

CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
CITY COMMISSION CHAMBERS, 405 W. 3RD St.
WEDNESDAY, JUNE 12, 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 – Absent due to illness
Hon. Rolf Hechler, Commissioner
Hon. Paul Baca, Commissioner
Hon. George Szigeti, Commissioner

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

Mayor Whitehead asked the minutes to reflect Mayor Pro-Tem Clark is absent due to illness and is excused.

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. PRESENTATIONS:

- 1. Proclamation naming April 14, 2019 as State Environthon Champion Scat Cats Day in honor of their win on April 14, 2019 ever year forward. Sandy Whitehead, Mayor:**

Mayor Whitehead read the proclamation and presented one to each of the team members and coaches.

- 2. Presentation related to the Americas Cup for Spaceport America. Chris Lopez, Operations Manager:**

Mr. Chris Lopez reviewed details of the event and reported that the event starts next Tuesday which is Convention Day in Las Cruces at the Convention Center. The launch days are from Wednesday through Saturday. If it's hot there is plenty of shade, food carts, and drinks for everyone. He invited everyone to come out there and check it out.

Commissioner Hechler said he understands we will have the Lobos here this year as well.

Mr. Lopez confirmed both the NMSU Atomic Aggies, the UNM Lobos Launchers, and New Mexico Tech will be here having a battle.

- 3. Presentation related to the National Park Service Rivers Trails and Conservation Assistance program. Merry Jo Fahl, Jornada Resource Conservation Development and Gina Kelley:**

Merry Jo Fahl began the presentation with an overview. They are requesting the City of Truth or Consequences to take the lead because the plan is to do the Footbridge at Rotary Park. In the future they would like to promote floating trails for people who like to float the river.

City Manager Madrid notified the Commission that we don't require formal approval at this point because we don't have any funding or liability issues. This item was brought forth for information purposes.

D. COMMENTS FROM THE PUBLIC:

LaRena Miller addressed the Commission related to:

- 1) This year the Visitor Center and the Chamber of Commerce are partnering up at the Spaceport America Cup where they will be giving out information packets for entire the 3 day event.

Ron Pacourek addressed the Commission related to:

- 1) At the last meeting he brought up Ransomware, and he wondered if someone looked into that.

- 2) He doesn't think the Roundabouts are a good idea to have at New School Road and Smith Avenue. He feels it will be difficult for cars to pull over when emergency vehicles need to go through.
- 3) He asked Commissioner Szigeti where he is at with the Cost Adjustment Analysis that he was working on while he was on the PUAB Board.
- 4) He wanted to report two boats that were racing down the river when there are signs posted as a "no wake" area.

E. RESPONSE TO PUBLIC COMMENTS:

Commissioner Szigeti let Mr. Pacourek know that he does intend to bring the Cost Adjustment issue to the Commission within a month or so.

Commissioner Hechler responded as far as the boats on the river, it would be the responsibility of the State Parks. He suggested that Mr. Pacourek take pictures.

City Manager Madrid reported there will not be any public comments at the next meeting. He will meet with the public here in the Commission Chambers at 6:00 p.m.

F. CONSENT CALENDAR:

1. **City Commission Regular Minutes, May 22, 2019**
2. **Accounts Payable, May 2019**
3. **Approve the 2018-2019 Contracts for Deschamps, Sage, and Gibson as the Court appointed Attorneys for the Indigent Defendants for Municipal Court:**

City Attorney Rubin commented the Public Defender contracts are the same contracts we've use in the past and are a benefit to the city.

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

G. PUBLIC HEARINGS:

1. **Public Hearing/Discussion/Action: Request for a Special Use Permit and Variance for Development Standards for the development of a 6-unit apartment complex on the property located at Original Townsite subdivision, Block 26, Lot, N10' of Lot 12 & all of Lots 13, 14, & 15.**
City Manager Madrid:

Grant/Projects Coordinator/Designated Zoning Official Burnette gave an overview of the request for a Special Use Permit to allow development of a 6 unit apartment complex on Pershing Street. It has been discovered that a variance will not be needed for this lot because a variance is only required when you are splitting a lot, and this lot will not be split. The lot has been zoned as a C1, and a Special Use Permit is required for development of apartments within this zone as per section 11-9-7 E-2. The applicant is requesting special use for development of not only the apartment complex, but they are

CITY COMMISSION JUNE 12, 2019 REGULAR MEETING MINUTES

also requesting special use for a 6 unit complex, and our Municipal Code requires a 10 unit minimum. There is a 5 unit apartment complex, and an 8 unit apartment complex on the 7th Street side of Pershing, and there is a 3 unit apartment complex on the other side of the proposed complex. Therefore, a 6 unit complex meets the overall standards that are within that area.

Battershell process will be used for this hearing.

City Clerk Cantin did the swearing in for the following people:

Laura Ariola
Reynato Ariola
Chris Franich
Joe Janes
Traci Burnette
Morris Madrid

Staff Presentation was already given.

Proponents:

Laura Ariola first came here as a traveler with her husband. They loved it here so they decided to buy a lot they could build apartments on because they had a hard time finding an apartment when they first settled here. They already have a 3 unit apartment complex next to the area where they are building the new complex.

Chris Franich is a General Contractor out of Las Cruces. He will be providing a lot of revenue for this community because almost all of the materials used to build the complex will come from local suppliers. That will be a good opportunity for local suppliers to get some revenue generated. It is his understanding that new construction doesn't happen to often around here, so he is wanting to change that.

Mayor Whitehead noted that Mr. Janes is signed in as a proponent. However, he is an opponent of this development.

Opponent:

Joe Janes owns the apartments next to this. His only objection is that a two story building would cause a problem in the winter because it will block the sun which provides heat.

Grant/Projects Coordinator/Designated Zoning Official Burnette responded the complex will be a two story building and the plans have been sent for review to ensure it meets all of our requirements.

CITY COMMISSION JUNE 12, 2019 REGULAR MEETING MINUTES

Commissioner Szigeti asked where within the parcel the building will be located.

Grant/Projects Coordinator/Designated Zoning Official Burnette responded the plans are being reviewed and developed at this time.

Chris Franich responded that the building would be to the north side of the property.

Commissioner Szigeti mentioned if it were to the south it may alleviate the shadowing issues.

Commission Comments:

City Attorney Rubin wanted to clarify with Grant/Projects Coordinator/Designated Zoning Official Burnette that all property owners have been notified and no responses were received.

Commissioner Hechler asked if the plans have been drawn up and submitted. He also asked what the square footage is for both upstairs and downstairs.

Chris Franich responded the plans are currently being reviewed by the city and the state. He believes the total square footage for the complex is around 6134 sq. ft. and the units will be 3 bedroom/1 bath units.

Commissioner Hechler asked the owners how much they will be charging for each unit.

Laura Ariola responded \$650 - \$700 per month.

Mayor Whitehead closed the Public Hearing.

Commissioner Hechler moved to approve the Special Use Permit for Development Standards for the development of a 6-unit apartment complex on the property located at Original Townsite Subdivision, Block 26, Lot, N10' of Lot 12 & all of Lots 13, 14, & 15. As the variance is not required Commissioner Hechler agreed to remove "and variance" from his motion. Commissioner Baca seconded the motion. Commissioner Szigeti understands Mr. Janes' problem of the shading. In related to solar, if you want to preserve the sunlight in your area, the person would have to buy the limitation on that property and that would prevent it from shading their installation. But without some kind of an agreement that had been in place prior to that, there is nothing that can be done to stop the construction if that building meets the codes standards. Motion carried unanimously.

H. ORDINANCES/RESOLUTIONS/ZONING:

- 1. Discussion/Action: Ordinance No. 702 for publication amending the Code of Ordinances by adding a Section related to Sale of Real Property pursuant to §NMSA 1978 3-54-1. City Manager Madrid:**

City Manager Madrid said this is in relation to a possible sale of city property based on an offer that has been received. This ordinance is required to be published before it is adopted, and this item is to approve the publication of the ordinance.

City Attorney Rubin gave an overview of the requirements in 3-54-1. When you're selling real property, there is a threshold limit of twenty-five thousand dollars (\$25,000) or less. We did get an appraisal on the property and it came in at seventy thousand dollars (\$70,000), so that required us to go through the ordinance procedure.

Commissioner Hechler moved to approve Ordinance No. 702 for publication amending the Code of Ordinances by adding a Section related to Sale of Real Property pursuant to §NMSA 1978 3-54-1. Commissioner Baca seconded the motion. Mayor Whitehead requested a Roll call vote. Motion carried unanimously.

2. Discussion/Action: Ordinance No. 703 introduction authorizing the issuance of Joint Utility System Improvement Revenue Bonds Series 2019A. Chris Muirhead, Modrall Sperling:

Mr. Chris Muirhead gave an overview of both Revenue Bonds, why they needed to be separate, and what the purpose of revenue bonds are. The obligation will be for the Joint Utility System Improvements. This will take the interim financing out, and repay it and place it at 1.65% and the 2.5% which is very favorable.

City Manager Madrid added USDA has reviewed our financial statements prior to going out for this and it has been included in the budget.

Commissioner Hechler moved to approve Ordinance No. 703 introduction authorizing the issuance of Joint Utility System Improvement Revenue Bonds Series 2019A. Commissioner Szigeti seconded the motion. Mayor Whitehead requested a roll call vote. Motion carried unanimously.

3. Discussion/Action: Ordinance No. 704 introduction authorizing the issuance of Joint Utility System Improvement Revenue Bonds Series 2019B. Chris Muirhead, Modrall Sperling:

Mr. Muirhead reported that he lumped both ordinances together so the Revenue Bonds Series 2019A are \$715,000 and the Revenue Bonds Series 2019B's are \$315,000. The structuring is consistent between the two ordinances, and the reason why we cannot do it as one ordinance is due to USDA regulations. However, the ordinance and what it is doing; the pledge it is making; and the terms of the bond are consistent between the two. He also mentioned that these items are for publication only. They will be published on June 14th and will be brought back on July 10th for final adoption.

Commissioner Hechler moved to approve Ordinance No. 704 for publication authorizing the issuance of Joint Utility System Improvement Revenue Bonds Series 2019B in the amount of \$315,000 for the purpose of improving the

Wastewater System within the City of Truth or Consequences Joint Utility System. And also including publication of Ordinance 704. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

Mayor Whitehead noted that Ordinance 702, Ordinance 703, and Ordinance 704 are only for publication at this time.

4. Discussion/Action: Resolution No. 45 18/19 authorizing participation In Local Government Road Fund (LGRF) Program administered by New Mexico Department Of Transportation (NMDOT). City Manager Madrid:

City Manager Madrid reported a resolution is required by NMDOT to receive the funds that they have allocated to us. The total funding is \$45,686.89 and the project that was selected is on River Road from Tin Street to the bottom of the hill. This will be a new surface construction, and this piece was selected because it was the closes to the funding available. This is also a continuation of an ongoing extension of that particular street.

Commissioner Hechler moved to approve Resolution No. 45 18/19 authorizing participation In Local Government Road Fund (LGRF) Program administered by New Mexico Department of Transportation (NMDOT) as the River Road from Tin to bottom of the hill with a preliminary cost estimate of \$45,686.89. Commissioner Szigeti seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

5. Discussion/Action: Resolution No. 46 18/19 supporting an application to the National Parks Service Rivers, Trails, and Conservation Assistance Program for technical assistance. City Manager Madrid:

City Manager Madrid reported this resolution is required to be included in our application packet, and it is related to the presentation we saw earlier. He recommends this item for approval.

Commissioner Szigeti moved to approve Resolution No. 46 18/19 supporting an application to the National Parks Service Rivers, Trails, and Conservation Assistance Program for technical assistance. Commissioner Hechler seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

I. NEW BUSINESS:

1. Discussion/Action: Approve MOU between County of Sierra and City of T or C regarding the Administration and Enforcement of the City's Floodplain Management Regulations. City Manager Madrid:

City Manager Madrid reported the State of New Mexico requires the city to have a Floodplain Manager, and it is one of the positions that will not be filled in the city. He explained the requirement and the re-evaluation that is due to be done, of which we do not have the expertise.

Commissioner Hechler moved to approve City Manager Madrid to enter into a MOU between the County of Sierra and the City of T or C regarding the Administration and Enforcement of the City's Floodplain Management Regulations. Commissioner Baca seconded the motion. Motion carried unanimously.

J. REPORTS:

City Manager reports:

City Manager Madrid reported the following:

- He showed some slides of the city's new concrete trash receptacles.
- We have a meeting tomorrow regarding the Master Plan for the Ralph Edwards Park. They will be re-activating that project since we have partial funding for it, and we will try to identify complete funding for it this year. We anticipate the project to be done within the next 6-10 months.
- He had a few comments in regards to tearing up streets when a water line needs to be fixed. Yesterday, he went with staff to take a look at some of the upcoming water projects and where they are with the streets so he wants to assure everyone that review does take place.

City Attorney Rubin reported the following:

- None.

City Commission Reports:

Commissioner Szigeti reported the following:

- He was doing research of the ordinances and one of his pet peeves is derelict properties. We have some things in our ordinances that we are not using to clean up the town. He offered to put something together to distribute. If we want to attract people to our town, we really need to be looking at some of those because we do have the need for improvement, and we also have the means to do so.

Mayor Whitehead reported the following:

- Reiterated that the next meeting will not have Public Comment.

K. EXECUTIVE SESSION:

Real Property (Various Properties) Pursuant to 10-15-1.H(8):

CITY COMMISSION JUNE 12, 2019 REGULAR MEETING MINUTES

Commissioner Hechler moved to approve going into executive session at 10:20 a.m. to discuss Real Property (Various Properties) Pursuant to 10-15-1.H(8). Commissioner Baca seconded the motion. Roll call vote was taken by the Clerk-Treasurer. Motion carried unanimously.

Mayor Whitehead reconvened the meeting in open session at 10:40 a.m.

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


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

No action taken.

M. ADJOURNMENT

Commissioner Szigeti moved to adjourn at 10:42 a.m. Commissioner Hechler seconded the motion. Motion carried unanimously.

Passed and Approved this 10th day of July, 2019.



Sandra Whitehead, Mayor



ATTEST:



Renee L. Cantin, CMC, City Clerk