

CITY COMMISSION MEETING MINUTES  
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO  
CITY COMMISSION CHAMBERS, 405 W. 3<sup>RD</sup> St.  
WEDNESDAY, MARCH 13, 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, Acting 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 keeping people in Dexter, New Mexico in our thoughts.

**3. PLEDGE OF ALLEGIANCE:**

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

**4. APPROVAL OF AGENDA:**

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

**C. COMMENTS FROM THE PUBLIC:**

Ron Pacourek addressed the Commission related to:

- 1) There is a street across the river called Turtleback Road and on the weekends Off Road Vehicles drive up and down that road. It is a city street and he doesn't know if it is posted but a city street is 25 mph. He wonders who is supposed to be patrolling that street when these Off Road Vehicles are doing 40-60 mph.
- 2) At the last Commission meeting, you voted 7 people in to put on different boards. When he volunteered for his second term on the Public Utility Advisory Board he

was interviewed by the Commission. None of those other people who were appointed at the last meeting had to interview, so why was he singled out.

Ron Fenn addressed the Commission related to:

- 1) His Annual Report on the loss of the Solar Farm which showed a loss in the amount of \$16,055 instead of the \$31,000 that was promised to us as a savings. Added together, that is about a \$47,000 loss. So far in this 4 year of the 25 year contract, we have lost \$172,000 compared to the rate given to Deming and Silver City by the same company. This was a horrible contract that was made by Mr. Fuentes but signed by Mayor Whitehead. We are slated to lose over \$2 million dollars over the 25 years, compared to these two other cities.
- 2) Spaceport America last month had all of 30 tourists come to tour the Spaceport. He reported the city got zero dollars out of that. He attended the last meeting and he was the only member of the public.

**D. RESPONSE TO PUBLIC COMMENTS:**

None.

**E. PRESENTATIONS:**

**1. Presentation to former Mayor Steve Green and official placing of Mayor's Plaque on the wall:**

Steve Green was not present so Mayor Whitehead moved on to the next presentation.

**2. Presentation of Certificates of Appreciation from Mayor Whitehead:**

Mayor Whitehead presented a certificate of appreciation to Deputy Clerk Angela Torres for her dedication when serving as the Acting City Clerk and also to City Clerk Renee Cantin for serving as the Interim City Manager.

**3. Presentation of Certificates of Appreciation for Lt. Baker, Maribel Dalrymple & Jamie Sweeney for Shop with a Cop. Randall Aragon, Police Chief and Sandy Whitehead, Mayor:**

Chief Aragon and Mayor Whitehead presented Certificates of Appreciation to Lt. Baker, Maribel Dalrymple & Jamie Sweeney for their leadership/coordinative effort relating to the December 2018 "Shop with a Cop" initiative that raised \$8,000 to purchase Christmas gifts for approximately 70 community youth, who were paired off with 10-Officers, from three (3) law enforcement agencies.

**4. Presentation of TCPD 2018 Annual Report. Randall Aragon, Police Chief:**

Chief Aragon presented the TCPD 2018 Annual Report regarding the communicating statistics and accomplishments achieved by the Truth or Consequences Police Department during 2018.

**F. CONSENT CALENDAR**

1. **Accounts Payable, February 2019**
2. **Subrecipient 2nd Quarter reports**
3. **Fire Protection Fund Application**
4. **Approve an additional resume for Richard Gutierrez to be added as a potential Resident Project Representative (RPR) provided by Smith Engineering during the construction of WWTP improvements for Phase 2B, pending USDA RD concurrence.**

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

**G. ORDINANCES/RESOLUTIONS/ZONING:**

1. **Discussion/Action: Resolution No. 28 2018/2019 approving the restructure of Golf Course Fees recommended by the Golf Course Advisory Board. Bart River, Golf Course Manager:**

Les Dufour the Chairman of the Golf Advisory Board presented the restructure of Golf Course Fees recommended by the Golf Course Advisory Board.

Commissioner Hechler asked if they are happy with the progress the course has been making and how the city can help with that regard.

Mr. Dufour said it's the playability of the course that will increase those rounds. It's increased already, but the major issue is the same as in 2013 which is the quality of their water supply. Clogged sprinklers are a huge issue. In working with the city they are hoping to get the sulfur treatment system working. The water distribution is the highest priority. They are still trying to put on a Fiesta Tournament which will be the first one in four years.

Mr. Madrid gave credit to the community for their efforts.

**Mayor Pro-Tem Clark moved to approve Resolution No. 28 2018/2019 including the three changes. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

2. **Discussion/Action: Resolution No. 29 2018/2019 declaring surplus property for the March 23, 2019 Auction. Renee Cantin, City Clerk-Treasurer:**

City Clerk Cantin asked for the approval of Resolution No. 29 18/19 declaring the listed items as surplus property and allowing the City to Auction items in Public Auction. Pursuant to Section 3-54-2 of the New Mexico State Statutes, 1978, Annotated, the City of Truth or Consequences has property that is no longer needed and the same as in the past, the City will use Willard Hall Auctions to sell various surplus properties belonging to the City. They have an auction scheduled for March 23, 2019.

**Mayor Pro-Tem Clark moved to approve Resolution No. 29 2018/2019 declaring surplus property for the March 23, 2019 Auction with the donation to the museum of the piece of equipment. Commissioner Szigeti seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

**H. UNFINISHED BUSINESS:**

- 1. Discussion/Action: Drinking Water State Revolving Fund award Commitment, DW-4794. Traci Burnette, Grant/Projects Coordinator & Zoning Official:**

Grant/Projects Coordinator Burnette reported the City of Truth or Consequences has applied for a DWSRLF loan to fund for replacement of high-risk water lines identified in Asset Management Plan and Design Analysis Report. The City qualifies for 50% principal forgiveness, due to the project's # 6 ranking on the FY 2019 Annual DWSRLF Fundable Priority List.

**Commissioner Hechler moved to approve the Drinking Water State Revolving Fund Award Commitment, DW-4794. Commissioner Szigeti seconded the motion. Motion carried unanimously.**

- 2. Discussion/Action: Approval of the amended Guidelines as recommended by the Lodgers Tax Advisory Board. Renee Cantin, City Clerk-Treasurer:**

City Clerk Cantin reported last year the City Commission directed the Lodger's Tax Board to review the guidelines so they would be stricter when deadlines such as submitting initial application & submitting quarterly reports are not complied with. The LTAB met in January and February, 2019 and have prepared the attached revision of the guidelines for approval. This item was brought before the Commission on February 27th and was postponed to look into whether Vendors were being paid directly for some of the Non-Profits. After discussing this with Executive Assistant Tammy Gardner, we confirmed only those with Co-op Grants show the vendor as being paid directly. Additionally, the Lodger's Tax Advisory Board has scheduled a meeting for March 28th to meet with the current recipients on the changes that are approved and the deadlines for this year's applications to be submitted. They usually are sent in February, so we will need to get the process moving in order for the Advisory Board to make recommendations, and the Commission to approve allocations before July 1st.

**Commissioner Hechler moved to approve the amended Guidelines as recommended by the Lodgers Tax Advisory Board. Commissioner Szigeti seconded the motion. Motion carried unanimously.**

- 3. Discussion/Possible Action: Live/Work in Downtown Buildings. Kathy Clark, Mayor Pro-Tem:**

Mayor Pro-Tem Clark really believes we should have public input.

Mrs. DeMarino wanted to say living downtown is actually a good thing. She does think it could be a good thing to have in the future.

Mayor Pro-Tem Clark believes they were thinking there should be some sort of public discussion or town hall, especially with building and business owners. Mayor Whitehead asked if we could put together a Downtown Vendor's Town Hall meeting soon to make sure we get this put in place.

Mrs. DeMarino did also let them know MainStreet is also keeping a main list of those businesses that are currently open.

Mayor Whitehead asked if MainStreet would be willing to help put that meeting together. Ms. DeMarino agree they would assist the city with that.

No action was taken at this time.

**I. NEW BUSINESS:**

**1. Discussion/Action: 2019 Wal-Mart Community Grant Program for the purchase of four (4) dash mounted Radar Units. Randall Aragon, Police Chief:**

Chief Aragon said this is a grant they heard about last year. It's a \$5,000 no match grant through Wal-Mart.

City Manager Madrid recommended approval.

**Mayor Pro-Tem Clark moved to approve 2019 Walmart Community Grant Program for the purchase of four (4) dash mounted Radar Units. Commissioner Hechler seconded the motion. Motion carried unanimously.**

**2. Discussion/Direction: Proper protocol regarding Management, Personnel, & Commission. Kathy Clark, Mayor Pro-Tem:**

Mayor Pro-Tem Clark presented the need to announce the proper protocol in reporting a complaint or issue would be to go to the Supervisor first, then to the City Manager, and if need be from there to the Personnel Board which right now is the City Commission.

Commissioner Szigeti knows we have had a lot of turnover in the senior positions. He's hoping once we get people in these key positions that confusion will go away.

Commissioner Hechler added he served on the Personnel Board for five years and they heard issues only twice and while serving on the Commission, they have only heard one issue that was brought before them.

**J. REPORTS:**

**City Manager:**

**City Manager Madrid reported the following:**

- He updated the Commission on the Finance Department and let them know that he is serving as the Interim Finance Director and he's been doing the approvals as needed.
- He's concentrating on the budget for next year and the evaluations that have been submitted by the Department Heads.
- They will be having the Colonias' Infrastructure Board here on March 20<sup>th</sup> visiting our city. He will be offering to sponsor their afternoon break.
- He introduced Jesse Cole, the new Water/Wastewater Director who has the highest level of certification.

**City Attorney Report:**

- City Attorney Rubin wanted to briefly respond to Mr. Pacourek's comments which seemed to be he was singled out. He let him know that he did discuss with him that his recollection is that he was interviewed because there were more than one applicant.

**City Commission reports:**

**Mayor Pro-Tem Clark reported the following:**

- She thanked City Attorney Rubin for addressing Mr. Pacourek's concern because that was her memory as well.
- She told Jesse Cole that it is a pleasure to meet him and she is sure that Ruby was pleased to meet him also. She informed him that he has a good team with Ruby, Jesus and the rest of the crew.

**Commissioner Szigeti reported the following:**

- A week ago there was a man lying on the sidewalk at the Post Office and by the time we got there were three others including an Animal Control Officer, who called it in. There were also three others who came, and they were able to do CPR and get a heartbeat. Unfortunately, the man passed away at the Hospital. He feels great to know that that there were so many people who stopped to help the gentleman, and when our officers got there, they knew what to do right away without hesitation.

**Mayor Whitehead reported the following:**

- She thanked City Clerk and staff who put together the potluck for staff last week.

**K. EXECUTIVE SESSION:**

1. **Acquisition or Disposal of Real Property (property near Sierra Vista Hospital) Pursuant to 10-15-1(H.8)**
2. **Pending Litigation (Ashbaugh vs. City) Pursuant to 10-15-1(H.7)**
3. **Threatened Litigation (Special Election) Pursuant to 10-15-1(H.7)**
4. **Limited Personnel Matters (W/WW & Electric Depts.) Pursuant to 10-15-1(H.2):**



Commissioner Szigeti moved to approve going into executive session at 10:51 a.m. to discuss 1. Acquisition or Disposal of Real Property (property near Sierra Vista Hospital) Pursuant to 10-15-1(H.8); 2. Pending Litigation (Ashbaugh vs. City) Pursuant to 10-15-1(H.7); 3. Threatened Litigation (Special Election) Pursuant to 10-15-1(H.7); and 4. Limited Personnel Matters (W/WW & Electric Depts.) Pursuant to 10-15-1(H.2). Commissioner Hechler seconded the motion. Roll call vote was taken by the Clerk-Treasurer. Motion carried unanimously.

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

Mayor Pro-tem Clark certified that only matters pertaining to Acquisition or Disposal of Real Property (property near Sierra Vista Hospital) Pursuant to 10-15-1(H.8); 2. Pending Litigation (Ashbaugh vs. City) Pursuant to 10-15-1(H.7); 3. Threatened Litigation (Special Election) Pursuant to 10-15-1(H.7); and 4. Limited Personnel Matters (W/WW & Electric Depts.) 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:**

1. Acquisition or Disposal of Real Property (property near Sierra Vista Hospital) Pursuant to 10-15-1(H.8)
2. Pending Litigation (Ashbaugh vs. City) Pursuant to 10-15-1(H.7)
3. Threatened Litigation (Special Election) Pursuant to 10-15-1(H.7)
4. Limited Personnel Matters (W/WW & Electric Depts.) Pursuant to 10-15-1(H.2):

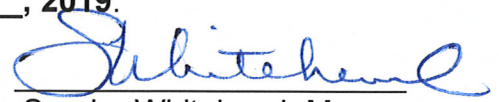
Note: Commissioner Baca recused himself during Executive Session for the Pending Litigation (Ashbaugh vs. City).

Commissioner Szigeti moved to approve to give City Manager Madrid the authorization for negotiations for the property near Sierra Vista Hospital. Commissioner Hechler seconded the motion. Motion carried unanimously.

**M. ADJOURNMENT:**

Mayor Pro-Tem Clark moved to adjourn at 1:38 p.m.  
Commissioner Szigeti seconded the motion. Motion carried unanimously.

Passed and Approved this 27<sup>th</sup> day of March, 2019.

  
Sandra Whitehead, Mayor

ATTEST:

  
Renee L. Cantin, CMC, City Clerk