

CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
CITY COMMISSION CHAMBERS, 405 W. 3RD St.
WEDNESDAY, MAY 13, 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. Brendan Tolley, Mayor Pro-Tem
Hon. Paul Baca, Commissioner
Hon. Randall Aragon, Commissioner
Hon. Amanda Forrister, 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.

3. PLEDGE OF ALLEGIANCE:

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

4. APPROVAL OF AGENDA:

**Commissioner Baca moved to approve the agenda as submitted.
Mayor Pro-Tem Tolley seconded the motion. Motion carried unanimously.**

C. COMMENTS FROM THE PUBLIC:

City Manager Madrid read the following comments from LouAnne Johnson related to:

- 1) She thanked the City Commission for passing the Resolution regarding the back to work plan. She compliments their actions and recognizes good leadership when she sees it.
- 2) She encourages residents to eat healthy, get enough exercise and sleep because these are just as important as wearing masks. We should all focus on the positive and not the negatives during this Pandemic because negativity brings fear, and fear does not help anyone.

City Manager Madrid read the following comments from Patricia Kearney related to:

- 1) She is feels that nonessential travel should be prohibited. Nonessential travel to Truth or Consequences from other states is on the rise, and could be a danger to our citizens. She some people in our town are staying a good distance from others, and wearing masks in stores, while she has seen others high-fiving or bringing their faces together over the same phone.
- 2) She provided the city with a website that does research on the effectiveness of masks.
- 3) She also has concerns about people not being able to be six feet apart in salons and barbershops.

City Manager Madrid read the following comments from Isaac "Ike" and Sharon Eastvold related to:

- 1) T or C's large senior population requires special care in this "back to work" resolution. Any place seniors congregate requires special treatment, but especially senior care and nursing facilities which house extremely vulnerable populations. Complete testing of staff and patients at short intervals, together with other strict protocols, should be specifically singled out and addressed in T or C's resolution. If Elephant Butte State Park is opened, for example, the probability of transmission will soar with mixing of Sierra County residents, including employees at our senior facilities, with other Counties and States with serious outbreaks of COVID-19.
- 2) The City is long overdue in providing a continuous sidewalk linking the Hospital, Sierra Hills and other facilities on North Silver with the Elementary School sidewalk along the west side of Smith.

City Manager Madrid read the following comments from Audon Trujillo related to comments regarding our Rules of Procedure:

- 1) His concerns are not only the right to attend the meetings, but the right to be heard as well. He wants public comment included at every meeting.
- 2) He wants to eliminate the Town Hall meeting that is held the second meeting of the month.

- 3) He doesn't have any issues with the timing of the meeting, but he asks that anyone giving public comment be able to supply a hard copy document.
- 4) He wants any vote taken by the Commission to be done on a written document.
- 5) He wants any amendments to Ordinance's or Resolution's being considered to be retyped with the amendments, and available to be seen by the Commissioners in either electronic form, or in typed hard copy form.

City Manager Madrid read the following comments from Ariel Dougherty related to:

- 1) She is distressed by the re-submission of the Resolution and that there has not been any re-drafting to include any additional concerns that were brought to the Commission by members of the public.
- 2) She feels that safe health practices are a shared responsibility by all of the citizens and the priority of the city is to protect public health and welfare of our citizens.
- 3) She encourages the City to reject Resolution 33 19/20 pertaining to a back to work plan for the City of Truth or Consequences.

Epifanio Buenaventa telephonically addressed the Commission related to:

- 1) He asked if consideration has been given for his application of a separation of property at 323 W. Riverside Drive.

D. RESPONSE TO PUBLIC COMMENTS:

Commissioner Forrister asked City Manager Madrid how many additional names were added to the back to work petition that is in favor of Resolution 33 19/20.

City Manager Madrid responded that we received 74 names on the petition, and we did not get any additional names through email.

Commissioner Aragon commented about the both meetings being held in the evening. He also feels that we need to make sure the citizens are engaged and have a decision making ability. He wants the Commission to consider an ad hoc committee for Resolution 33 19/20.

Mayor Pro-Tem Tolley thanked everyone who submitted public comment, and reminded everyone that there is never going to be a perfect solution. We are having to accommodate a lot of different perspectives and ideas.

He reminded everyone that Resolution 33 19/20 is a working document and it will be amended as needed. They appreciate the public's input, but they cannot please everyone, and this is not going to be something that everyone is 100% satisfied with, but they are taking all viewpoints into consideration.

He also agreed that an ad hoc committee may need to be formed so they can have something better prepared.

E. CONSENT CALENDAR:

- 1. City Commission Regular Minutes, April 22, 2020**
- 2. City Commission Special Minutes, May 4, 2020**
- 3. Acknowledge Regular Recreation Advisory Board Minutes, February 3, 2020**
- 4. Acknowledge Regular Golf Course Advisory Board Minutes, February 5, 2020**
- 5. Acknowledge Regular Golf Course Advisory Board Minutes, March 4, 2020**
- 6. Accounts Payable, April 2020**

Mayor Pro-Tem Tolley asked that item E.6 (Accounts Payable) be removed from the consent calendar to be discussed and voted on separate from the Consent calendar.

Commissioner Forrister moved to approve the consent calendar with the removal April 2020 Accounts Payable to be discussed and voted on separately. Commissioner Baca seconded the motion. Motion carried unanimously.

The Commission asked that item E.6 be discussed and voted on after executive session.

Commissioner Forrister moved to approve item E.6 be discussed and voted on after executive session. Commissioner Baca Mayor Pro-Tem Tolley seconded the motion. Motion carried unanimously.

F. ORDINANCES/RESOLUTIONS/ZONING:

- 1. Discussion/Action: Consideration of amendments to Resolution 33 19/20 pertaining to a back to work plan for the City of Truth or Consequences:**

City Manager Madrid explained when the Resolution was adopted, it was stipulated that we would consider this Resolution at each future meeting as a working document. At this point we can discuss, consider, and take action on any amendments that are requested.

City Attorney Rubin stated there was some discussion at the last meeting about whether they want to keep using the word shall or change them to should, so he asked the Commission how they wanted to proceed with that.

Commissioner Aragon again suggested that they develop an ad hoc committee so the community can be involved, and they can formulate something based on the recommendations from this committee.

City Manager Madrid suggested that they appoint no more than two Commissioners to head that committee.

Mayor Whitehead asked everyone to please keep in mind that they are going to continue to follow and adhere to anything that the Governor sets out. We want to look at how we are going to open in a soft, easy, and delicate manner, and move forward. She then asked the public if they would like to volunteer to sit on the ad hoc committee to please contact Commissioner Aragon.

Commissioner Aragon and Commissioner Forrister volunteered to serve on the committee.

No action was taken on this item.

2. Discussion/Action: Resolution 34 19/20 Accepting the FAA Cares (Federal Aviation Administration Coronavirus Aid, Relief And Economic Security) Funding Offer And Designating Signatory Authority for NM -TCS (New Mexico Truth Or Consequences Municipal Airport):

City Manager Madrid explained that this Resolution is a funding opportunity that came up as a result of one of the Cares Acts that the Federal Government undertook a few weeks ago. Our eligibility was determined to be \$30,000 which has been offered to us, and we would like to accept it. In order for us to accept it, we are required to have a Resolution and approval from the Governing Body. He requests that the Commission approve this action.

Chief Aragon moved to approve Resolution 34 19/20 Accepting the FAA Cares (Federal Aviation Administration Coronavirus Aid, Relief, and Economic Security) Funding Offer and Designating Signatory Authority for NM-TCS (New Mexico Truth or Consequences Municipal Airport). Mayor Pro-Tem Tolley seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

3. Discussion/Action: Ordinance 713 for publication approving the Amerigreen Organics, LLC Proposal for an Economic Development Project:

City Manager Madrid explained that the business is interested in establishing a hemp production distribution, and sales operation here in Truth or Consequences, and this has been in the works for some time.

Christine Logan, Economic Development Department reviewed the Local Economic Development Act Process. She explained that LEDA is the provision and statute that allows the State and the City to help businesses without violating our State's Anti-Donation Clause. The City of Truth or Consequences used their local LEDA to help the T or C Brewing Company a couple of years ago, with a similar project. Amerigreen

Organics is a qualified entity that will be processing and manufacturing hemp products. They are also doing some farming work which is not part of this LEDA Agreement. LEDA works with the manufacturing processing job. This Ordinance includes a Project Participation Agreement between the City and the company. The State is providing the funding, but under the LEDA statute, the State can't give the money directly to the business, so the City will act as the fiscal agent. The total amount of the project is \$500,000, and the money will be reimbursed as they create jobs. All LEDA Agreements require that we protect the public's interest, therefore the company will provide collateral to the City in the equal amount of funding they receive.

Hans Townsend explained that the Chamber of Commerce has been trying to bring new businesses to our community for many years. They tried to do things that didn't work, and they are hoping that this is something that will work. Our community depends on a steady growth of business. He recommends that the City approve the role as the fiscal agent, and he thanked everyone who took part in helping bring this forward.

Commissioner Forrister moved to approve Ordinance 713 approving the Amerigreen Organics, LLC Proposal for an Economic Development Project to go to publication. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

G. NEW BUSINESS:

1. Discussion/Action: Approve Pattillo, Brown & Hill, L.L.P Certified Public Accountants for the FY19/20 Audit:

City Manager Madrid explained that all Municipalities require an annual audit under the State Audit Act. When Municipalities or any other type of Government request audit services, it is a normal practice that the request for proposal includes multi-year proposals. When an audit firm comes in, they have to evaluate internal controls, staffing, budgeting processes, and all of the procedures that take a lot of time. They have to learn everything about the entity they are going to audit in order to properly evaluate the controls and the financial standing. There are also some cases where local entities are encouraged to engage in multi-year professional services with auditors.

Mayor Pro-Tem Tolley moved to approve the Pattillo, Brown & Hill, L.L.P Certified Public Accountants for the FY19/20 Audit. Commissioner Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

2. Discussion/Action: Holiday Inn Express Lodgers Tax Refund pursuant to Sec. 7-207 of the Municipal Code of Ordinances:

City Manager Madrid explained under our Ordinance any type of Lodgers Tax refund requires the approval of the Commission. In this particular case, there was a large group that stayed at the Holiday Inn which included a large number of Military Members.

Military Members are exempt from having to pay Lodgers Tax, and this was not caught until after the group had left and the offsite accountant caught the error. A refund is being requested for the overpayment. He requests that you approve this so we can move forward with the refund of \$5,628.01 to the Holiday Inn Express.

Commissioner Baca moved to approve the Holiday Inn Express Lodgers Tax Refund pursuant to Sec. 7-207 of the Municipal Code of Ordinances. Commissioner Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

3. Discussion/Action: Budget Adjustment Request for the Juvenile Justice Advisory Council (JJAC):

City Manager Madrid explained that this is a requirement of Youth and Families. They are the funding entity and we are the grantee of records and the T or C Schools administers the program. There is no increase in budget. It is mainly a transfer between decreasing and increasing case management. They can't have group sessions, so they need to provide services by other means and expend the money on another line.

Commissioner Aragon moved to approve the Budget Adjustment Request for the Juvenile Justice Advisory Council (JJAC). Commissioner Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

4. Discussion/Action: Consider the recommendation of the Golf Course Advisory Board to appoint Rick Artman as a new member:

City Manager Madrid stated that this recommendation comes from the board itself, and he has no reason to disagree with their recommendation. He recommends approval to appoint Rick Artman to the Golf Course Advisory Board.

Commissioner Aragon asked that we advertise for such vacancies before the Commission takes a vote on the appointment.

Mayor Pro-Tem Tolley asked to see a list of qualified applicants. He would like to know who has applied in order to make an informed decision.

City Manager Madrid explained that we don't normally request those. They go directly to the Advisory Board for their consideration. We can request that they share the applications, but that may defeat their purpose in being allowed a recommendation. He can't speak on behalf of the Golf Course Advisory Board, but he knows that they want their members to be familiar with the game and sincerely care about the course.

Commissioner Forrister is concerned that they are not receiving all applications that are available.

Mayor Whitehead explained that the Advisory Boards advertise for their vacancies, and the applicants apply through them.

Mayor Pro-Tem Tolley stated that he will be abstaining from this vote because Mr. Artman is a personal friend of his.

Commissioner Aragon moved to table this item until the next City Commission Meeting. Commissioner Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer.

**Hon. Randall Aragon, Commissioner voted aye
Hon. Paul Baca, Commissioner voted aye
Hon. Sandra Whitehead, Mayor voted aye
Hon. Amanda Forrister, Commissioner voted aye
Hon. Brendan Tolley, Mayor Pro-Tem abstained**

Motion carried with 4 voting aye and 1 abstained.

5. Discussion/Action: Consider the re-appointment of Peggy “Cookie” Johnson to the Sierra Vista Hospital Governing Board. City Manager Madrid

City Manager Madrid explained that this request came from Ms. Johnson, as her term is due to expire on June 30th. The Governing Board and the Joint Powers Commission are two different boards. The Governing Board deals with the operations of the Hospital much like a Governing Board of a bank and the Joint Powers Commission is a Commission made up of Elected Officials of the entities that have the interest and responsibility for operating the Hospital. Those entities includes the Village of Williamsburg, City of Elephant Butte, City of Truth or Consequences and Sierra County. He is a non-voting member of the Governing Body, and he has observed Ms. Johnson at meetings, and she is very knowledgeable and experienced. He concurs with her re-appointment to the board.

Commissioner Forrister asked to see all of the applications before they make a decision on this item.

Commissioner Baca made a motion to table this item until the next meeting. Mayor Pro-Tem Tolley seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

6. Discussion: Discussion regarding City Commission Rules of Procedure. City Manager Madrid

City Manager Madrid explained that this item is on the agenda at the request of a few of our Commissioners. In regards to having our meetings in the evening and having public comment at every meeting and eliminate the Town Hall Meetings that had been used as a substitute for public comment the second meeting of the month.

The Commission recommended that we return public comment to the second meeting of every month. They also asked that the public be able to request additional time to speak with the discretion of the Commission and have at least one meeting in the evenings.

City Manager Madrid explained that the reason for the 6pm Town Hall Meeting was to grant the public more time to speak.

H. REPORTS:

City Manager Madrid reported the following:

- Ralph Edwards Park is closed for construction. The design was completed and we requested proposals for construction. The two proposals we received were outrageous in expense, and we could not afford them so we have developed a plan to self-perform using our city crews to do as much of the work as possible. A new gazebo will be built in phase 2, and we are currently proceeding with building an additional curb on the street to address the drainage issues.
- He thanked the departments for putting up the graduation banners. City Offices will be closing at 4:00 pm on Friday to allow employees to participate in the graduation parade. However, administrative leave will not be granted for leaving early.
- We held an organizational meeting with Planning & Zoning Commission via teleconference, and we organized the five newly appointed members. They elected a Chairman and Vice-Chairman, and they have a plan to conduct future meetings.
- In a couple of months you will see one or two cameras mounted here in the Chambers so we can broadcast our meetings live using Facebook or YouTube.

City Commission Reports:

Mayor Whitehead reported the following:

- She thanked everyone for continuing to adhere to the Governors Order.
- She also thanked Denise Addie for putting together a spirit parade for the Sierra Health Care Center/Assisted Living Center, and the Veterans Center. It was a wonderful parade.
- Ms. Addie is also accepting donations for anything you feel would bring light to our veterans.

- She also thanked all of those in our community who are making homemade face masks.

Mayor Pro-Tem Tolley reported the following:

- This is unexplored territory for a lot of us as we navigate Covid-19, and he would like to encourage everybody to understand that not everyone may feel the same way you do. He is seeing a lot of comments about this both in public, and on social media regarding different perspectives on the matter. He asked that everyone respect each other during this dire time.

Commissioner Baca reported the following:

- He asked everyone to keep in mind that they cannot make everyone happy, and that is just a part of life.

Commissioner Aragon reported the following:

- He concurred with Mayor Whiteheads comments regarding the parade.
- He is very pleased at the way the Commission has hit the ground running since they started. They are making great progress on many different things.

I. EXECUTIVE SESSION:

Commissioner Baca moved to approve going into executive session at 10:42 a.m. to discuss Limited Personnel Matters (various positions) pursuant to 10-15-1(H.2) and Threatened & Pending Litigation (current & possible Litigation) pursuant to 10-15-1(H.7) and Real Property (various properties) Pursuant to 10-15-1(H.8).

Mayor Pro-Tem Tolley seconded the motion. Roll call vote was taken by the Clerk-Treasurer. Motion carried unanimously.

Mayor Whitehead reconvened the meeting in open session at 12:58 p.m.

Mayor Pro-Tem Tolley certified that only matters pertaining to Limited Personnel Matters (various positions) pursuant to 10-15-1(H.2) and Threatened & Pending Litigation (current & possible Litigation) pursuant to 10-15-1(H.7) and Real Property (various properties) Pursuant to 10-15-1(H.8) was discussed in Executive Session and no action was taken.

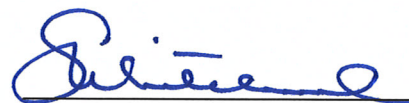
Commissioner Forrister moved to approve the consent calendar item of April 2020 Accounts Payable. Commissioner Baca seconded the motion. Motion carried unanimously.

M. ADJOURNMENT:


Mayor Pro-tem Tolley moved to adjourn at 1:00 p.m. Commissioner Forrister seconded the motion. Motion carried unanimously.

CITY COMMISSION MAY 13, 2020 REGULAR MEETING MINUTES

Passed and Approved this 27th day of May, 2020.


Sandra Whitehead, Mayor

ATTEST:


Angela A. Torres, CMC, City Clerk