

CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
CITY COMMISSION CHAMBERS, 405 W. 3RD St.
WEDNESDAY, JULY 10, 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
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 Szigeti to lead the Pledge of Allegiance.

4. APPROVAL OF AGENDA:

Commissioner Hechler moved to approve the agenda to include removing item F.1 for the May 29th meeting minutes. Commissioner Baca seconded the motion. Motion carried unanimously.

City Manager Madrid introduced our new Finance Director Carol Kirkpatrick who started yesterday.

C. PRESENTATIONS:

1. Presentation of Promotion of Officer Anthony Zagorski to Patrol Sergeant. Randall Aragon, Police Chief Aragon:

Chief Aragon led the ceremony promoting Officer Anthony Zagorski to Patrol Sergeant.

D. COMMENTS FROM THE PUBLIC:

Carole Wheeler addressed the Commission related to:

- 1) The Foundation will be sending a check for the full amount for the mural at the Dog Park. She also thanked the City and Parks Supervisor Hechler for doing such a great job at maintaining the Dog Park and keeping the grass cut.

Mayor Whitehead announced:

- 1) On June 28th the city held a BBQ and the following employees were given their service awards:

5 plus years of service with the City of Truth or Consequences:

- Angela A. Torres
- William Montoya
- Margaret Clanton
- Erica Baker
- Anthony Zagorski
- Scott Huron
- Sonya Williams
- Brian Bean
- Robert Waldron Jr.

10 plus years of service with the City of Truth or Consequences:

- Becky Rodriguez
- Kerin Salcedo
- Traci Burnette
- David Johnson
- Ted Ontiveros
- Silke Kapela
- Jesus Navarro
- Timothy Hanna

15 plus years of service with the City of Truth or Consequences:

- Bo Easley
- Retha Jermyn
- Shannon Crowder
- Otto Vienna

20 plus years of service with the City of Truth or Consequences:

- **Pat Wood**
- **Kenny Moran**
- **Peter Baca**
- **Michael Montoya**
- **Andy Alvarez**
- **Scott Eversole**
- **Benny Fuentes**
- **Merced Baca**
- **Buster Smith**
- **Leo Martinez**

25 plus years of service with the City of Truth or Consequences:

- **Pat O'Hanlon**
- **Judge Sanders**

E. RESPONSE TO PUBLIC COMMENTS:

City Manager Madrid reminded everyone that items discussed during a Town Hall Meeting are public record. The following concerns were brought up at the Town Hall meeting held the evening after the June 26th meeting:

- **The amount of money that is spent on certified mail for Code Enforcement.** City Manager Madrid explained that certified letters are a necessary part of the procedure when they get into legal proceedings regarding properties. The courts require proof that the person was notified of the code violation.
- **Weeds and Code Enforcement.**
- **An individual brought him a petition requesting that NMDOT do a traffic study at Main & Foch.** City Manager Madrid forwarded the petition to the NMDOT.
- **An individual thought that people should take pride and ownership in their own properties.**
- **An individual thought that Main Street and Broadway should be a two way street rather than a one way street.**
- **There is not a proper disposal container for litter and dog feces at the area between Broadway and Rotary Park.**
- **There should be a reactivation of the Entertainment Board.**
- **We should be promoting the Golf Course within our local businesses.**
- **It was asked if we have a sister city in Mexico to promote our city as a bilateral tourism destination so we can visit them and they can visit us.**

CITY COMMISSION JULY 10, 2019 REGULAR MEETING MINUTES

- **We should have a Summer Youth Program at the Golf Course.** City Manager Madrid explained we are hoping to work with New Mexico Workforce Solutions in order to provide employment for our local youths.
- **Some of our city ordinances need to be updated.**
- **Some ideas were brought up to make better use out of the empty water tank on Tank Hill.**
- **An individual felt that people who come in from out of town shouldn't try to change the way we are. They should either like us, or move back to where they came from.**
- **An individual felt that the Project on Foch St. is a bad idea. They are concerned about the width of the roads and accessibility for buses on Foch Street.** City Manager Madrid explained that the project on Foch Street will not impact the turning radius of any of the intersections. The project will also not inhibit the accessibility of busses.
- **An individual complimented David Johnson for getting the air unit at the Lee Belle Johnson Center fixed rather quickly.**

Mayor Whitehead noticed some additional people came in and she would like to offer them time to give Public Comment.

Hans Townsend addressed the Commission related to:

- 1) The Spaceport proposals suggest that they are going to fly this year. One asset he feels we have and we are not making the most of is the Airport. It is a serious asset we need to use in order to help us bring people here.

Ron Fenn addressed the Commission related to:

- 1) He doesn't like coming here to look at the blank faces. You are looking at improving tourism signs, yet you're ignoring the anti-tourism illegal signs that do more damage than any possible benefit that can come from tourism signs. He feels that the Commission is responsible for the illegal signage in this city. He showed a T-shirt with a logo for Never Back Down and made a rude comment toward the commission in reference of the T-shirt. He also provided the city with a letter he sent to the New Mexico Finance Authority in 2017 regarding why he feels they should not give the city money.

Lt. Baker address the Commission related to:

- 1) They had a complaint come in to dispatch on the Animal Shelter and the conditions there. She wanted to assure the public that the animals at the shelter are very well taken care of, and Maribel Dalrymple and her staff are doing a fantastic job. The complaint they received was about a cat standing in its own feces. She wanted to say it was a feral cat of which their staff cannot handle for safety reasons. Those cats are usually the last ones they clean, and they have to use a special tool to remove the feces because the cats stay in the cages they catch them in due to safety reasons.

RESPONSE TO PUBLIC COMMENT:

Commissioner Szigeti responded to Mr. Fenn's comments about people not moving here. If people are being driven away from Truth or Consequences as Mr. Fenn implies, then why is it that people coming here can't find apartments to stay in because all of the apartments are rented. And why is it that the realtors are reporting that housing sales are up. There is also a new apartment complex going up on Poplar Street so there are people here investing money, and he has personally talked to at least six people this year who have moved into town.

F. CONSENT CALENDAR:

1. **City Commission Special/Workshop Meeting Minutes, May 29, 2019 – removed to next meeting**
2. **City Commission Special/Workshop Meeting Minutes, May 30, 2019**
3. **City Commission Regular Minutes, June 12, 2019**
4. **City Commission Regular Minutes, June 26, 2019**
5. **Acknowledge Library Advisory Board Minutes, June 24, 2019**
6. **Accounts Payable, June 2019**

Commissioner Hechler requested to remove F.1 for the May 29, 2019 Minutes for further review.

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

G. PUBLIC HEARINGS:

1. **Public Hearing/Discussion/Action: Final Adoption of Ordinance No. 702 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:**

Grant/Projects Coordinator & Designated Zoning Official Burnette notified the Commission this is a property sale in the Matson area and will need to be done by ordinance.

City Attorney Rubin explained that the city will be selling the property at the appraised value of \$70,000. Since the property was appraised over \$25,000, we had to go through the ordinance procedure. He wanted to point out on page 2; paragraph C; it says *the purchaser acknowledges that he is buying the property in an "as is" condition, and the city has made no warranties or representation regarding the Real Property. Nor can the Real Property be used for any particular purpose.* That is important, because we are agreeing to the sale of property, but we are not necessarily agreeing on how the property can be used. He also noted that the description should be W. 2nd Street rather than E. 2nd Street and recommended that be added to the motion.

Mayor Whitehead opened the Public Hearing.

Opponents:

Ron Fenn is against this ordinance because the city is selling this property for \$70,000, yet the city violated this same ordinance/statute in the lease of the Lee Belle Johnson Center, and that facility is worth a lot more. The city is losing \$20,000 in rent a year just on the Spaceport section by not following §354-1. It seems to him that we are only using these statutes when it is favorable for somebody. Yet for the people of this community, we violate the statutes at will for the benefit of a handful of people.

Proponents:

Matt Romero is a multigenerational resident in New Mexico and he and his client love this area. So far his client has already invested over \$500,000 in the city and the area. He's from San Francisco and has been investing in properties in New Mexico, and he considers this place his second home. The offer they made of \$70,000 was the amount of the appraisal and his client has offered to pay all of the closing costs on the purchase, rather than splitting the costs with the City.

City Attorney Rubin asked if Mr. Romero has read the ordinance and the purchase agreement.

Mr. Romero responded yes.

Mayor Whitehead closed the Public Hearing.

Commissioner Szigeti moved to approve Final Adoption of Ordinance No. 702 amending the Code of Ordinances by adding a Section related to Sale of Real Property pursuant to §NMSA 1978 3-54-1 as amended and to add correcting the information as to the closing cost fees. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

2. Public Hearing/Discussion/Action: Final Adoption of 703 authorizing the issuance of Joint Utility System Improvement Revenue Bonds Series 2019A. Chris Muirhead, Modrall Sperling & City Manager Madrid:

Mayor Whitehead opened the Public Hearing and turned it over to City Manager Madrid.

City Manager Madrid thanked Mr. Muirhead for being here today and asked him to give an overview.

Mr. Chris Muirhead reported the Wastewater improvements are being financed through USDA which has the rural utility services program, which is a mix of loans and grants. In 2016 USDA gave a letter of conditions which had a loan component of \$715,000 and a grant component of \$4,515,400. Earlier this year they added to it to make sure it covered the cost of the project. They added a loan of \$315,000 and an additional grant

of \$485,600. We can't just put this into one ordinance and do it collectively, due to USDA requirements. Since the monies were obligated in different years, USDA wants to see two different ordinances. The ordinances are identical except for the par amounts of the \$715,000 and the \$315,000 that authorize the bond portion of this in those amounts. It is a pledge of your net system revenues, and for some outstanding debt with NMFA and USDA. It sets the rate on the 2019A which is the larger amount of \$715,000 at 1.625% and this also gives you an amortization payoff of 40 years, which results in annual payments of approximately \$24,500 a year on the 2019A. The USDA program also provides for prepayment without any penalty or premium at any time. The pledge is the net system revenues of the utility system and it is a special limited pledge. There is no pledge of the city's general obligation debt authority for any gross receipts tax revenues, or any revenues of any Enterprise Funds or things of that nature. Should there ever be a short fall; the lender can only look to that one revenue stream. They can however, require the city to raise system rates if they believe the rates are too low and can't cover the debt service.

Opponents:

Ron Fenn does not feel a public hearing is a public hearing without the public saying something, so he signed up. He doesn't see the bottom line for the loan. You guys keep borrowing money knowing that the utility money is being syphoned off into the General Fund to pay for employees that the city does not need. He told Mr. Madrid that he needs to eliminate a \$2,000,000 a year, and the only way to do that is to get rid of 2/3 of the city's employment.

Mr. Chris Muirhead noted that this item does require a 75% majority vote since it is a debt ordinance.

Mayor Whitehead asked if anyone else had any further comments.

Mayor Whitehead closed the Public Hearing.

Commissioner Hechler moved to approve Final Adoption of 703 authorizing the issuance of Joint Utility System Improvement Revenue Bonds Series 2019A as presented. Commissioner Szigeti seconded the motion. Roll call vote was taken by Clerk-Treasurer. Motion carried unanimously.

- 3. Public Hearing/Discussion/Action: Final Adoption of 704 authorizing the issuance of Joint Utility System Improvement Revenue Bonds Series 2019B. Chris Muirhead, Modrall Sperling & City Manager Madrid:**

Mayor Whitehead opened the Public Hearing.

Mr. Muirhead did not have any further information. Details were included in the previous item. The only difference in this ordinance is the amount which is \$315,000.

Opponents:

Ron Fenn asked who this Bond is going to. He asked if the Bond will be offered to the public or will it go to another financial institution.

Mr. Muirhead responded that holder of the Bond is USDA for the term of the 40 years.

City Manager Madrid recommended approval of this item, and asked that the motion include him as the authorized signatory.

Mayor Whitehead closed the Public Hearing.

Commissioner Hechler moved to approve Final Adoption of 704 authorizing the issuance of Joint Utility System Improvement Revenue Bonds Series 2019B including the authorization for City Manager Madrid as the signatory. Commissioner Szigeti seconded the motion. Roll call vote was taken by Clerk-Treasurer. Motion carried unanimously.

4. Public Hearing/Discussion/Action: USDA Rural Development Community Facilities Grant Application for financial assistance for various equipment needs. City Manager Madrid:

Mayor Whitehead opened the Public Hearing.

Grant/Projects Coordinator & Designated Zoning Official Burnette reviewed the application noting that this is our USDA Community Facilities Grant Application. In the past we have received a Street Sweeper, Backhoe, and Kubota Tractor. We've processed two applications under the public safety portion, and both times we received (4) four police vehicles. This is a standard procedure in order for us to start the application process of applying for equipment needs throughout the various departments. Her request is for approval to process the application and authorize City Manager Madrid as the authorized signatory authority.

Opponents:

Ron Fenn said he doesn't like beggars. We have an anti-begging law in this city, and yet the city is the biggest beggar of all. This city has assets and the biggest asset is its people. We don't utilize them; we keep them from coming to meetings like this. We are borrowing money for new vehicles and we have tons of new vehicles. But it's not just the vehicles, it's the maintenance, fuel and insurance we pay on every vehicle. These are abuses that have been allowed. We have to stop the begging and do it with intelligence and critical thinking instead of with dreams.

City Manager Madrid recommended approval of this item, and asked that the motion include him as the authorized signatory.

Mayor Whitehead closed the Public Hearing.

Commissioner Hechler moved to approve USDA Rural Development Community Facilities Grant Application for financial assistance for various equipment needs including the authorization for City Manager Madrid as the signatory. Commissioner Szigeti seconded the motion. Motion carried unanimously.

5. Public Hearing: Infrastructure Capital Improvements Plan for FY 2021-2025. City Manager Madrid:

Mayor Whitehead opened the Public Hearing.

City Manager Madrid turned it over to Grant/Projects Coordinator & Designated Zoning Official Burnette who gave an overview of the ICIP. Last year we did a lot of cleanup and we updated some of the projects. She recently worked with the department heads on a presentation of various needs for our departments. Some of which qualify as ICIP projects that include Water Improvements, both in the distribution lines and production, Wastewater Improvements, and Streets repairs which are a top concern. She would like to hear some input from some of the other department's needs. We are required by some of our grant funders to list the projects that are currently in the process of being funded or those that have a pending funding application. This year we are going to include some of the needs of SJOA to show our support even though they submit their own ICIP. The full list of projects will be brought back at the second meeting in August.

Opponent:

Ron Fenn would like for us to get information out to the community. It's not a Public Hearing if nobody from the public speaks.

Mayor Whitehead asked him to bring forward his ideas and share his ideas.

Ron Fenn responded he does not have all of the ideas. The public has the ideas, and they should be here.

Mayor Whitehead replied by saying people are aware of our Commission Meetings and they are invited to our Commission Meetings.

City Manager Madrid wanted to reiterate the purpose of the ICIP is a requirement for some of the state funding and legislature who will ask if it's on the ICIP. If you have items on that list, they are more likely to get funded.

Commissioner Szigeti asked if he may, he would like to make a comment about these public hearings. The fact that there are not more people here to make public comment is due the fact that the majority of the people trust the Commission to make the right

decisions on their behalf. And just because one person opposes does not mean we are excluding anyone in anyway.

City Attorney Rubin added we are in compliance with the Open Meetings Act and he doesn't feel there is much more we can or need to do.

City Manager Madrid encouraged members of the public who have thoughts or ideas to contact and meet with him.

Grant/Projects Coordinator & Designated Zoning Official Burnette explained that this is our second Public Hearing. We advertised the Public Hearing and it was held in conjunction with SJOA.

Mr. Muirhead also pointed out that if this bond was a public offering, the interest rate would be at least twice as high and it would have to be repaid in 15 years, making the annual payments much higher.

Mayor Whitehead closed the Public Hearing.

H. ORDINANCES/RESOLUTIONS/ZONING:

1. Discussion/Action: Resolution No. 01 19/20 Open Meetings Act and reasonable notice of meetings. City Manager Madrid:

City Manager Madrid stated this is a required annual resolution (declaration) to be in compliance with the Open Meetings Act.

City Clerk Cantin stated we usually keep this as the first resolution of each fiscal year and there are no recommended changes at this time.

Commissioner Szigeti moved to approve Resolution No. 01 19/20 Open Meetings Act and reasonable notice of meetings. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

2. Discussion/Action: Resolution No. 02 19/20 authorizing and providing for the Incurrence of Indebtedness for the purpose of providing a portion of the cost of acquiring, constructing, enlarging, improving, and/or extending its community Wastewater System. Chris Muirhead, Modrall Sperling:

Chris Muirhead, Modrall Sperling reported this is the Resolution he referenced earlier that ties to the second commitment of funds from USDA.

Commissioner Hechler moved to approve Resolution No. 02 19/20 authorizing and providing for the Incurrence of Indebtedness for the purpose of providing a portion of the cost of acquiring, constructing, enlarging, improving, and/or extending its community Wastewater System. Commissioner Szigeti seconded

the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

- 1. Discussion/Action: Resolution No. 03 19/20 approving participation in the program of the South Central Council of Governments, Inc. for Fiscal Year 2019-2020. City Manager Madrid:**

City Manager Madrid said this action is to reflect our commitment to participate with the Council of Governments. In his past experience, they can influence the funding that comes through DOT or State of New Mexico.

Commissioner Hechler moved to approve Resolution No. 03 19/20 approving participation in the program of the South Central Council of Governments, Inc. for Fiscal Year 2019-2020. Commissioner Szigeti seconded the motion.

City Manager Madrid also wanted to note this resolution will include the representation of Mayor Whitehead as the member and Commissioner Szigeti as the alternate. **Motion carried unanimously.**

I. NEW BUSINESS:

- 1. Discussion/Action: Consider the recommendation of the Library Advisory Board to appoint Teresa Hafner as a new member. City Manager Madrid:**

City Manager Madrid requested City Clerk Cantin to present the item.

City Clerk Cantin notified the Commission the application as well as, the letter of recommendation from the Library Advisory Board is included in the packet. The Board recommends appointing Teresa Hafner to fill one of the two vacant seats.

Commissioner Szigeti moved to approve appointing Teresa Hafner to the Library Advisory Board member. Commissioner Baca seconded the motion. Motion carried unanimously.

- 2. Discussion/Action: Consider the recommendation of the Golf Course Advisory Board and appoint new board members. City Manager Madrid:**

City Clerk Cantin notified the Commission the applications, as well as, the letter of recommendation from the Golf Course Advisory Board is included in the packet. The Board recommends appointing Darrell Grover and Martin Towner to fill the two vacant seats.

Commissioner Hechler moved to approve the recommendation of the Golf Course Advisory Board to approve the appointment of Darrell Grover and Martin Towner. Commissioner Szigeti seconded the motion. Motion carried unanimously.

3. Discussion/Action: Amendment to the JPA with Village of Williamsburg for LEPF. City Manager Madrid:

City Manager Madrid visited with Mayor Stubblefield on this item and their Small Cities Assistance was actually cut by almost 2/3rds and they requested to reduce the amount from \$20,000 to \$10,000.

Commissioner Hechler moved to approve the reduction of the JPA from \$20,000 to \$10,000 for a period of one year and to clarify this is not related to the LEPF. Commissioner Szigeti seconded the motion. Motion carried unanimously.

4. Discussion/Action: Approval to submit application for the DJ & T Foundation Grant for a Dog Playground at the Animal Shelter. City Manager Madrid:

Chief Aragon introduced Ms. Becky Porter and Robyn Groetsky from Friends of the Animal Shelter.

City Manager Madrid recommended approval of the application for the DJ & T Foundation Grant for a Dog Playground at the Animal Shelter.

Commissioner Szigeti moved to approve to submit application for the DJ & T Foundation Grant for a Dog Playground at the Animal Shelter. Commissioner Baca seconded the motion. Motion carried unanimously.

J. REPORTS:

City Manager Madrid reported the following:

- We will commence spraying for mosquitos for the season. If there are residents who do not want to be sprayed, they can contact the Clerk's Office to be added to the No Spray list.
- Water leaks:
 - He recognized Otto Vienna, Jesus Navarro, Jesse Cole, Ramon Sanchez, Victor Valdez, Ezekiel Alvarez, and Tim Hanna for all of their hard work during major leak that took place on June 23rd and June 24th.
 - They will be working on replacing the pumps, and that should help with the constant leaks.
- He received a letter from DFA to the Mayor approving our Interim Budget that was submitted. He explained we will need to look at some of the Capital Items and other items they list to be approved before submitting the Final Budget.
- In light of Ron Fenn's comment about us being "beggars" he thinks we should name Traci Burnette as the "Chief Beggar". They won't give you money in any way if you can't show your credibility and capability.

City Commission Reports:

Commissioner Szigeti reported the following:

- If we didn't go out and beg for this money or the loans, he can't imagine the taxes the residents would be paying if we only used the resources available in this town. He would stand on the corner and collect money if it meant citizens wouldn't have to pay more taxes.

Mayor Whitehead reported the following:

- She thanked all of the Water & Wastewater employees for their hard work.
- She congratulated all employees who received their service awards.
- She reminded everyone that there will be no public comment at the next meeting, but there will be a Town Hall meeting at 6 P.M. in the Commission Chambers.

K. EXECUTIVE SESSION:

1. Real Property (various properties) Pursuant to 10-15-1(H.8):

Commissioner Hechler moved to approve going into executive session at 10:42 a.m. to discuss Real Property (various properties) Pursuant to 10-15-1.H(8) Commissioner Szigeti seconded the motion. Roll call vote was taken by the Clerk-Treasurer. Motion carried unanimously.

Mayor Whitehead reconvened the meeting in open session at 10:54 p.m.

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

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

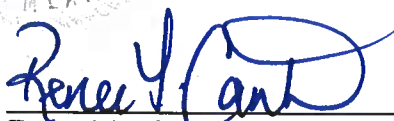
None.

M. ADJOURNMENT

Commissioner Szigeti moved to adjourn at 10:55 a.m. Commissioner Hechler seconded the motion. Motion carried unanimously.

Passed and Approved this 24 day of July, 2019.

ATTEST:



Renee L. Cantin, CMC, City Clerk


Sandra Whitehead, Mayor