

**Mayor Pro-Tem Clark moved to approve Ordinance No. 708 for publication authorizing the City to enter into a Loan Agreement with The New Mexico Environment Department for the purpose of obtaining Project Loan Funds in the amount of \$473,000.00 for rehabilitation of the Vacuum Sanitary Sewer System Commissioner Szigeti seconded the motion. Motion carried unanimously.**

- 2. Discussion/Action: Resolution No. 16 19/20 for the proclamation calling the Municipal Officer Election to be held on March 3<sup>rd</sup>, 2020:**

City Clerk Cantin reported the new Local Election Act includes the need to notify the Secretary of State of the positions that are up for election for the March 3, 2019 Regular Municipal Official Election. We are requesting to do so by Resolution to make it a permanent record. We currently have two Commissioners up for election for a 4 year term; one Commissioner for a 2 year term; and one Municipal Judge. There are no questions to be included on the ballot.

Mayor Pro-Tem Clark asked that the Early Voting dates be added to the Resolution.

City Clerk Cantin also reported Absentee Ballots can be issued on January 28, 2020 and Early Voting begins Tuesday, January 28, 2020 and ends Saturday, February 29, 2020.

**Commissioner Szigeti moved to approve the Resolution and including the Early Voting dates in the Resolution as amended. Mayor Pro-Tem Clark seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

**I. NEW BUSINESS:**

**1. Discussion/Action: Approval to cancel the second meeting of November and December due to the Holidays:**

City Manager Madrid reported this change is a common practice and it is due to the upcoming holidays and this will not affect our operations in any way. Our agendas have been rather short lately, but we can make them longer if needed.

**Commissioner Hechler made a motion to cancel the second meeting of November and the second meeting in December due to the Holidays. Commissioner Baca seconded the motion. Motion carried unanimously.**

**J. REPORTS:**

**City Manager Madrid reported the following:**

- He thanked Chief Apodaca for coming back.
- He then reported on the Town Hall meeting
  - a. He met with Ron Pacourek regarding utility rates.
  - b. He shared a list of ideas he received from another individual and those ideas were very beneficial.
  - c. There were also comments regarding a road issue on Lincoln Street and that issue was taken care of right away.
- He also reported that he won't be here at the next meeting and the Acting City Manager will be holding the Town Hall Meeting.
- The Town Hall meetings in November and December will be held on the day of the Commission Meetings.
- He also reported on the process for water leaks and the holes that are in the road. The reason the holes are not fixed immediately is because they have tried using cold mix with asphalt, but that does not bond, and work as well as the hot mix. In order to purchase the hot mix they have to order a certain amount to make it beneficial for both us and the company.

**City Attorney Rubin reported the following:**

- No report.

**Commissioner Szigeti reported the following:**

- In addition to what City Manager said in repairing the potholes, it's a good idea to let the ground settle and pack for a while before you patch it.
- He's also requested a meeting with the City Manager to go over the Energy Cost Adjustment.

**K. EXECUTIVE SESSION:**

1. Threatened and Pending Litigation, *pursuant to 10-15-1(H.7)*
2. Limited Personnel Matters, *pursuant to 10-15-1(H.2):*

Mayor Whitehead moved to approve going into executive session at 10:03 a.m. to discuss Threatened and Pending Litigation, *pursuant to 10-15-1(H.7); and Limited Personnel Matters, pursuant to 10-15-1(H.2).* Commissioner Szigeti seconded the motion. Roll call vote was taken by the Clerk-Treasurer. Motion carried unanimously.

Mayor Whitehead reconvened the meeting in open session at 10:50 a.m.

Mayor Whitehead certified that only matters pertaining to Threatened and Pending Litigation, *pursuant to 10-15-1(H.7); and Limited Personnel Matters, pursuant to 10-15-1(H.2)* were discussed in Executive Session and no action was taken.

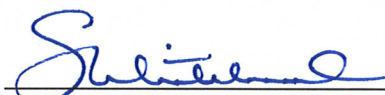
**L. ACTION ON ITEMS DISCUSSED DURING EXECUTIVE SESSION, if any.  
ADJOURNMENT**

No action was taken.

**M. ADJOURNMENT:**

Commissioner Hechler moved to adjourn at 10:52 a.m.  
Commissioner Szigeti seconded the motion. Motion carried unanimously.

Passed and Approved this 23rd day of October, 2019.

  
Sandra Whitehead, Mayor

ATTEST:

  
Renee L. Cantin, CMC, City Clerk