

CITY COMMISSION MEETING MINUTES  
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO  
CITY COMMISSION CHAMBERS, 405 W. 3<sup>RD</sup> St.  
WEDNESDAY, DECEMBER 11, 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 led the Pledge of Allegiance.

**4. APPROVAL OF AGENDA:**

**Commissioner Hechler moved to approve the agenda as submitted.  
Commissioner Szigeti seconded the motion. Motion carried unanimously.**

**C. COMMENTS FROM THE PUBLIC:**

Carol Borsello addressed the Commission related to:

- 1) She approached the Commission with comments regarding the Moratorium. She urged the Commission to do more research on Landis & Gyr. Her comments included Landis Gyr made documents available through a court to a protestor

CITY COMMISSION DECEMBER 11, 2019 REGULAR MEETING MINUTES

and within the next year they sued the protestor to hide the documents and then they put a gag order on him. She urges the Commission to consider some of the reasons why PNM has banned Smart Meters in several areas. The decision included the fact that they had no proof that the device would save money, produce energy efficiency, or that customers even wanted them. PNM cited insufficient public input and no evaluation of alternatives. The lack of data privacy is important and she doesn't want someone hacking her system. She found great comments about the Smart Meters being banned and she included comments regarding other downfalls due to Smart Meters which included fires, explosions, bills sky rocketing, health harm to people and pets, extortion, spying, hacking, they monitor everything you do and when you do it, smart grids that are radiation emitting devices proliferating all over the world, and they are being installed without informed consent or full disclosure that they work. She also read in more than one place that opting out can cost up to \$41 per month.

Jack Noel 316 Foch St. addressed the Commission related to:

- 1) He thanked Carol for covering most of the topics. He commented on Landis & Gyr and the lawsuits they had. Toshiba tried to sell them on the open market and they are also involved in a number of lawsuits including fires on poor meters; lack of performance; etc. The Commission should look at people it affects.

Diane Lombardo, 704 Silver addressed the Commission related to:

- 1) She is here to talk about the Turtle Ascension on New Year's Eve in the Healing Waters Plaza. It is sponsored by the Sierra County Arts Council, the Chambers of Commerce, and Jeff Dukatt. The event will be held at 10:00 P.M. to keep friendly with old and young people alike and they allow Non-Profits to set up if they wish to. The Brewery will also be open from 3:00 P.M. to 12:30 A.M. and they will have live music from 8:00 P.M. to 11:30 P.M. from Tribe United. Sierra Grande has said that they will be serving take out on New Year's Eve.

Baxter Brown & Sherry Fletcher, 602 N. Broadway addressed the Commission related to:

- 1) They commented on the discussion on 825 Van Patten Street. Their property is up against that property and if that plat is amended, then their property will be involved in it because there is a ditch that separates them from the County which is 855 Van Patten. They didn't know you could run a flood ditch through somebody's yard and half of their yard would be a flood ditch.

Susie Crow, 711 Kopra addressed the Commission related to:

- 1) She is against the radiation grids known as Smart Meters. It emits to 22,000 pulses of complete radiation and it's also spiking dirty electricity on the electrical wiring in our homes. She also touched on the many health issues related to Smart Meters. She asked that this contract be voided.

## CITY COMMISSION DECEMBER 11, 2019 REGULAR MEETING MINUTES

Ariel Dougherty, 1580 Caballo Rd. addressed the Commission related to:

- 1) She seeks a more inspiring Renewable Energy Ordinance from the City than Ordinance 664. The escalation of climate change is alarming and far more rapid than thought when the city approved Ordinance No. 664 in 2015. The demands made by youth are inspiring. She looked into installing Solar panels on her own roof, and it is an expense she is willing to undertake, but the restrictions of Ordinance 664 tie her hands to the fossil fuel grid. These restrictions also make her pay double. Ordinance No. 664 does not address the needs of our community, our planet, or our great grandchildren's future. We have a moral obligation to reduce our use of fossil fuels as swiftly as possible. Here in Truth or Consequences we are blessed with an abundance of solar wind and thermal energy that makes it feasible for us to be completely free from the use of fossil fuels. It is time to carve out a political will to create a plan to tap into these resources and eliminate our use of fossil fuels.

Linda DeMarino, MainStreet Truth or Consequences addressed the Commission related to:

- 1) The Old Fashioned Christmas event will be held this Friday, December 13, 2019. She announced that they have over 40 entries this year for the parade of lights, and she wanted to thank the City for collaborating with them on the logistics that need to happen for this event.
- 2) Resolution No. 24 19/20 to accept the ICIP for FY 2021-2025 does not specify which Visitor's Center it is in relation to. She feels there needs to be some sort of economic development study. The government has an ethical responsibility when dealing with economic development. The government's responsibility is to create the infrastructure for economic development, but the ethical part of it comes in with creating infrastructure that will harm other business, and possibly put them out of business. If governments are creating infrastructure, that's not the best use of governmental money. This is not to say that we are against the possible Visitor Center, we just want to know if there is the capacity for both of these commercial areas to exist together.

Ron Fenn, 316 N. Foch addressed the Commission related to:

- 1) He proposes that the March 3<sup>rd</sup> Election be run as an at-large election. All candidates need to be determined equal and not pitted against each other in individual races. There would be a single pool of candidates and each voter would have one vote. This is how the State and Federal Legislative Elections are ran. We don't have geographic districts. Therefore, there is no need for seat races. One vote per voter eliminates factions, and gives their vote better power. In the upcoming Election the top 3 vote getters would fill the open seats and there is no automatic wins and no contestant races. Each candidate would have to prove themselves to the people. Then if a vacancy occurs before the next election, the 4<sup>th</sup> vote getter would get the seat, leaving the election power with the people.

## CITY COMMISSION DECEMBER 11, 2019 REGULAR MEETING MINUTES

LaRena Miller, 312 N. Foch addressed the Commission related to:

- 1) She gave an update on the Geronimo Springs Scenic Byways visitor numbers. They had a total of 787 visitors in November and 144 listed their reason for coming here is for the Hot Springs. A total of 183 listed their reason for coming to town was Spaceport America and other reasons included vacations; looking for a place to spend the winter; some were looking to move here; the name of the town; visiting relatives; a weekend getaway; a road trip; business or jobs and several did not list a reason. We have 399 visitors who came from 32 different states and 50 visitors who came from 11 different countries. We had 338 visitors from New Mexico, including 50 from Sierra County. In the first 11 months of this calendar year, we have had 2,452 visitors from New Mexico outside of Sierra County. 1,397 visitors were from other states, and 141 visitors from foreign countries. They love our Visitor Center and want to know its history. Their visitation increases every year and at the end of November we had 99% of the 2018 total visitation. This was made up in the first two days of December. The trend has held steady for the opening of the Spaceport America Visitor Center in the middle of the Hot Springs Historic District. The Visitor Center needs to remain in the downtown area. We have an excellent staff of volunteers who welcome people and answer their questions. We also receive many compliments on the facility.

Hans Townsend, Chamber of Commerce addressed the Commission related to:

- 1) The Chamber arranged a discussion with a company proposing to bring 50-60 jobs to the city. Previously, they couldn't get anyone from the city to attend. Having to chase the City Manager to get him to speak to you is unacceptable, especially for something as beneficial as this project. Some form of communication needs to be worked out.

Gary Woodcock, 312 N. Foch addressed the Commission related to:

- 1) He is in favor of the Moratorium on Smart Meters. British Columbia has 44 communities that have a Moratorium on them. He knows of at least one family that will leave if they are incorporated.

Ron Pacourek, 603 Riverside addressed the Commission related to:

- 1) He would like to know where all of these people were 5 five years ago when they started the discussion with YESCO. He asked why people aren't paying attention to what's going on in the community.

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

Mayor Whitehead responded to Hans about not being able to get in touch with anyone at the city. She received his call and is upset with him that he would say that.

Commissioner Szigeti agrees with Ms. Dougherty on the issue of climate change and agrees that we need to move forward with it. He also mentioned when Ordinance No. 664 was passed, we were in a contract with Sierra Electric Coop, and what the city can



use for its municipal facilities. If they wanted to be picky they could say reimbursing people is outside of that contract, but in order to keep us as a legal facility we would need to have a limit and it was a legal restraint put on us by Sierra Electric. At this time, we are stuck with the contract as it was negotiated.

Mayor Pro-Tem Clark agrees with Commissioner Szigeti and she also believes Ms. Dougherty. She wishes we could have gotten out of that problem with Sierra Electric Coop. They talked about it in the meeting when they had to update the contract with them. At that time they asked if we could do the renewable energy and it was an absolute no. In order to get the contract renewed with them, and lower the rates, they were going to charge a huge fee that would have been passed on to the public. She would like for us to take a look at that again to see if there is any way we can do that in the future. She then addressed Mr. Fenn's comments by saying she happens to agree with him on the at-large voting. She thinks that would be something that would be worthwhile looking at in our community.

**CONSENT CALENDAR:**

- 1. City Commission Regular Minutes, November 11, 2019**
- 2. Acknowledge Golf Course Advisory Board Minutes for October 2, 2019 and November 4, 2019**
- 3. Acknowledge Public Utility Advisory Board Minutes for September 16, 2019**
- 4. Subrecipient Funding 1<sup>st</sup> Quarter Reports**
- 5. Lodger's Tax Funding 1<sup>st</sup> Quarter Reports**
- 6. Accounts Payable, November 2019**

**Commissioner Szigeti moved to approve the consent calendar as noted.  
Commissioner Baca seconded the motion. Motion carried unanimously.**

**E. PUBLIC HEARINGS:**

- 1. Public Hearing/Discussion/Action: Final Adoption of Ordinance No. 710 amending Section 11-2-2.D and F of the Code of Ordinances related to reducing the number of members to serve on the Planning & Zoning Commission. City Manager Madrid:**

City Manager Madrid gave an overview of the ordinance stating that the final adoption of the ordinance is designed to reduce the number of members from 5 to 3 on the Planning & Zoning Commission.

City Attorney Rubin added this also gives us the opportunity to clean up paragraph F in the ordinance that would require 3 members be present in order to have a quorum.

Mayor Whitehead opened the Public Hearing.

**Proponents:**

None.

**Opponents:**

Jack Noel gave a personal story on the real divide between the community and the government in the community. The perception of why people are not volunteering for these boards is they are not supported or welcomed. We should change the culture to friendliness.

Ariel Dougherty noted like your own Commission who is at five members. In the most simple of procedures, boards have moved forward with vacancies. She feels this is completely unnecessary. You might remember the previous P & Z board resigned because they experienced frequent turnover of decisions made by the Commission. She opposed the desired affect is already in the existing ordinance.

Ron Fenn spoke in opposition to this ordinance. Every time the Commission has acted on the zoning issues, you have violated the laws of our own Commission. For many years you have violated the laws. Has any of the Commission gone out and visit the property with zoning requests. He doubts very much because everyone is busy and that's ok too. Today's other Public Hearing is a prime example of it. The other Public Hearing is a zoning issue and you have to go through the issues and planning for out of town. But he understands why it would be easier because they would appoint two of their buddies, and a third to fill in. This is the most important board, it's a quasi-judicial board and no other board has to take an oath to serve on it. You have to look at the reasons why the previous board quit. He does not recommend that this ordinance be passed.

Mayor Whitehead closed the public hearing.

Commissioner Hechler asked for further discussion on this. He kind of agrees with Mr. Fenn and Ms. Dougherty, and feels three people is not enough if you will need all three to attend to take any actions.

Mayor Pro-Tem Clark she also agrees with some of the things they are hearing from these people in the audience. If we have a 5 person board we would have that much more input. The other thing that came up that concerns her is that 3 people have put in their applications quite a while ago and if that's the case was it prior to us having this conversation about re-doing ordinance 710 or was it after. Maybe we should look at the applications submitted rather than re-structuring the ordinance.

City Manager Madrid responded that we had received the applications prior to the conversation of changing this to a 3 member Commission.

Commissioner Szigeti said we had this discussion at the last meeting, but if we're still requiring three people to be present than that doesn't change anything from the way it is now.

**Mayor Pro-Tem Clark moved to deny the Final Adoption of Ordinance No. 710 amending Section 11-2-2.D and F of the Code of Ordinances related to reducing the number of members to serve on the Planning & Zoning Commission. Commissioner Hechler seconded the motion. Motion carried unanimously.**

**2. Public Hearing/Discussion/Action: Request for a Plat Amendment to amend the property line at 825 Van Patten, Truth or Consequences, NM pursuant to Chapter 15, Sec. 15-17. City Manager Madrid:**

Grant/Projects Coordinator & Designated Zoning Official Burnette reported this is a request for a Plat Amendment to amend the property line at 825 Van Patten. Your applicant is Shane and Ruth Shannon and their representative is Nate Stephens. All required documentation has been submitted, all fees have been paid, taxes are verified as current and Public Hearing Notices have been posted, certified mailings were sent out and all but two were signed for. The applicant is requesting to amend the property between 825 and 845 Van Patten and the section of the city property is also adjacent to the applicant. The property lines are at an angle and the applicant has requested to straighten the property lines on both sides of 825 Van Patten. We have a letter of support and the property owners at 845 Van Patten supports the change. The swapping corners of the city property doesn't interfere with the drainage ditch in that area. The request for this is technically built on the corner of 845 Van Patten and the fence line is along the city section on the other corner. In order for them to proceed with any type of a bank finance sale of this property it would have to be amended.

Mayor Pro-Tem Clark said it looks to her if we straighten the property line then Baxter Brown and Sherry Fletcher will lose some of their property and not gain as much back on the other triangle.

City Attorney Rubin said it's a procedure established through the court system where if you have two contiguous property owners and a fence that has been there for 10 years or more, then one of the property owners could petition at court to make a determination that the fence would become the actual property line instead of what the plat shows.

Mayor Pro-Tem Clark added she has a problem without knowing a little bit more because Mr. Brown and Ms. Fletcher are affected by this directly. She would like to have a little more research on this.

City Attorney Rubin added this is the Public Hearing process, and if the Commission doesn't want to act on it today they don't have to.

Nate Stephens started by saying it's not their intention to make a problem for Baxter & Sherry's property. The bank will not loan on the property next to theirs or their property because of the lot lines.

**Opponents:**

Ron Fenn is opposing because we need a Planning and Zoning Board and this is exactly the kind of issue that's handled by a Planning and Zoning Board. This is the kind of thing communities either abide by, these Plats were made some time ago, they say it's not straight but it is, it involves the taking of public land and has to be done first of all by a Planning & Zoning Board. He doesn't see any swapping for city land. What is the value of the land? It's not deeded to the city, it's public land, and would have to be vacated, before it could be sold. Code Compliance should have caught that and they should be looking at Ivy St. where they are putting a fence up on the property line. You can't hand out property that doesn't belong to you without the proper procedures. He recommends this be postponed until after a planning board is established. Otherwise, they are doing something illegal and could be responsible for it.

Hans Townsend stated he is going back to his comment about getting a response. When he served on the Lodger's Tax Board they all decided they weren't going to continue because they didn't get a response from the Commission and their meetings were cancelled. He is bringing this up to show why it is difficult to get people to serve on these boards. We need to establish some communication. You talk about our meeting yesterday that was our third meeting the other two meetings he didn't get an answer to. This is the kind of response we need from you. We can't work with you if you don't work with us.

Baxter Brown showed his concerns on the property lines.

City Manager Madrid would like to propose something and the basic thing that needs to be addressed. First of all, he disagrees that the Commission is not qualified to make this decision. We then need to determine whether one party or another will obtain more property than others, then that would be a problem. He thinks they could get together to come up with an agreeable solution.

Commissioner Szigeti responded obviously when these buildings were put in they were not constructed within the boundaries. Moving the buildings is not an option, they really need to know how much area is being exchanged between the two properties and that's a matter of discussion between the two property owners and they need to make sure it's all done through due process. He's sure if we dig around in the city, we will find other properties where this situation will occur. He is actually familiar with that property and there has been so many improvements done on that property over about 6 years and he does commend those who have taken the time to make the improvements. He feels we should take more time to have all of the details we need.

## CITY COMMISSION DECEMBER 11, 2019 REGULAR MEETING MINUTES

Grant/Projects Coordinator & Designated Zoning Official Burnette wants to allow Nate give the property layout of the property.

Mayor Whitehead asked if this is a time sensitive issue if we don't make a decision right now because she kind of gets the impression that we're not very comfortable even though Traci has done a fabulous job at what she does but we all seem to have several questions. They want to make sure when they make a decision that it is the right decision.

Mayor Pro-Tem Clark told a story and years ago, she had been told a portion of her building would be taken because of the property lines, she was able to provide something that salvaged her building.

Nate Stephens said that his parents own the Ace Lodge and Trail Motel. He owns AG&S Construction. He is very much invested in the town and its growth and the ability to move forward as a community. They just built a home on 714 Van Patten. He has a investor who is willing to build new homes and do things in the community to turn the downtown around. He is not just in this for his self. They are trying to do an overall communal improvement. This will not affect Baxter and Sherry. They are trying to get this done before the end of the year for the closing on the property and the reason for that is because he and his wife are self-employed so he would have to go through the whole process again and re-do all of their taxes and re-do the process of the loan. That is the reason why they are trying to get it done before the first of the year. They want to be able to close before the first of the year. Otherwise they can't re-apply until they do their 2019 taxes. He is willing to walk the property line with Sherry and Baxter to clarify with them that this will not affect them at all.

Grant/Projects Coordinator & Designated Zoning Official Burnette added that this does not need to be done today, but unfortunately this is the only Commission Meeting in December.

City Attorney Rubin added what would be proposed here is that the property at 825 Van Patten would lose the upper right hand triangle, but they would be making it up on the other side.

Grant/Projects Coordinator & Designated Zoning Official Burnette verified with the property owners and they are in support of the proposed lot line change between the house they own at 845 Van Patten and the neighbor's house at 825 Van Patten and the change they support is specifically shown on the new boundary plot survey that was done by Jeff Richter a few months prior.

### **Proponents:**

None.

Mayor Whitehead closed the public hearing.

**Commissioner Hechler moved to approve the request for a Plat Amendment to amend the property line at 825 Van Patten, Truth or Consequences, NM pursuant to Chapter 15, Sec. 15-17. Commissioner Baca seconded the motion.**

Commissioner Szigeti asked if this is approving both sides of the property. He would be in line with approving the 825 and 845 Van Patten, but there are other concerns about the city property that is involved.

Grant/Projects Coordinator & Designated Zoning Official Burnette is asking the Commission for her to work with Jay on how the resolution portion that belongs to the city comes into play.

**Commissioner Hechler retracted his motion Commissioner Baca seconded the motion.**

**Commissioner Szigeti moved to approve the re-platting unconditional for the boundary between 825 and 845 Van Patten. And conditionally approve the east side pending negotiations between city staff, city attorney, and property owners, on the other side on how to proceed with the city property.**

Mayor Pro-Tem Clark said she is not sure you can take a conditional thing to the bank. Conditional will not get you to the bank by the 31<sup>st</sup> of December. We should go ahead and do the negotiation on the city's side of that property which is very evident if you pull up a proper map, but they need to get that center line straight.

City Manager Madrid said the motion should be to approve permanently and without restrictions the boundary between the two private property owners.

**Commissioner Baca seconded the motion.**

**Commissioner Szigeti amended his motion to approve the re-platting for the boundary between 825 and 845 Van Patten. Commissioner Baca seconded the motion. Motion carried unanimously.**

**F. ORDINANCES/RESOLUTIONS/ZONING:**

- 1. Discussion/Action: Resolution No. 22 19/20 to accept the NMED Construction Programs Bureau (CPB) Clean Water State Revolving Loan Fund offer and designating signatory authority for related documentation. City Manager Madrid:**

**Mayor Whitehead recessed the meeting at 11:00 a.m. and reconvened at 11:06 a.m.**



City Manager Madrid reported that this resolution was required by the funding entity for acceptance, but mainly to designate a signatory authority.

Grant/Projects Coordinator & Designated Zoning Official Burnette gave an overview of the breakdown of the signatories. On the second page of the resolution is the specific signatory authorities for the various things that may occur. For example, she would be the signatory authority to request the reimbursements and the NMED requires their format. This resolution was previously brought to you with somewhat of the same language, but it wasn't in their format and it didn't specify each individual signatory authority or their successor. The breakdown is both in the resolution and on the second page of the resolution.

**Mayor Pro-Tem Clark moved to approve Resolution No. 22 19/20 to accept the NMED Construction Programs Bureau (CPB) Clean Water State Revolving Loan Fund offer and designating signatory authority to City Manager Madrid for related documentation. Commissioner Szigeti seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

**2. Discussion/Action: Resolution No. 23 19/20 amending Resolution No. 16 2019/2020 proclaiming the March 3, 2020 Regular Municipal Officer Election. City Manager Madrid:**

City Clerk Cantin reported that we discovered that Commissioner Szigeti's term should be a four year term rather than a two year term. The notification has been given to the Secretary of State's Office and it has already been included on the final proclamation. Another minor change was on the wording for runoff election requirements. If the Commission wanted to change this from Positions 2, 4, and 5, to three four year term at-large Commissioners it could be done at this point. There are quite a few Municipalities who ran into this so the Secretary of State's Proclamation has a combination of all of the above. There are about six Municipalities that are listed as positions who are not currently districted. If you would like to make that change, now would be the time, but we would have to amend the Proclamation with the Secretary of State's Office.

Mayor Whitehead asked if we were to go that direction for this upcoming Election and it didn't work out, could it be changed back to the way it was.

City Clerk Cantin responded, she would have to check with legal, but if the Commission decides to change it at this point it will more than likely remain that way.

Commissioner Szigeti added he doesn't know the specifics of the New Mexico Election Law but in places he lived previously that has at-large positions if there were 3 positions open each voter would be allowed to select 3 candidates. Say we have 700 voters and if we do it this way there would be 700 votes cast for each position. If you do it at-large and allow people to select 3 candidates you would still have 2100 votes cast. Going 1 vote per person spread among 3 candidate's means that you are basically talking about

a Commissioner being elected with maybe 150 votes and that does not reflect the majority of the voters and he does not like it like that. If we were to change it and allow them to make 3 at-large selections, he thinks that would be a much more fair way to do it. However, with that being said, this is a significant change to make just as is and outside of Mr. Fenn's comments we have not heard from anyone else in the public. One thing we have been hearing more and more lately is that we do things without opportunity for public comment so he would hesitate to make any change unless we have a workshop where we discuss this with the public and get their input on it.

**Commissioner Hechler moved to approve Resolution No. 23 19/20 amending Resolution No. 16 19/20 proclaiming the March 3, 2020 Regular Municipal Officer Election as presented. Commissioner Szigeti seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

**3. Discussion/Action: Resolution No. 24 19/20 to accept the ICIP for FY 2021-2025. City Manager Madrid:**

City Manager Madrid stated that this item is not intended to show that this is a priority for the City or that the city is going to take any action to damage what we have in place. He thinks that we all agree that our Visitor Center downtown is our priority. However, the State Legislative Officials like to see collaboration and unity among Government entities and we accommodated that by having a meeting with them, Elephant Butte, Williamsburg and the County. In demonstrating that we are united in our funding requests, that if we receive funding we will collaborate with each other. This is a request to show that we would support a state funded or any other type of funded facility that they might think of building, whether it be in Sierra County, in Truth or Consequences or on the Spaceport property itself. This is a statement of support and this is the form that was requested to be included in our ICIP.

Commissioner Szigeti responded he feels we need to look at a couple of things. Looking at our Downtown building for the Spaceport Visitor's Center is this in anyway saying the city will be putting money into this. The other side is the perception, by putting this on the ICIP is the perception that we will be supporting the state. Putting an item on which is not in any way being funded through the city's budget, he feels is inappropriate. We can write letters of support and anything else, but he believes it is inappropriate for this to be on our ICIP and tacking it on at the last minute without any opportunity for public comment is also inappropriate. We've had public workshops on the ICIP and if we wanted this in there it should have been brought up where the public is allowed to comment on it as well.

City Manager Madrid responded that the city does not intend to invest any of our resources in it. We couldn't afford it if we wanted to. However, we are committed to collaborating with all the other government entities because they have been asked to do the same thing. We were asked to take this action for reasons unknown.

Mayor Pro-Tem Clark is not confident now is the time to put this on our ICIP.

Mayor Whitehead doesn't see anything wrong with putting it on the ICIP.

**Mayor Whitehead moved to approve Resolution No. 24 19/20 to accept the ICIP for FY 2021-2025. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Mayor Pro-Tem Clark and Commissioner Szigeti voted nay and Commissioner Hechler abstained because he works at the Spaceport. Motion failed by a vote of 2-2-1.**

**G. NEW BUSINESS:**

- 1. Discussion/Action: Review the funding application requests as recommended by the Lodger's Tax Advisory Board. City Manager Madrid:**
  - a. Sierra County Arts Council**
  - b. Bountiful Alliance**

City Manager Madrid said the Lodgers Tax did not appropriate all of the funding that was available and we have received two additional applications that the Lodgers Tax Advisory Board considered funding for. One is to the Sierra County Arts Council and the other is to the Bountiful Alliance and they are both in the amount of \$800. The Lodgers Tax Board is recommending both applications for funding and we don't have any reason not to concur.

**Commissioner Szigeti moved to approve the funding application requests as recommended by the Lodger's Tax Advisory Board for the Sierra County Arts Council and Bountiful Alliance. Commissioner Hechler seconded the motion. Motion carried unanimously.**

- 2. Discussion/Action: Publication of the Ordinance from the Verified Initiative Petition calling for "An Ordinance imposing a ten-year (10) moratorium prohibiting the acquisition, installation, or maintenance of smart meter technology (AMI or Other Real-Time) within Truth or Consequences' Utility jurisdiction." City Manager Madrid:**

City Manager Madrid said this is part of the process and this approval would be for publication only so that the process can move forward and the ordinance can be considered for final approval at a later date.

**Mayor Pro-Tem Clark moved to approve the publication of the Ordinance from the Verified Initiative Petition calling for "An Ordinance imposing a ten-year (10) moratorium prohibiting the acquisition, installation, or maintenance of smart meter technology (AMI or Other Real-Time) within Truth or Consequences' Utility jurisdiction." Mayor Whitehead seconded the motion. Motion carried unanimously.**

**H. REPORTS:**

**City Manager Madrid reported the following:**

- He called up Kyle Blacklock, Pool Supervisor who first thanked the Commission and City Manager for their support of the pool. On behalf of the JA Hodges will be opening December 14, 2019 for our Polar Bear season. We will be open on Tuesdays, Thursdays, & Saturdays from 10:00 A.M. to 12:00 P.M. for lap swim and 2:00 P.M. to 4:00 P.M. for open swim. The best way to stay up to date with anything pool related would be to join the pools Facebook page which is the JA Hodges Municipal Pool or contact the pool at (575) 894-6151.
- City Manager Madrid continued by saying an area of concern he has heard is the communication between the administration and the community and getting the word to the right parties and providing updates. He has appointed Erica Baker as our Public Information Officer especially in the areas of events that affect our citizens including publications, Facebook, and getting information out to the public.
- Deputy Chief Erica Baker thanked the City Manager and Commission and explained her experience.
- City Manager Madrid commented on the meeting with American Green Organics Corporation. The City has a very good relationship with all of the other governmental entities. He meets with Management leaders and Elected Officials at least once a month and they collaborate very well. If it hadn't been for County Manager Swingle he wouldn't have known about yesterday's meeting. This is going to be an environmentally friendly and very innovative company who looks like they are committed to coming and they require a lease/purchase which should be complete by June for 50-80 employees to come into town.
- At his last Town Hall meeting, he forgot his key to the Chambers and sat outside and waited to see who would show up. Ron Pacourek showed up and he was able to listen to his comments about utility rates. He wanted to remind everyone that there will be another Town Hall Meeting tonight at 6:00 P.M. here in the City Commission Chambers.

**City Attorney Rubin reported the following:**

- None.

**City Commission Reports:**

**Commissioner Hechler reported the following:**

- He wished everyone Happy Holidays and a Merry Christmas.

**Commissioner Szigeti reported the following:**

- The utility forgiveness issue has been approved by the PUAB and needs to be put on the Commission's agenda. City Manager Madrid said we will include something on that on the next agenda.

CITY COMMISSION DECEMBER 11, 2019 REGULAR MEETING MINUTES

- It would behoove us to see about what can be done for a study the downtown flooding issues and request funding from the county flood district, since our residents fund it through their property taxes.
- We have our own solar power facility so we need to identify facilities that are critical to have power i.e. Water & Sewer plants, etc. and figure out how to power them via the solar farm in case of a catastrophic power outage.

**Mayor Whitehead reported the following:**

- She Wished the Commission, City Manager, City Clerk, Staff, and everyone a very Merry Christmas and a Happy New Year for 2020.

**I. EXECUTIVE SESSION:**

1. Limited Personnel Matters (various positions) *pursuant to 10-15-1(H.2)*
2. Threatened & Pending Litigation (current & possible Litigation) *pursuant to 10-15-1(H.7):*

Commissioner Szigeti moved to approve going into executive session at 11:55 a.m. to discuss Limited Personnel Matters (various positions) *pursuant to 10-15-1(H.2)* and Threatened & Pending Litigation (current & possible Litigation) *pursuant to 10-15-1(H.7)*. Commissioner Hechler seconded the motion. Roll call vote was taken by the Clerk-Treasurer. Motion carried unanimously.

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

Commissioner Szigeti certified that only matters pertaining to Limited Personnel Matters (various positions) *pursuant to 10-15-1(H.2)* and Threatened & Pending Litigation (current & possible Litigation) *pursuant to 10-15-1(H.7)* was discussed in Executive Session and no action was taken.

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

Mayor Pro-Tem Clark moved to approve City Manager Madrid's contract for a two year term. Commissioner Baca seconded the motion. Motion carried unanimously.

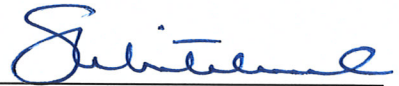
**M. ADJOURNMENT:**

Mayor Whitehead adjourned the meeting at 12:14 P.M.



CITY COMMISSION DECEMBER 11, 2019 REGULAR MEETING MINUTES

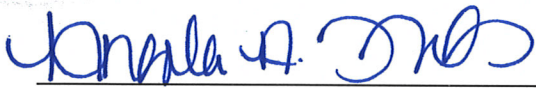
**Passed and Approved** this 8<sup>th</sup> day of January, 2020.



Sandra Whitehead, Mayor



ATTEST:



Angela A. Torres, CMC, Interim City Clerk