

CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
CITY COMMISSION CHAMBERS, 405 W. 3RD St.
WEDNESDAY, DECEMBER 16, 2020

A. CALL TO ORDER:

The meeting was called to order by Mayor Sandra Whitehead at 9:00 a.m., who presided and Angela A. Torres, 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. Amanda Forrister, Mayor Pro-Tem
Hon. Paul Baca, Commissioner
Hon. Randall Aragon, Commissioner
Hon. Frances Luna, Commissioner

Also Present: Morris Madrid, City Manager
Angela A. Torres, 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. She asked that everyone keep honorable Russell Peterson's family in their thoughts and prayers. Mr. Peterson passed away on December 10, 2020 and will be laid to rest this morning at 10:00 a.m.

3. PLEDGE OF ALLEGIANCE:

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

4. APPROVAL OF AGENDA:

Mayor Pro-Tem Forrister moved to approve the agenda as submitted. Commissioner Luna seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

COMMENTS FROM THE PUBLIC:

Rick Dumiak virtually addressed the Commission with comments related to:

- (1) He had concerns regarding littering, drinking and drug use he has witnessed at Rotary Park. He asked if the city owns Rotary Park, and if overnight parking and open fires are permitted in that area because he has seen a lot of that activity.
- (2) He asked for clarification regarding Mr. Fenn's disconnection of utilities because he also received the same notice of disconnect.

Issac Eastvold virtually addressed the Commission with comments related to:

- (1) He has similar concerns regarding Rotary Park. He checked with the County Assessor's Office and their records show that the land is owned by the Bureau of Reclamation.
- (2) In 2009 the Healing Waters Trail Plan was adopted by the Commission and included a very good wetlands element which was never implemented. However, the trail was implemented, and it was very nicely done. He strongly urges the Commission to re-visit that.
- (3) The city has never adopted an Open Space Element as part of the Comprehensive Plan. He urges the city to do that and consider the properties on the east side of the river of Rotary Park as prime open space candidates.

Linda DeMarino virtually addressed the Commission with comments related to:

- (1) She reported the successful outcome of the 12 Days of Christmas online virtual cash mob event. MainStreet Truth or Consequences had 9 volunteers who put in over 230 hours for this project. Each night they highlighted a different local business and assisted them with selling some of their items. The sales added up to over \$12,000. She thanked everyone who supported the businesses through their purchases and promotion of that event.

Ron Fenn virtually addressed the Commission with comments related to:

- (1) He reported that the city replaced his meter at 8:40 this morning, which is 7 days after they removed his meter. He then read the letter that was sent to the City Manager from the Attorney General's Office regarding his disconnection of utilities. This is a public utility, the utilities are not owned by Bo Easley, Morris Madrid or the City Commission. It belongs to the people, and the people have never been advised or invited to express their opinions about policies that affect every one of us. He stated that the city's ability to shut people off is outright criminal, and right now with the smart meters it can be done without removing the meter, and by a click of the key board. He feels this is unacceptable and needs to be pushed further. The city refuses to talk to him about this issue because you are under litigation. The litigation is not about the smart meters. It's about the city denying the citizens the right to an election when they followed the state law.

C. RESPONSE TO PUBLIC COMMENTS:

Commissioner Aragon commented on the Rotary Park concerns. As far as he knows the city has been doing the upkeep at the Rotary Park. He also thought there was a sign posted showing the operational hours.

City Manager Madrid stated that Rotary Park is under the supervision of the city, and we do maintain it, keep it clean, and make repairs when necessary, and he does not believe that we have posted hours. He will look into the concerns that were brought up during public comment and take care of it.

City Attorney Rubin also stated they received an opinion from the title company in regards to Rotary Park, and the city is in the process of getting a survey done. There is a chance that we will be filing a title suit to confirm ownership of that property.

Mayor Whitehead thanked Linda DeMarino and MainStreet Truth or Consequences for hosting the 12 Days of Christmas event. She also thanked all the businesses who participated and the people in the community who supported these projects.

D. CONSENT CALENDAR:

1. **City Commission Regular Minutes, November 18, 2020**
2. **Accounts Payable, November 2020:**

Mayor Pro-Tem Forrister moved to approve the consent calendar as submitted. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

E. ORDINANCES/RESOLUTIONS/ZONING

1. **Discussion/Action: Resolution 28 20/21 Loan/Grant Agreement and closing documents for the Road and Drainage Improvements for MSD Waterlines. Colonias Grant/Loan to Truth or Consequences – NMFA CIF-5192:**

City Manager Madrid explained that these are the final documents for the Colonias funding that we received last year. It is a 90% grant and 10% loan. The grant amount is \$900,000 and the loan is \$100,000. The loan has been structured for \$5,000 a year for a 20 year period. However, we don't anticipate keeping it financed for that long. In the near future we will budget the payoff after the project begins. We are in acceptance of the actual documents that are required to proceed.

Commissioner Luna moved to approve Resolution 28 20/21 for the NMFA Colonias CIF-5192 loan/grant agreement and closing documents for the road and drainage improvements for MSD Waterlines. Commissioner Aragon seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

F. NEW BUSINESS:

1. Presentation/Discussion/Action: Approval of Legislative Priorities for the 2020/2021 Legislative Session:

City Manager Madrid explained what they do today will determine what they present tomorrow during the virtual meeting with our State Legislators, Representatives and Senator to present our legislative priorities. This list is not limited in anyway, and there are other projects that can also be introduced, presented and approved. He also explained that these items are not the top 5 items that were approved on the ICIP, and they did not include the projects that have already been funded, postponed, or projects that are likely to be funded from other sources. The list before you today shows the priorities that have not been funded and are not likely to be fully funded from other sources.

He then presented the following top 5 ICIP projects, and gave a brief overview of each project.

1. Multi-generated Campus
2. Foch Street & Drainage Improvements
3. City-wide drainage Master Plan
4. Street Surface Improvements
5. Animal Shelter Improvements

Commissioner Luna stated that she would like to see the projects prioritized in the following order and her fellow Commissioners agreed.

1. Foch Street & Drainage Improvements
2. City-wide drainage Master Plan
3. Multi-generated Campus
4. Street Surface Improvements
5. Animal Shelter Improvements

The Commissioners also explained that they would like to schedule a workshop after the first of the year to discuss these projects and have input from the community.

Commissioner Luna moved to approve the list of legislative priorities to start with the Foch Street & Drainage Improvements and end with the Animal Shelter Improvements. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

2. Discussion/Action: Possible Resignation and Appointment of Member to serve on the Joint Powers Commission (JPC):

City Manager Madrid stated that there has been some discussion regarding the role of the individual Commissioners on the Joint Powers Commission (JPC). He added this to



2021 Legislative Priorities

December 16, 2020

**WILSON
& COMPANY**

discipline | intensity | collaboration | shared ownership | solutions



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Agenda

- 2021 Legislative Priorities
 - Top ICIP Projects
 1. Multi-generational Campus
 2. Foch Street & Drainage Improvements
 3. City-wide Drainage Master Plan
 4. Street Surface Improvements
 5. Animal Shelter Improvements
- Legislative Discussion Forum
- Questions



TRUTH OR
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1. Multi-generational Campus

Space Priorities

- Municipal Functions
- Tourist and Visitors
 - Library
- Senior Meal Site
 - Senior Center
- Indoor Aquatic Center
 - Outdoor Aquatic Center
- Gymnasium/Multi-Purpose
 - Adult Care
 - Child Care
- Food Court or Trucks
- Outdoor Athletic/Fitness/Recreation Areas
 - Indoor Athletic/Fitness Facility
 - Farmer's Market
- Outdoor Performance Space/Band Shell

Senior Center

- Community Room with Dining
 - Arts/Crafts Rooms
- Game room - Billiards/Cards/Ping Pong
 - Lounge Space
 - Computer Room
 - Senior Meal Site
 - Thrift Store

Aquatic Center

- Low Impact Exercise Aerobics
 - Lap Swimming
 - Diving
 - Recreation/Play
 - Water Slide
 - Splash Pad

Outdoor Activities

- Tennis
- Basketball
- Pickle ball
- Shuffle Board
- Horseshoes
- Community Garden
- Water Feature/Fountain

Indoor Athletic/Fitness Activities

- Basketball/Volleyball
- Running/Walking Track
 - Weight Training
 - Yoga Space
- Sauna/Steam Rooms
 - Badminton



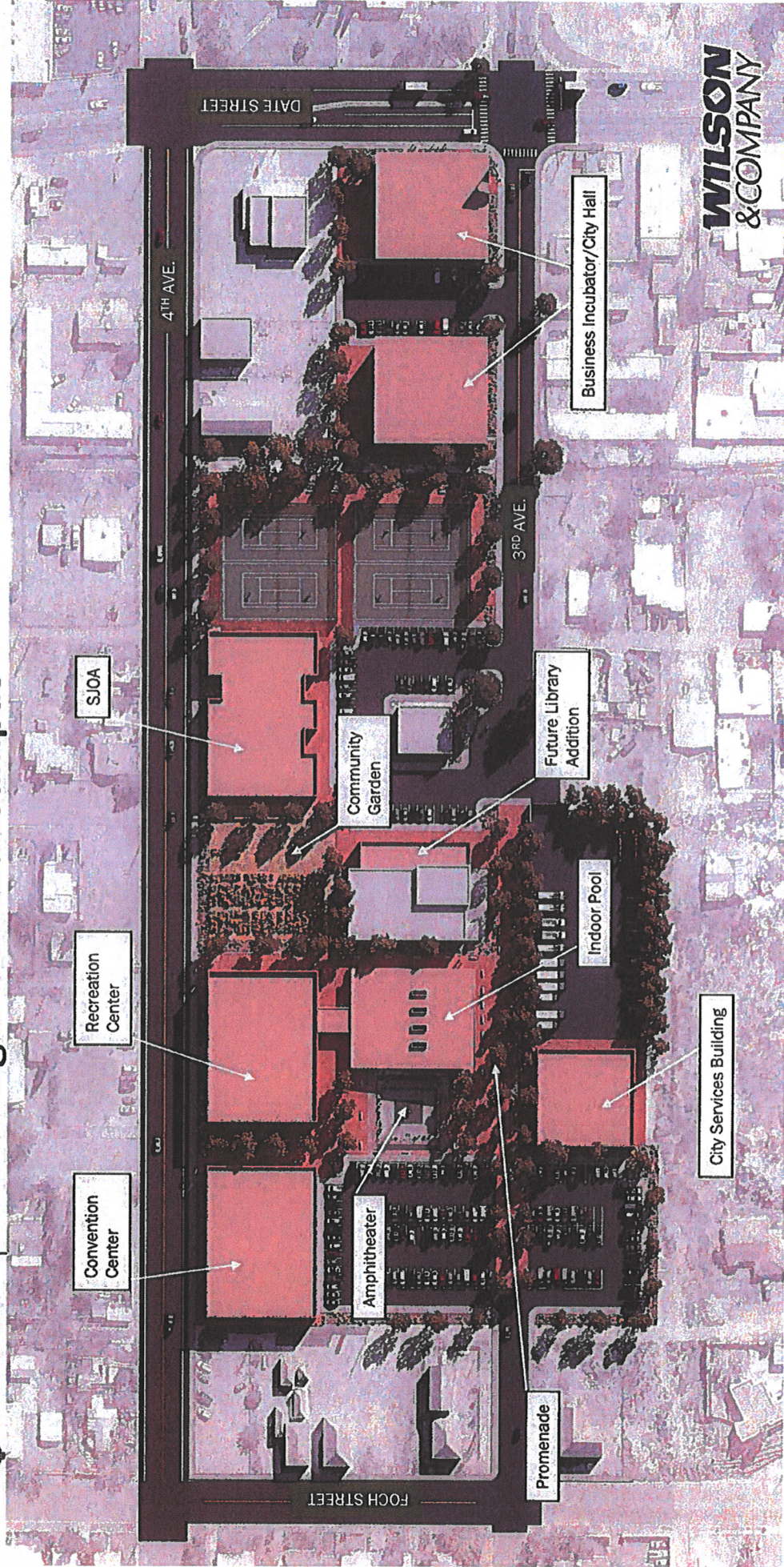
TRUTH OR
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1. Multi-generational Campus

- Visioning
 - Create a regional destination that provides a home to our multi-generational community.
 - Home to Sierra County, Williamsburg, Elephant Butte, and City of T or C residents and surrounding unincorporated communities.
 - A phased approach to quality of life, recreational and senior center amenities, economic development, tourism, and health and wellness.



1. Multi-generational Campus

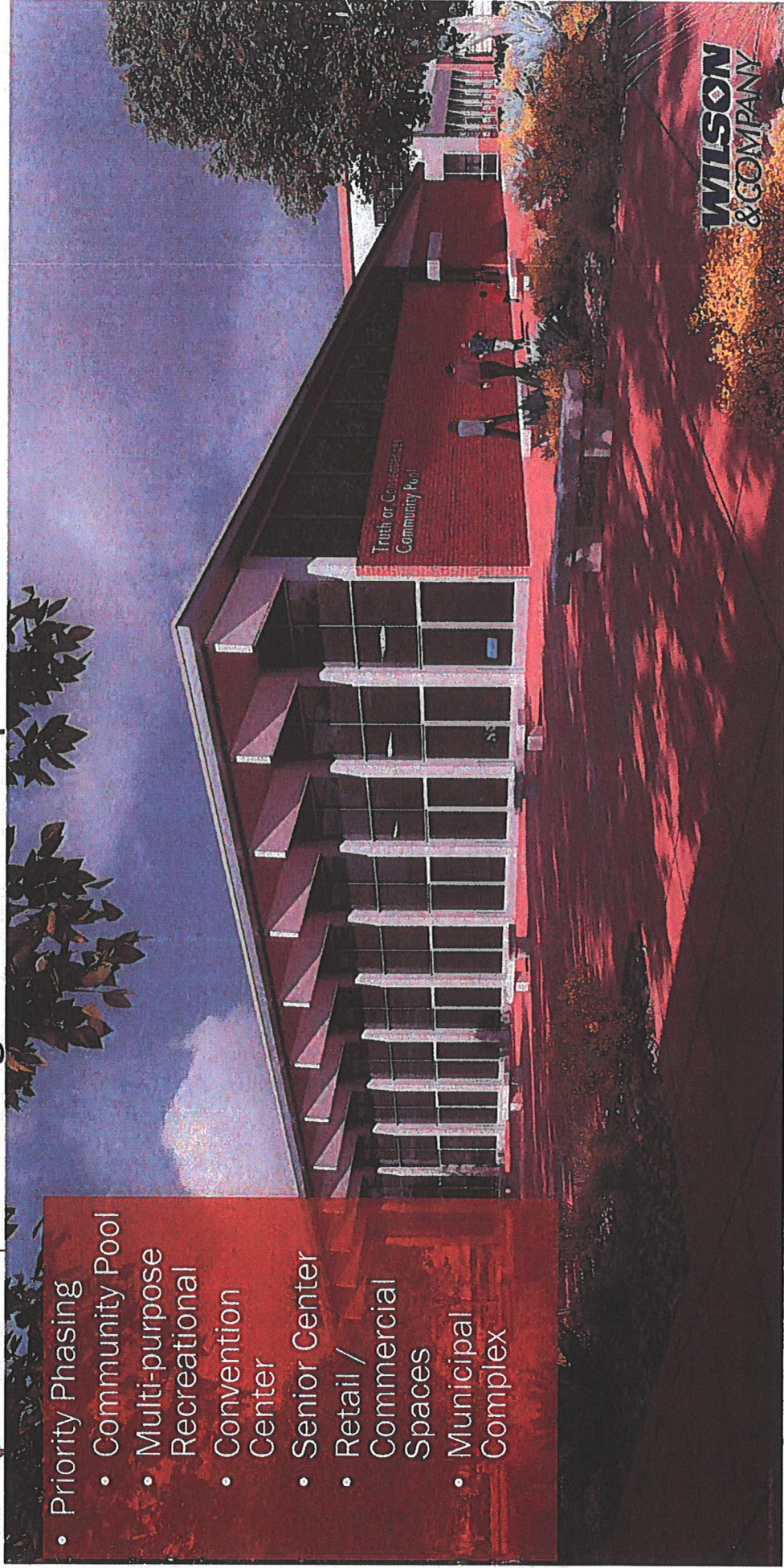


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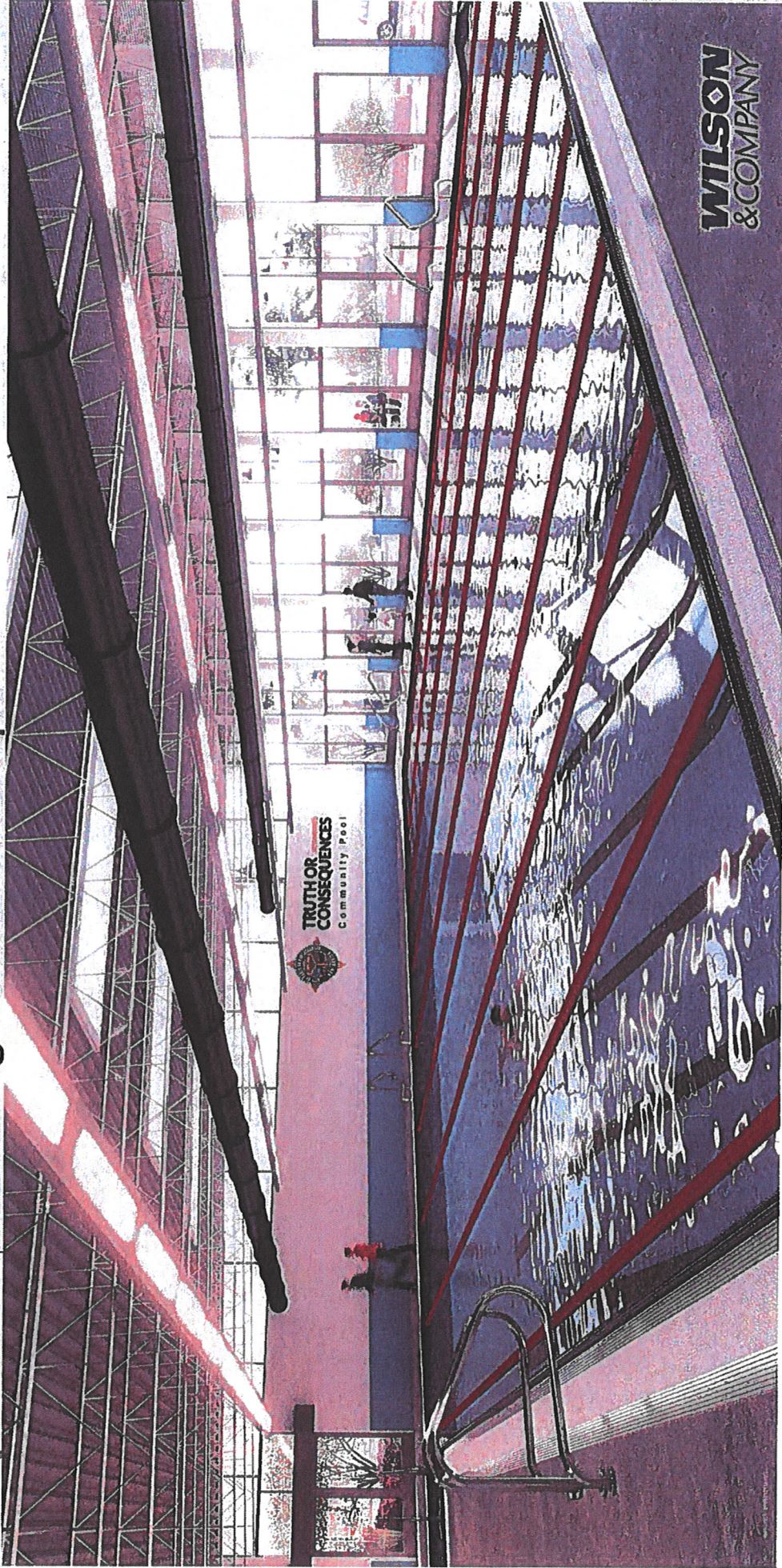
1. Multi-generational Campus

- Priority Phasing
 - Community Pool
 - Multi-purpose Recreation
 - Convention Center
 - Senior Center
 - Retail / Commercial Spaces
 - Municipal Complex





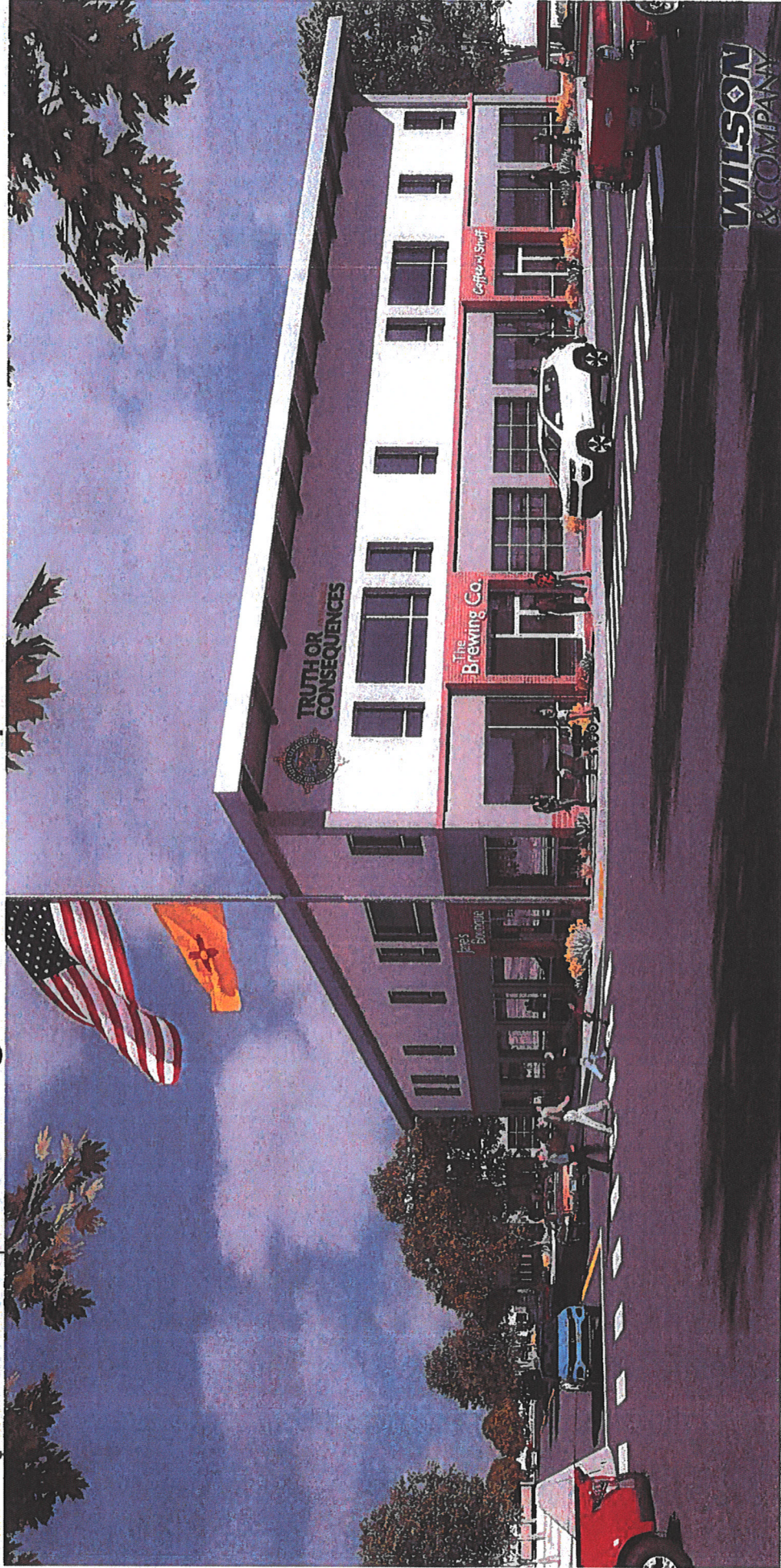
1. Multi-generational Campus



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1. Multi-generational Campus





1. Multi-generational Campus



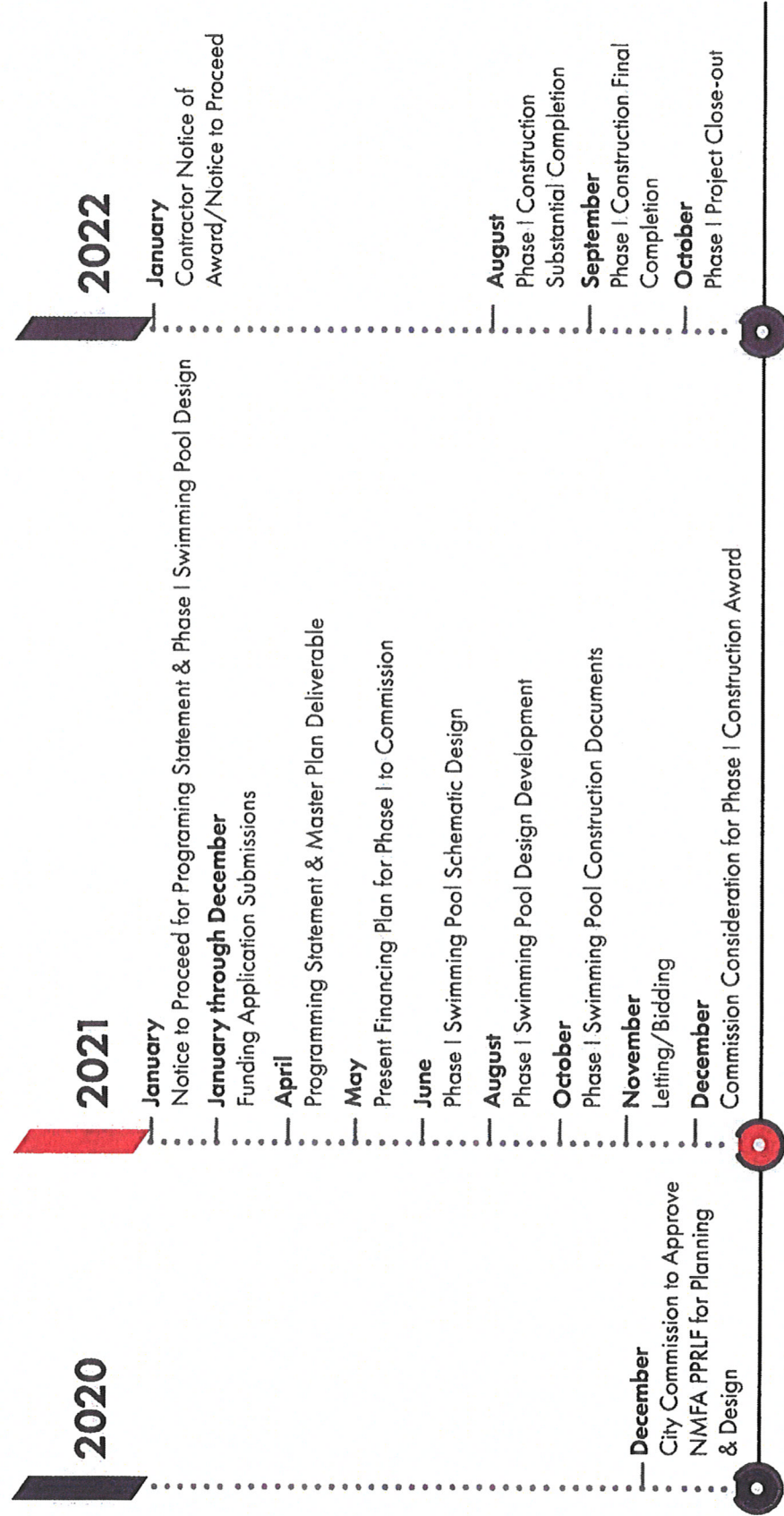


1. Multi-generational Campus

- An opportunity to create an all encompassing regional multi-generational campus that serves the region, promotes health and wellness, and creates economic development opportunities, may be developed on City owned property. The City has NMFA Public Project Revolving Loan Funds that may be redirected to commence the planning and design.
- **Request Amount: \$5,500,000.00 for Phase I construction. /CIP #36618**



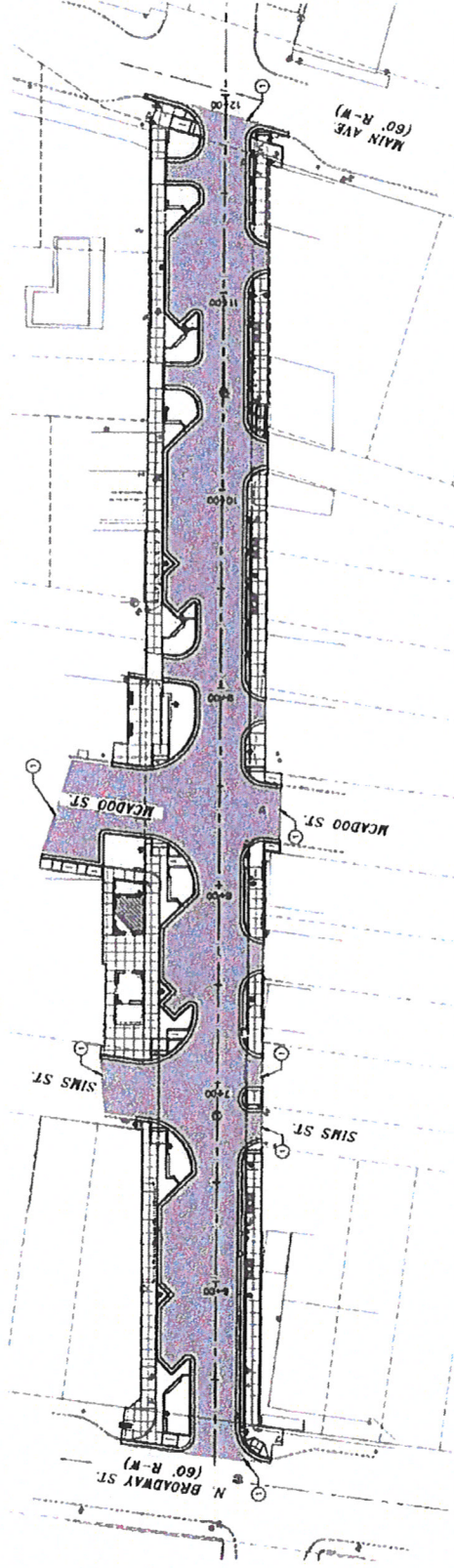
1. Multi-generational Campus





2. Foch Street & Drainage Improvements

- Foch Street is an existing 2-lane roadway, approximately 42-ft wide, situated between N. Broadway St. and Main Ave. The pavement section is in poor condition. Great Blocks on MainStreet upgrades two-to-three district blocks through an intensive design intervention that completes “shovel-ready” construction documents for public infrastructure finance. T or C Main Street was awarded Great Blocks on MainStreet, which funded a now “shovel ready” street project.
- **Request Amount: \$1,155,000 for construction. I/CIP #36449**





3. City-wide Drainage Master Plan

- In the evening of Sunday July 26 and well into the morning of Monday July 27, 2020, the City of T or C and Village of Williamsburg experienced significant flash flooding. The result of the event caused flooding, excessive soil erosion, and sediment loading. Damage to building structures, public works facilities, Ralph Edwards Park, Luis Armijo Sports Park, public streets, utility operating systems, and infrastructure (such as water/wastewater/electric), and other property occurred.
- **Request Amount: \$400,000 for City-wide drainage planning and design. /CIP #36448**





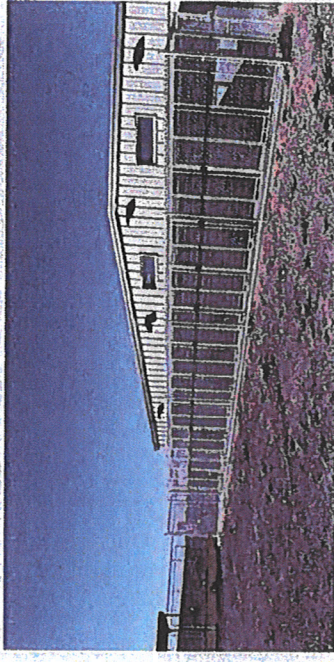
4. Street Surface Improvements

- City Street Department has tirelessly working on street maintenance, repair, and reconstruction annually. The need for street reconstruction outpaces the available state and federal funding. It is important to share that T or C is one of few local governments that self-performs street construction where possible to stretch its capital funds.
- **Request Amount: \$3,375,000 for City-wide planning, design, and construction.**
ICIP #36763



5. Animal Shelter Improvements

- The T or C Animal Shelter is a renovated 1,200 sq ft existing metal building with an 225 sq ft addition. Total size is approx. 1,425 sq ft.
- The Shelter consists of 26 cat kennels, 13 indoor/outdoor kennels as well as a lobby, intake room, laundry/feed storage, and quarantine kennel.
- The Shelter is in need of additional kennels due to current capacity limits.
- **Request Amount: \$365,000 for design and construction services. ICP #36772**





Legislative Discussion Forum

Wilson & Company, Inc., Engineers & Architects

Questions?

Thank you!

Wilson & Company, Inc., Engineers & Architects

the agenda in case there was any discussion regarding changing the membership on the Joint Powers Commission (JPC).

Mayor Pro-Tem Forrister stated that she is one of the members on the Joint Powers Commission (JPC). She would like to make sure Commissioner Luna stays on the board. Therefore, she is willing to give up her seat on the JPC and let Commissioner Luna take her place if that is the will of Commissioner Luna.

Commissioner Luna thanked Mayor Pro-Tem Forrister and stated that she would like to continue to serve on the Joint Powers Commission (JPC).

Mayor Pro-Tem Forrister made a motion to resign from Joint Powers Commission and nominate Commissioner Luna to serve in her place on the board. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

G. REPORTS:

City Manager Madrid reported the following:

- He reported on the exit conference with the State Auditors. The contents of the report will remain confidential until the State Auditor accepts and releases that information. They indicated that it may take up to three months for that to take place. We have eliminated some prior year findings, and we have made even more progress. Last year's audit was clean, and this year it was cleaner. They were very complimentary toward us on the presentation of financial statements, the compliance with DFA budget requirements, cash management, and cash balance presentation.
- In regards to the executive order for our disaster claim, we received \$750,000 and it was even possible that we could get zero funding. The reason he brings this up is because both of these are a result of the team that we have in place which is city staff. Neither one of these could be achieved without them. He thanked the city staff members for caring and always going the extra mile. We are even progressing with the pandemic, the flood and the economy. You can see that in the projects, with moral, and in the way things are getting done at the city in the face of all these obstacles. He also thanked the Elected Officials for conducting themselves in a way that is moral and ethical.

City Attorney Rubin reported the following:

- None

City Commission Reports:

Commissioner Aragon reported the following:

- He received a few calls regarding a customer who recently moved into town. Their electricity was shut off and they couldn't get electricity because they didn't

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have the proper documents. City Manager Madrid took care of that issue and the customer sent a complimentary letter thanking City Manager Madrid.

Commissioner Baca reported the following:

- He asked that everyone please wear their masks so we can get past this pandemic.
- He wished everyone a Merry Christmas and Happy New Year.

Commissioner Luna reported the following:

- She asked City Manager Madrid for an update to check with the Association of Counties and our insurance carrier to see what our COVID insurance coverage is. She knows there is an initiative throughout the county to get that coverage, and it has been moved through the County's insurance provider. She thinks that is something the city also needs to look into in case we have an employee or something come back at us and we need to be covered.
- The Department of Health has allowed New Mexico State University and counties with there are Penitentiaries to have the number of Covid cases from those facilities to be separate from the County tally. She spoke with the County to try to begin an initiative between the governmental entities. She is hoping to get the Chamber of Commerce and MainStreet on board, and possibly push the Department of Health to remove the Veterans Home's numbers from our County's tally because they are currently responsible for over a third of our numbers. We would be in the yellow right now instead of red if we could make that happen. She thinks that's an initiative this Commission should get behind. She would like City Manager Madrid to work with County Manager Swingle to join that effort and be involved in those meetings.
- She has received complaints regarding the Utility Office having a walk through window instead of the drive-through window. Especially with the elderly having to get out of their vehicles to walk up and stand in a line to try to social distance in the cold. If there is something we could do to change that, it would be great.
- The business meter transfers are happening at places of business and the sub-contractor is not talking to the business owners before the transfers are happening. The radio station was off the air this morning, and they also experienced technical difficulties because of the transfer of meters. There was another one at Desert Graphics that cost him a lot of business because we are not communicating. Communication is the key to everything and we need to use it.
- She would like for us to schedule a date for the two workshops that have been previously mentioned.
- She wished everyone a Merry Christmas.

Mayor Pro-Tem Forrister reported the following:

- She thanked Commissioner Aragon for bringing up the letter of appreciation in his report. We often get negative responses, but good things do happen.
- She thanked Denise Addie for helping with the Toys for Tots event, and collecting toys for our local children.

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- She thinks it makes sense for us to join the County in looking at removing the Veterans Home from our Covid count, considering that a third of our numbers come from them.
- She wished everyone a Merry Christmas and a Happy New Year.

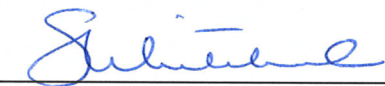
Mayor Whitehead reported the following:

- She enjoyed working with everyone this year, and she looks forward to working with everyone in 2021. She hopes it is a better year.
- She wished everyone a Merry Christmas and a Happy New Year.

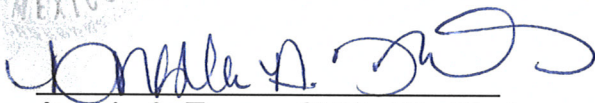
H. ADJOURNMENT:

Mayor Whitehead moved to adjourn at 9:55 a.m. Commissioner Luna seconded the motion. Motion carried unanimously.

Passed and Approved this 13th day of January, 2021.


Sandra Whitehead, Mayor

ATTEST:


Angela A. Torres, CMC, City Clerk