

CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
CITY COMMISSION CHAMBERS, 405 W. 3RD St.
WEDNESDAY, APRIL 24, 2019

A. CALL TO ORDER

The meeting was called to order by Mayor Sandra Whitehead at 9:05 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:

Mayor Whitehead asked that the Presentations be moved up before Comments from the public.

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

Item D. PRESENTATIONS

- 1. Proclamation naming Saturday, May 4th, 2019 as Miss Fiesta Trinity Shipley Day:**

Mayor Whitehead read the proclamation calling May 4th, 2019 as Miss Fiesta Trinity Shipley Day and certificates for McKenzie Luna as the 1st Runner up and Miss Congeniality and Hailey Armijo as the 2nd Runner up.

2. Proclamation naming May as Poppy Month for the American Legion Auxiliary:

Presentation was postponed to a later time due the American Legion Auxiliary's absence.

3. Prescribed Fire and Wildland Fire for the upcoming 2019 fire season. Anthony James, US Forest Service:

Mr. James presented the plan for the upcoming Fire Season. They also plan to have the National Christmas Tree come through Truth or Consequences and he would like to plan an event with the city.

4. Presentation related to Economic Development through Tourism in Truth or Consequences. Steve Green, Former Mayor:

Former Mayor Green presented why he believes Economic Development through Tourism is very important to our city. After living in this city that he calls home for the last 19 years, it appears to him that we still haven't decided on who we are, and what we want to be as a community. We put our hopes and dreams on others dreams and not our own. It's up to use to maximize opportunities that come our way.

Mayor Whitehead then presented him with his plaque for his service to our community.

A. COMMENTS FROM THE PUBLIC:

Audon Trujillo, 506 W. 3rd St. addressed the Commission related to:

- 1) He wanted to comment about making the Civic Center a place for meetings for Governmental Entities and others. He thinks it's a great idea, but unfortunately, the city has to look at their policies. In 2014 you all had about 7 governmental entities that used the Civic Center, and in every instance you waived fees. You can't do that. The Federal Governmental has money, and they should be paying for the facilities. You aren't going to earn money if you keep waiving fees for government entities.
- 2) We are having a free cleanup day on the 27th and Steve Green in past years had people volunteer to clean the streets before the Fiestas. He feels that we need to return to that practice. The free cleanup day is one day only, and he had to stand in line for an hour and a half to try and get his trash dumped. We really need to give people vouchers that would allow them to take one free load on whichever day of the month they choose.

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- 3) He would like a report on the Boards & Committees that are inactive. Mayor Whitehead mentioned that one of the Committees would be talked about, but what about the other four committees that are inactive.
- 4) There is going to be a Golf Tournament on the 27th. It will be the first one in 3 years and God sort of favored us by having the rain so it will be pretty green out there. Volunteers are needed on Friday to go help clean the Golf Course.
- 5) He likes the idea of presentations being before public comment. It's a good thing to be able to comment, and he thinks everyone benefits from that.
- 6) Tourism needs to focus on making things better for people in this city. We need to make the town nice for people who live here, and we shouldn't focus so much on trying to bring people in. Focus on little incremental improvements to make life here in our community nice.

Diane Lombardo, 704 Silver Street addressed the Commission related to:

- 1) She wanted to say Steve Green has been a friend of CAAT since they got here and she thanked him tremendously.
- 2) The Foster Program at the Shelter has begun and is getting off to a good start. Mesilla Valley shelter has become a no kill shelter, and for those of you who do not know what that is that means that they have a 90% live release rate of the animals that come in there. If you don't have to kill the animals it's better for the taxpayers, because you can control the animals to the point where you don't have overcrowding.
- 3) She gave kudos to the Animal Shelter and the Spay & Neuter Program. Since they started CAAT seven years ago they have done well over 1000 spay and neuters. She gave a shout out to the Animal Shelter people. We don't have quite the amount of resources as Mesilla Valley does, but we will get there.

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

- 1) The Customer Service trainings will begin this Friday and it is a two day training course. Day 1 is the Basics of Customer Service and day 2 is Asset Awareness. Those people completing both of those days will get a tour of the Spaceport, and become certified local ambassadors. We are encouraging anybody who works with the public to take this course because it is a benefit to not only the local people who come into contact with our customer service people, but also our tourists. The benefits with tourists is, if we have a bunch of people who are good at customer service and who know about the assets, the tourists who visit here are going to stay longer because they are going to find out about things that they might want to do, and when they stay longer, they are going to spend more money and that money gets GRT and that goes into city coffers and that's how tourism benefits the locals. Sometimes people overlook that but if we just trade around our same dollar, we don't get very far.

Sarah Marta, Sierra County Extension Office addressed the Commission related to:

- 1) She asked if the Commission would possibly entertain the idea of the Sierra County Extension Office moving a shed that they currently own to the City Arena.

She utilizes the City Arena a lot for youth activities, Horse Riding Clinics, the Hot Springs Rodeo Association, and the Gymkhanas. They are always having to store their barrels, poles, and all the items that they use for all of the activities at the city arena. She was told a year or two ago that the city may possibly purchase a shed to place at the city arena to use for such things, but in the meantime the Sierra County Extension Office does own a shed that is located at the Fairgrounds, and isn't currently being used for anything. It would be helpful if they could move that shed to the city arena to store things they would need for events and activities.

Majie Powey, citizen of Williamsburg and CAAT addressed the Commission related to:

- 1) CAAT applied for the Subrecipient Grant. They are now moving closer to the shelter and the problem has been that animals are supposed to be spayed and neutered, but sometimes that is not possible. They are now running a clinic every month where they spay and neuter 25-28 animals. Almost every animal that this coming out of that shelter can be neutered or spayed within 30 days. The Sierra County Animal Rescue and some of us individuals are now sponsoring some of those animals. There has always been questions about what the shelter charges. So I will list the prices we charge for our services. \$25 is given back if the animal is spayed or neutered, but if they get a certificate from SCARS, we spay and neuter for free. If you are low income, the fee would be \$50 for spaying a female dog. They subsidize their spay and neuters, by about 30% of the total cost, so they depend on their grants and donations to cover that other 30% that is not paid by the individuals. Cats are \$30 across the board for low income individuals. She thanked Chief Aragon for working with them and going down to see what they are doing. She also thanked the shelter for trying to make sure that they are getting these animals done within 30 days.

LaRena Miller, Executive Director of the Geronimo Trails Scenic Byway addressed the Commission related to:

- 1) They appreciate the funding they have received from the city. They are very involved with trying to bring tourism to the area because the city has limited funds and they are also limited in Lodgers Tax funds and the County Lodgers Tax is also limited and this year. We are trying to raise money other than from the City, by having a fundraising raffle. Tickets for the raffle will be \$5 each.

Saul Baquera, addressed the Commission related to:

- 1) The Boys and Girls Club submitted their application for the Subrecipient Grant but due to some changes in Administration, they left out a couple of documents on their application. Once he received word of it, he went down to the City Manager's Office and turned in the proper documentation. He is here today to ask the Commission to reconsider The Boys and Girls Club's application. They provide services to 6th-12th graders and all of their services are free of charge. They are also the only Teen Center here in Truth or Consequences. They have partnered with the city for many, many years, and they want to continue to

provide services to the teens, as well as partner with different organizations in the community.

Marilyn Pope, Geronimo Springs Museum addressed the Commission related to:

- 1) She thanked everyone in the community who participated in the Recycled Art Contest at the museum. We had over 300 people there last Saturday. They had some really cool things at the contest. Her favorite was a pineapple that a middle school student made. The Middle School had 100 entries which is phenomenal. The High School had about 30 entries, and they also had an adult division. She wanted to mention that the museum has recently received a huge treasure from the Tooley's. They will have a grand opening for a new vessel and an arrow head exhibit which has been a long time in the making.
- 2) For those of you who complained about the Fiesta parade just being politicians, she wants to let everyone know that we only have one politician who signed up, so this is your chance to really shine and put something together. Wyatt Earp, Doc Holiday, Big Nose Kate, the Clanton's and Billy the Kid will be there this year. The museum will have a book signing and ironically with all of these law makers, it's sort of an odd thing the way it turned out. The book is going to be the Save the Orchard book that has been published recently by the Hillsboro Historical Society.

Harv Kleinstiver addressed the Commission related to:

- 1) This year is the first Fiesta Tournament they have had at the Golf Course. He invited the Commission to come for the opening and to give out the awards. He thanked the City Manager and Commission for supporting the Golf Course and getting behind the Golf Course.

B. RESPONSE TO PUBLIC COMMENTS:

Mayor Whitehead thanked everyone for their comments and reminded the public if they have any questions or concerns, they are always welcome to call our City Manager Morris Madrid. He is always available in his office to discuss any issue that we can't resolve here.

C. PRESENTATIONS

1. **Proclamation naming Saturday, May 4th, 2019 as Miss Fiesta Trinity Shipley Day.**
2. **Proclamation naming May as Poppy Month for the American Legion Auxiliary.**
3. **Prescribed Fire and Wildland Fire for the upcoming 2019 fire season. Anthony James, US Forest Service**
4. **Presentation related to Economic Development through Tourism in Truth or Consequences. Steve Green, Former Mayor**

Presentations were moved before Comments from the Public.

D. CONSENT CALENDAR:

- 1. City Commission Special Meeting Minutes, March 27, 2019**
- 2. Public Utility Advisory Board Minutes, March 18, 2019**
- 3. Library Advisory Board Minutes, August 27, 2018; September 24, 2018; and January 28, 2019; and March 25, 2019**
- 4. Subrecipients 3rd Quarter Reports:**

Commissioner Szigeti mentioned that he sent in some corrections for the City Commission Minutes.

City Clerk Cantin verified that the corrected minutes were provided to the Commission.

Commissioner Szigeti moved to approve the Consent Calendar with the minutes amended as noted. Commissioner Hechler seconded the motion. Motion carried unanimously.

E. ORDINANCES/RESOLUTIONS/ZONING:

- 1. Public Hearing/Discussion/Action: Public Hearing and Final Adoption of Ordinance No. 701 approving the Land Use Assumptions and Capital Improvements Plan final report. Traci Burnette, Grant/Projects Coordinator & Zoning Official; John Appel, City Attorney; and John Montoya, Molzen Corbin:**

Traci Burnette, Grant/Projects Coordinator & Zoning Official noted that this item pertains to the Impact Fee Study Final Report.

Attorney John Appel reported that this is an action that is required so long as you have Impact Fees in place. Every 5 years you need to look at the Land Use Assumptions and the Capital Improvements Plan, and determine whether they need to be amended, and whether the Impact Fees should be changed. The ordinance before you would adopt the Capital Improvements Plan, the Land Use Assumptions and Capital Improvements Plan that was prepared by Molzen Corben. He would refer to Molzen Corben, specifically to Mr. Montoya, if there are any questions about that plan. The gist of it is that Molzen Corben has prepared new Land Use Assumptions, a new Capital Improvements Plan, and if you adopt the ordinance, they will become your new Land Use Assumptions and Capital Improvements Plan for the Impact Fees that are imposed on new connections of Water and Wastewater. The proposal at this time is not to change the present fees which are \$150 per fixture unit. He has reviewed the work Molzen Corben did on this, and it comes with his recommendation as well as Molzen Corben's. This also comes with the recommendation of your Public Utility Advisory Board/Capital Improvements Advisory Board.

City Manager Madrid announced in relation to this item, we had some litigation and it has been resolved, but we still need to proceed with this item.

Mayor Whitehead opened the item for Public Hearing and asked if anyone had any comments. Hearing none she closed the Public Hearing and called for a motion.

Commissioner Szigeti moved to approve the final adoption of Ordinance No. 701 approving the Land Use Assumptions and Capital Improvements Plan final report. Mayor Pro-Tem Clark seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

2. Discussion/Action: Resolution No. 37 2018/2019 approving the Drinking Water Revolving Loan (DWRL) Application for the purpose of financing the costs of replacing high risk water lines identified in the Asset Management Plan. Traci Burnette, Grant/Projects Coordinator & Zoning Official:

Grant/Projects Coordinator Burnette gave an overview of the City of Truth or Consequences applying and accepting an offer from the DWSRLF loan to fund for replacement of high-risk water lines identified in Asset Management Plan and Design Analysis Report (specifically Marshall Street from Steel Street to Platinum Street, North Pershing Street from Main Avenue to 2nd Avenue; E. 2nd Avenue from Pershing Street to Silver Street; Sierra Vista Drive from Sixth Avenue to 9th Street. 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 Resolution No. 37 2018/2019 approving the Drinking Water Revolving Loan (DWRL) Application for the purpose of financing the costs of replacing high risk water lines identified in the Asset Management Plan. Mayor Pro-Tem Clark seconded the motion.

Mayor Pro-Tem Clark thanked Grant/Projects Coordinator Burnette for finding money for water. **Roll call vote was taken by the Clerk-Treasurer. Motion carried unanimously.**

3. Discussion/Action: Resolution No. 38 2018/2019 supporting the necessary elimination of some of the on-street parking on the South side of Main Street at Foch Street. Randall Aragon, Police Chief:

Chief Aragon thanked the Commission for this opportunity. This hazardous intersection is widely known by most city residents. Though this area is a "work in progress" for beautification and perhaps this specific safety concern, the remedy is perhaps 18 months to two years away; consequently, a "fix" is recommended as soon as practicable because this is an accident waiting to happen. On Monday, April 8, 2019 Mr. Love personally accessed this intersection and indicated that there is a safety issue due to the limited sight distance for traffic on North Bound Foch St. trying to enter Main Street. Mr. Love's recommendation is to install "delineators" (plastic upright posts) to be installed to prevent parking of three vehicles along Main Street which would result in an enhanced "sight picture" (triangulation) to observe vehicles traveling along Main Street when stopped (heading north) at the stop sign at the corner of Foch Street & Main

Street. Besides installing the plastic "delineators" DOT would install one (1) sign along the curb (on Main Street) that prohibits parking from that sign up to the corner of Foch Street. As Mr. Love's email stipulates, NM DOT requests a resolution from our governing body requesting NMDOT to install the aforementioned traffic safety components. We support and recommend that the City Commission approve a resolution to have NM DOT to install traffic control devices, pavement markings, and signing required to eliminate on-street parking as determined by NMDOT.

Mayor Pro-Tem Clark asked if the city will need to have some sort of agreement in place.

City Attorney Rubin clarified that the NMDOT have reviewed the resolution in support of this issue and he confirmed. City Attorney Rubin then read the enacting clause of the resolution for those who are listening.

Mayor Whitehead asked what the timeframe will be once this is passed and what can the business owners expect.

Mr. Love said it's a busy time of year and asked if they can give about three weeks to get this done.

Mayor Whitehead indicated we would like to be notified so we can get the word out to the population so they would slow down.

Mayor Pro-Tem Clark moved to approve Resolution No. 38 2018/2019 supporting the necessary elimination of some of the on-street parking on the South side of Main Street at Foch Street. Commissioner Baca seconded the motion. Roll call vote was taken by the Clerk-Treasurer. Motion carried unanimously.

4. Public Hearing/Discussion/Action: Public Hearing and Authorize and Approve Staff to submit documents related to an application for Federal Assistance under USDA/RUS for Water System Improvements as defined by the T or C Water System Improvements Preliminary Engineering Report. Traci Burnette, Grant/Projects Coordinator & Zoning Official:

Grant/Projects Coordinator Burnette reported this is a standard procedure when we submit an application, this will also be for Water System Improvements.

Mayor Whitehead opened the item for Public Hearing and asked if there was anyone who would like to speak on this item. With there being none, she closed the Public Hearing.

Mayor Whitehead then asked if any of the Commissioners had any comments or concerns.

Mayor Pro-Tem Clark inquired about the amount and the overall project cost.

Grant/Projects Coordinator Burnette responded USDA will make a determination based on our overall project cost and then part of the application process will be how many services we have, what our revenue sources are, and what our water revenue source is, and then they do all of their underwriting to determine what portion we can afford in grant funds and what portion would be a loan by USDA. Then we would present to you at that time and the Commission would make a decision on whether or not to move forward.

City Manager Madrid said, these loans from the Federal Government and Federal Grants are very detailed. They require detailed financial documents and reports. They look at the past and determine their own trends where they project what our revenues are going to be, and they then compare that to what we submit. They also compare that to our audit reports that they require every year as a major funding source. They do all of that independent of what we submit in our application. The Finance Authority notified us that, just by restructuring we will be saving over \$220,000 in the long term interest payments, and we will be reducing our debt service by about \$45,000 to \$65,000 a year just in this area alone.

Grant/Projects Coordinator Burnette asked them to keep in mind the process will force us to look at our water rates this time because of the funding.

Commissioner Szigeti added it would be more efficient if we could include something or expand that to do something with the sewers as well, while the roads are torn up.

Grant/Projects Coordinator Burnette responded when there is anything they can combine to include, they would present it to the City Manager to determine if there might be enough funding to include the sewers.

Commissioner Szigeti also asked about whether the city will be considering moving the electric lines underground at some point.

Grant/Projects Coordinator Burnette let him know unfortunately there is a lack of funding for an Electric Project.

City Manager Madrid also notified him that it's low on their list of priorities.

Commissioner Hechler moved to approve to authorize and approve Staff to submit documents related to an application for Federal Assistance under USDA/RUS for Water System Improvements as defined by the T or C Water System Improvements Preliminary Engineering Report. Commissioner Szigeti seconded the motion. Mayor Pro-Tem Clark appreciates what Grant/Projects Coordinator Burnette and City Manager Madrid have said and that they are looking ahead for our best interest. **Motion carried unanimously.**

F. NEW BUSINESS:

1. Discussion/Action: Fiscal Year 2019/2020 Allocations for Subrecipient Applications. Morris Madrid, City Manager:

City Manager Madrid gave an overview of each of the applications with an overview of each organization including what they requested for funding and also his recommendation to fund each of them at their full requested amounts.

Mayor Pro-Tem Clark seems to recall that The Club had a similar problem with their application last year, and although there is no question how very important it is to support our Youth Programs, but they discussed the same last year and decided to fund the \$10,000 for the Club. She is not in favor of funding them the full amount they requested.

Mayor Whitehead also added that she feels the same, and organizations should be careful to check into our policies and procedures, and formatting, and we will be happy to work with you.

City Manager Madrid agrees it would be entirely wrong to reward bad behavior and because of that he would recommend that it be cut a bit from the prior year also by \$1,000 to be an incentive to get it right next time.

Executive Assistant Gardner also let the Commission know the cover sheet with the details for each application was also included in each packet which shows different things that were needed or corrected for each applicant.

Commissioner Hechler added he has to believe that at this point we should have some idea of what the budget will be and he should have an idea of where we will be. City Manager Madrid has been looking at the amounts and is always happy to see the budgets that are flat.

City Manager Madrid agreed some of these are specific and some are not specific. Some we fund because it's in the best interest of the public.

Commissioner Hechler would like to recommend to include the \$1,000 we will save from Wildflowers to the CAAT organization.

Commissioner Szigeti reported in reviewing the applications, the real need for those provided vital services. And Elephant Butte Lake State Park is showing they need \$13,000 for the fireworks.

Carla Johnson is the Treasurer for the Friends of the Elephant Butte Lake State Parks and the cost last year for the display was \$25,000 and our local Fire Department will be setting off the display this year. They don't just raise money for the fireworks, they also raise funds for other events like the Easter Egg Hunt, and they bought an ice machine for the staff which was needed.

Commissioner Szigeti said the figures he quoted were just off of that statement.

City Clerk Cantin wanted to also remind the Commission, because of the concern on the benefit to the city that was brought up in the past about the new Shuttle that had a 19% increase ridership last summer and with the changes they made this year it's been a great asset.

Following are the Subrecipient grant awards approved by the Commission:

- **\$1,000 will be taken from the Wild Flower who are no longer in existence and will be allocated to CAAT for the amount of \$2,500**
- **Domestic Abuse - \$2,500**
- **Matthew 25 - \$7,200**
- **SJOA - \$46,814**
- **The Club - \$10,000**
- **Friends of Elephant Butte - \$1,000**
- **Geronimo Springs Museum – \$4,600**
- **Geronimo Trails Scenic Byway - \$5000**
- **MainStreet Truth or Consequences - \$35,000**

Mayor Pro-Tem Clark moved to approve the Subrecipient grant awards to include the items listed above. Commissioner Baca seconded the motion. Motion carried unanimously.

G. REPORTS:

City Manager:

City Manager Madrid reported the following:

- He wanted to clarify the streets that were improved downtown came about with the funding that was approved and provided a couple of years ago.
- He asked Grant/Projects Coordinator Burnette to give a short report on one of the condemned buildings that have been taken care of and the long process it takes.
- He asked Chief Aragon to report on the city being named as the 8th Safest City in the state.
- City Manager Madrid also asked them to consider having the Commission meeting be the true thing it is which is a business meeting and have the public comment be included.

City Attorney Report:

- City Attorney Rubin turned it over to City Attorney Appel since he was here. City Attorney Appel reported we were able to settle the lawsuit about the development

fees. It may have been more than it should've been but at least it won't be going to trial.

City Commission Reports:

Commissioner Szigeti reported the following:

- He is glad we finally put the Impact Fee issue to rest. It's been a long process and we made it.
- He's also very happy to hear we are pursuing the Code Enforcement issues. We have a long way to go and he thinks there are some things we can do as a Commission to tighten up the loopholes which reflect back on the Commission and are safety issues.
- We might be #8 now, but why can't we be #1 and they are all responsible for that.

Mayor Pro-Tem Clark reported the following:

- Six weeks ago we had another discussion and we also would like to bring something back about what we are going to do with downtown. She would like to see that be brought back.

Mayor Whitehead reported the following:

- She agrees we need to have a Town Hall meeting and review what we have Downtown and what we can do with the buildings we have that are vacant.

H. EXECUTIVE SESSION:

1. **Disposition of Real Property (various properties) pursuant to 10-15-1(H.8):**

Commissioner Szigeti moved to approve going into executive session at 11:32 a.m. to discuss Disposition of Real Property (various properties) *pursuant to 10-15-1(H.8)*. 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 11:51 a.m.

Commissioner Hechler certified that only matters pertaining to Disposition of Real Property (various properties) *pursuant to 10-15-1(H.8)* was discussed in Executive Session and no action was taken.

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

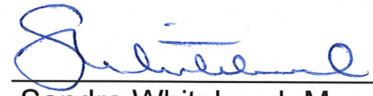
None.

L. ADJOURNMENT

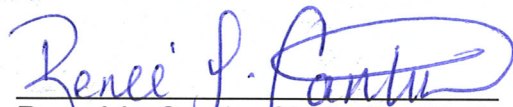
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Commissioner Hechler moved to adjourn at 11:52 a.m. Mayor Pro-Tem Clark seconded the motion. Motion carried unanimously.

Passed and Approved this 8th day of May, 2019.


Sandra Whitehead, Mayor

ATTEST:


Renee L. Cantin, CMC, City Clerk