

CITY COMMISSION MEETING MINUTES  
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO  
CITY COMMISSION CHAMBERS, 405 W. 3<sup>RD</sup> St.  
WEDNESDAY, MARCH 27, 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 Hechler to lead the Pledge of Allegiance.

**4. APPROVAL OF AGENDA:**

Mayor Whitehead asked for the E. Presentation to be moved before C. Public Comment.

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

**PRESENTATIONS:**

**Proclamation for Hot Springs High School Tigers Day. Our High School Varsity Boys Basketball 2019 State Champions. Sandy Whitehead, Mayor:**

Mayor Whitehead read the proclamation and presented one to each member, the coaches, and the Managers.

**C. COMMENTS FROM THE PUBLIC:**

Lee Wedgewood addressed the Commission related to:

- 1) He has a lady friend who is with him all the time and she likes to take his money and eat up a lot of his time. If he doesn't give her his money or his time, she will kill him. What is her name you might ask, her name is cancer. He is a victim of cancer, not by choice, but he has been doing everything he can to counteract that. Since it has been eating all of his money, he has been experimenting with solar electricity. He built himself a unit, charged the batteries, and is running his equipment out of his garage. A friend of his, who was aware of his situation, brought him a truck full of solar panels which he used to build the unit. He finally got the meter to where it runs backwards and he's had a negative 3 times since December which was \$.08, \$.29, and \$.56. About 6 months ago, someone told him that there is an ordinance in place, and that he cannot have solar panels.

Ron Fenn addressed the Commission related to:

- 1) Mr. Fenn presented the comments he read to the Spaceport Board. He asked them to do the right thing and remove themselves from our building. The Fair Market should be \$19,000 a year and we've got nothing. He has submitted a proposal to the City Manager and he hopes he will approve it. He would like to see us leave Spaceport off of the tourism. He asked for the Commissions support for his proposal to the city.
- 2) He also discovered that the Spaceport is in violation of their contract due to the location of their office.

**D. RESPONSE TO PUBLIC COMMENTS:**

None.

**E. CONSENT CALENDAR**

1. **City Commission Regular Minutes, February 27, 2019**
2. **City Commission Regular Minutes, March 13, 2019**
3. **Public Utilities Advisory Board Minutes, February 19, 2019**
4. **Golf Course Advisory Board Minutes, February 6, 2019**

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

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

**1. Discussion/Action: Resolution No. 30 2018/2019 approving the acceptance of the Fiscal Year 2018 Audit. Heather Lucero, Pattillo, Brown, Brown, & Hill, LLP; and Morris Madrid, City Manager:**

Ms. Lucero gave the presentation on the Audit including their responsibility; the Unmodified Opinion/Clean Opinion; GAGAS Report in Internal Control; Report on compliance for each major federal program and internal control with an unmodified opinion; communication with the Governing Body. They presented the prior year findings that were resolved including payroll disbursements; Control over the current year findings included:

- 1) Controls over cash disbursements and purchase orders not being issued prior to purchasing.
- 2) Controls surrounding Cash Receipts, which was for the Golf Course.
- 3) Controls surrounding Bulk Fuel.
- 4) Cash Management was corrected but some of them still occurred in FY 18, if they remain the way they are, they should not be a finding next year.
- 5) Retiree Health Care Remittances and Recording, which was corrected subsequently but has to be a finding for last year.
- 6) Procurement and not obtaining proper information.

Mayor Pro-Tem Clark had some questions related going to accrual instead of cash in the future. She also responded the Commission has worked hard at bringing the Golf Course in and would we still be responsible if it was an outside person. Ms. Carter said it was done per contract and they are still required to follow procedures in place.

City Manager Madrid gave an overview of how the findings are being corrected. He reported on each finding and the changes that have been made to correct these.

**Mayor Pro-Tem Clark moved to approve Resolution No. 30 2018/2019 approving the acceptance of the Fiscal Year 2018 Audit. Commissioner Hechler seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

**2. Discussion/Action: Resolution No. 31 2018/2019 designating Signatory Authority for submission of applications and related documentation for USDA. Traci Burnette, Grant/Projects Coordinator & Building Official:**

Grant/Projects Coordinator Burnette presented the Resolution which is required to designate signatory authority.

**Commissioner Hechler moved to approve Resolution No. 31 2018/2019 designating Signatory Authority for submission of applications and related documentation for USDA to City Manager Madrid and City Clerk Cantin as the**

**Alternate. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

**3. Discussion/Action: Resolution No. 32 2018/2019 setting the Elected Officials compensation. Morris Madrid, City Manager & Jay Rubin, City Attorney:**

City Manager Madrid presented the Resolution with the understanding that it will be after each of the elected official's terms are up.

**Mayor Pro-Tem Clark moved to approve Resolution No. 32 2018/2019 setting the Elected Officials compensation commencing April 1, 2020 and with the first disbursement period to begin on April 1, 2022 for the amount of \$1,000 per month for Commissioners, and \$1,200 per month for the Mayor. Commissioner Szigeti seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

**4. Discussion/Action: Resolution No. 33 2018/2019 adopting the Sierra County New Mexico Hazard Mitigation Plan. Paul Tooley, Fire Chief/Emergency Services Coordinator:**

Fire Chief Tooley gave a quick overview of the plan and how it's used.

There was some discussion regarding the use of the plan. Fire Chief Tooley notified them the process is a big umbrella over any major disasters in Sierra County.

Commissioner Szigeti spent some time going through this and as mentioned it is a prerequisite in order to apply for federal funds. This looks like something that could've been put together by some bureaucrat sitting in Washington who has never been west of the Appalachians and plugged that information into a formula that was presented to them and the amount of repetition and redundancy is evident in the plan. He found plenty of typos you get when you hastily cut and paste information together. The numbers for Williamsburg and T or C on one chart are identical. He pointed out other data that does not match. There's nothing original in here that shows any original thought or ideas. Even the recommendations look like they were pulled off of a list. He doesn't think this gives us anything substantial to work with.

City Manager Madrid recommended approval.

**Commissioner Szigeti moved to approve Resolution No. 33 2018/2019 adopting the Sierra County New Mexico Hazard Mitigation Plan. Commissioner Baca seconded the motion. Commissioner Hechler asked Commissioner Szigeti to provide his corrections. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

**G. UNFINISHED BUSINESS:**

**1. Discussion/Action: Approval of Tower Structure Lease Agreement with Gravity Pad Towers, LLC. Traci Burnette, Grant/Projects Coordinator & Zoning Official:**

Grant/Projects Coordinator Burnette reported they met to review the recommendations received and City Attorney Rubin reported the changes included on the agreement which is included in the agenda packet.

Mayor Whitehead asked Fire Chief Tooley to come forward and report information he received on the noise floor test. Fire Chief Tooley presented the suggestion for testing for any increase of noise floor and system operations including having the new equipment installed as it would be; taking another baseline reading; turning on new equipment and redoing the testing; and any changes in performance for your radio communications would be considered service affecting. And to what degree would not be known until further testing is completed. He has an addendum he would like to see included in the agreement.

Mayor Pro-Tem Clark commented on some of her concerns and said she would like to see the addendum be added in. Mr. Milks responded he is confident it won't be a problem and does not have a problem with it being added.

Discussion was held whether this change addresses the concerns Mayor Pro-Tem Clark had at the last meeting. She confirmed if the addendum is included, it does address her concerns.

Commissioner Szigeti referred to Section 14.B to confirm they shall maintain the structural integrity of the water tank and tower at all times. Mr. Milks doesn't have a problem with making sure that happens.

City Attorney Rubin brought up Section 10.B (v) references Exhibit 2 which is not included. It was agreed to remove Section (v) and include it as an additional addendum along with the Fire Chief's addendum. It is called Exhibit 1 but it's referred to as Addendum A.

**Mayor Pro-Tem Clark moved to approve Approval of Tower Structure Lease Agreement with Gravity Pad Towers, LLC, with the changes to Section 8 to add Addendum A and remove section 10. (v) and include the approval for the payment to be extended to September 1, 2019. Commissioner Szigeti seconded the motion. Motion carried unanimously.**

**REPORTS:**

**Grant/Projects Coordinator Burnette reported the following:**

- We awarded the base bid from RMCI for Phase 2B and Lift Station at the WWTP and received additional funding and will be able to include all of the additives. She reached back out to USDA and we received additional funding and we will now be including all of the additives except for two very small ones. We received an additional loan for \$315,000 and an additional grant of \$485,600 to add to our \$4,515 million dollar Grant that we originally had.

**City Manager Madrid reported the following:**

- We have a lot of things need to be cleaned up. We have policies that are outdated and need to be updated.
- He complimented the hardworking staff we have and the teambuilding that has been happening.
- The city needs to address an Emergency Management Plan.

**CITY COMMISSION REPORTS:**

**Commissioner Szigeti reported the following:**

- Commissioner Szigeti just wanted to mention since they had the Poker Run this weekend, he talked to Chief Aragon and they did not have any complaints and they hope that will continue to be the case in the future.

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

- She is happy to thank Chief Aragon and the Police Department for everything they do.
- She agreed with City Manager Madrid that old policies and ordinances need to be revisited.

**Mayor Whitehead reported the following:**

- She once again congratulated our 3A Basketball State Champions and the welcome escort was one of the biggest we've ever had.

**H. EXECUTIVE SESSION:**

1. Sale, Acquisition or Disposal of Real Property (various city properties) *Pursuant to 10-15-1(H.8):*
2. Pending Litigation (Ashbaugh vs. City) *Pursuant to 10-15-1(H.7):*

Commissioner Baca moved to approve going into executive session at 10:34 a.m. to discuss Sale, Acquisition or Disposal of Real Property (various city properties) *Pursuant to 10-15-1.H(8); and Pending Litigation (Ashbaugh vs. City) Pursuant to 10-15-1(H.7)*. Commissioner Szigeti seconded the motion. Roll call vote was taken by the Clerk-Treasurer. Motion carried unanimously.

Noted for the record: Commissioner Baca recused himself at 10:55 a.m. due to a conflict on the Pending Litigation item.

Mayor Whitehead reconvened the meeting in open session at 11:08 a.m.

Mayor Whitehead certified that only matters pertaining to Sale, Acquisition or Disposal of Real Property (various city properties), and *Pursuant to 10-15-1.H(8); and Pending Litigation (Ashbaugh vs. City) 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.**

Mayor Pro-Tem Clark moved to approve giving the City Manager the authority to settle the case with Ashbaugh. Commissioner Szigeti seconded the motion. Motion carried unanimously.

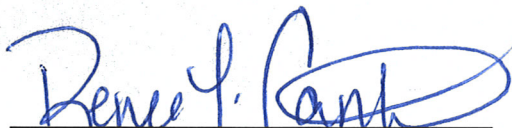
**M. ADJOURNMENT:**

Mayor Pro-Tem Clark moved to adjourn at 11:10 a.m. Commissioner Szigeti seconded the motion. Motion carried unanimously.

Passed and Approved this 24th day of April, 2019.

  
Sandra Whitehead, Mayor



  
Renee L. Cantin, CMC, City Clerk