

CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
CITY COMMISSION CHAMBERS, 405 W. 3RD St.
WEDNESDAY, MAY 27, 2020

A. CALL TO ORDER:

The meeting was called to order by Mayor Sandra Whitehead at 5:30 p.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 Forrister to lead the Pledge of Allegiance.

4. APPROVAL OF AGENDA:

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

C. COMMENTS FROM THE PUBLIC:

Audon Trujillo addressed the Commission via teleconference related to:

1) He had concerns regarding some of the amendments to Resolution 33 19/20 pertaining to the Back to Work Plan for the City of Truth or Consequences. He feels that

testing is very important, and should be included in the Resolution. He also asked that the city request assistance from the State and County Health Organizations to insure that testing and tracing is allowed.

Ariel Dougherty addressed the Commission via teleconference related to:

- 1) Her comments were regarding Resolution 33 19/20. She also recommended that testing be added to the Resolution as well as a Minority Report, with an additional number to the list of safe practices that included:
 - a. Encourage increased testing and contact tracing.
 - b. Conduct efforts at locations that serve vulnerable populations.

Isaac Eastvold addressed the Commission via teleconference related to:

- 1) He expressed his support for the adoption of Ordinance No. 714, and subsequent publication with a hearing scheduled. He is glad that the city is choosing to opt-in to the Local Election Act. He feels that this will save the city a considerable amount of money, and take the burden of handling these elections off of the City Clerk who is already overburdened. It will also restore the faith of the constituents in the election process.

LaRena Miller addressed the Commission via teleconference related to:

- 1) She asked the Commission where people can charge their electric cars.

City Manager Madrid read the following comments from Diana Tittle related to:

- 1) She thanked the Commission for reconsidering the past decision to "opt out" of the Local Election Act. She encourages the Commission to take the first step toward "opting in" by voting to approve the publication of the Local Election Act Ordinance. By "opting in" and having the Sierra County Clerk administer T or C's Municipal Elections, the city will avail itself of the County Clerk's greater staffing resources and demonstrated expertise with mail-in balloting and benefit from the state's reimbursement of our local election expenses. With this move, you will help to ensure the fairness and security of T or C's elections while conserving the city's General Fund Revenues.

City Manager Madrid read the following comments from John Masterson related to:

- 1) MainStreet Truth or Consequences has requested an increase in the city's contribution to the organization's funding, and he urges the Commission to approve this request. As the president of the Board of Directors, he can attest that time spent fundraising is time we do not spend working on economic revitalization and promotion of our downtown district, two roles that will be even more important as we begin to recover from the effects of this pandemic.

D. RESPONSE TO PUBLIC COMMENTS:

Commissioner Aragon stated that Audon Trujillo and Ariel Dougherty had the same concerns regarding Resolution 33 19/20 and the Committee's Chairperson George

Szigeti will give an update on item F3 and explain the decisions that were made during the "Return to Work" Committee Meeting.

E. CONSENT CALENDAR:

- 1. City Commission Regular Minutes, May 13, 2020**
- 2. Subrecipient 3rd Quarter Reports**

City Attorney Rubin recalls that Mayor Pro-Tem Tolley abstained from the vote on item G4 of the May 13, 2020 meeting and the minutes did not reflect that.

Mayor Pro-Tem Tolley moved to approve the consent calendar with the amended minutes of May 13, 2020 to reflect item G4 as a 4-0 vote with 1 abstained. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

F. ORDINANCES/RESOLUTIONS/ZONING:

- 1. Discussion/Action: Ordinance No. 714 for publication authorizing the City of Truth or Consequences to opt in to the Regular Local Election Act, pursuant to NMSA 1978 Section 1-22-3.1(2018):**

City Clerk Torres explained that this Ordinance is for publication to allow the city to opt-in to the Regular Local Election Act. The cost of our elections is rather expensive, and if we do opt-in the elections will then be conducted through the County Clerk's Office. City Clerk Torres then read a recommendation email that was sent by County Clerk Shelly Trujillo: ***"I'm writing to let you know that I am in full support of the City of T or C opting in to the Local Election Act. Elephant Butte and Williamsburg have also opted in. This will be less confusing for the voters, as there will be an Election every November. This will also be less of a financial burden on the City, as the County Clerk's Office gets reimbursed from the State for the Local Election."***

City Attorney Rubin said that the state also encourages us to opt into this Act. There was a question that was raised about whether or not this would be unconstitutional because we are increasing salaries. City Attorney Rubin made it clear that we are not increasing salaries. All we are doing is extending the term. Section 2 of the proposed Ordinance reads: ***Pursuant to the statutory municipal option to choose how to adjust the terms of the terms of municipal office holders for opting into the Regular Local Election Act, the terms of elected officers are adjusted by lengthening the terms as follows:***

- a. Municipal officers elected or appointed to a term ending in 2022 shall serve until December 31, 2023, the new term of the position shall be elected at the regular local election in November 2023, and the new term shall commence January 1, 2024; and***
- b. Municipal officers elected or appointed to a term ending in 2024 shall serve until December 31, 2025, the new term of the position shall be***

elected at the regular local election in November 2025, and the new term shall commence January 1, 2026.

City Attorney Rubin continued by saying we are basically extending the terms by 10 months. One thing we might have to look at if this goes to publication, and it comes back for a final hearing, is we may have to bring back the Resolution that was drawn up regarding the starting dates for the new Commission salaries.

Commissioner Forrister feels this will help the voter turnout for our city elections.

Mayor Pro-Tem Tolley sees the benefits of opting in. However, there is a point being made by a few constituents that this seems a bit self-serving. If this passes, we are extending all of our own terms, so he thinks this needs a lot of deliberation.

City Manager Madrid explained that there will not be an increase in anyone's compensation during their term of office. That is specifically prohibited in the statute. As City Attorney Rubin pointed out, we can bring that Resolution back to make it clear that will not happen.

Commissioner Aragon stated he is on board as long as the gurus that are over the Clerk's in elections feel that it is fair and reasonable.

Commissioner Forrister moved to approve Ordinance No. 714 for publication authorizing the City of Truth or Consequences to opt in to the Regular Local Election Act, pursuant to NMSA 1978 Section 1-22-3.1(2018) for publication. Mayor Pro-Tem Tolley seconded the motion. Motion carried unanimously.

2. Discussion/Action: Ordinance No. 715 for publication refunding of PPRF-5198 and new money for infrastructure projects, including the Loan Agreement, Intercept Agreement and closing documents:

City Manager Madrid explained the concept for this loan is equivalent to re-financing your mortgage. If you have a fixed rate mortgage that you had in place for 12 years and interest rates drops, and you can take advantage of a lower rate, that's what you do, and that is exactly what we are doing here. The original debt created in 2009 was approved for re-financing last fall. This is part of the package that was approved by the Commission for Facility Improvements here in T or C. Part of these improvements are for the swimming pool, our parks, our IT Infrastructure and some improvements for the Chambers. Some of the strengths of the loan are that the refunding will achieve substantial interest cost savings and we will fund the Debt Service Reserve Fund. We also have a healthy debt service coverage and we have doubled the required coverage in our Debt Service Fund. We have a strong Audit Report and there were no material weaknesses to mention in our 2019 audit. There were also no significant deficiencies.

Commissioner Baca moved to approve Ordinance No. 715 for publication refunding of PPRF-5198 and new money for infrastructure projects, including the Loan Agreement, Intercept Agreement and closing documents. Mayor Pro-Tem Tolley seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

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

Commissioner Aragon explained that their committee consists of members from the public who met regarding amendments to the Back to Work Resolution. If there is an item that wasn't chosen to be added to the Resolution, it was because the community didn't feel it was in the best interest of our city.

Committee Chairman George Szigeti thanked Commissioner Forrister, Commissioner Aragon, and all of the members of the committee for their hard work. They had a lot of diverse view points, and good discussions during the meeting. They had one small change to one of the "whereas" that wasn't included in the copy that was sent to the city. The most significant change that was added is where it said ***"whereas the City of Truth or Consequences acknowledges that the best safe health practices are a shared responsibility of all its citizens and visitors."*** The way it reads now clears up a bit of ambiguity, and he feels that it is a good move forward. One of the contentious parts was the matter of testing. We all recognize the importance of the testing, but since that is being handled by the Department of Health, the city doesn't really have any say over that. Any other proposed changes were put to a vote for the entire committee. Of course with the Governor coming back every week and changing her rules is like trying to hit a moving target, and some of these things can be quickly overcome by the decisions made by the Governor.

Commissioner Forrister wanted to make it clear that she and Commissioner Aragon were not voting members on the committee. She also mentioned that this document is not set in stone. This is something we want to present to the Governor to say this is what our community would like to do.

City Manager Madrid suggested that they include something along the lines of ***"whereas the Governing Body of the City of Truth or Consequences supports maximum testing and requests maximum support from the State of New Mexico."***

City Attorney Rubin reviewed the new Public Health Order that was recently released by the state.

The Commission asked that the "whereas" that was mentioned by Committee Chairman Szigeti be added to the Resolution. They then asked Committee Chairman Szigeti to

correspond with City Manager Madrid for the language that needs to be added to the Resolution.

Mayor Whitehead reminded everyone that this is still a working document. We don't know what any future changes might be, but we want to stay on target with the Governor. She then thanked the committee for all of their hard work.

Commissioner Aragon moved to approve amendments to Resolution 33 19/20 pertaining to a back to work plan for the City of Truth or Consequences to include the addition of the wording suggested by City Manager Madrid.

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

4. Discussion/Action: Resolution No. 35 19/20 declaring surplus property for disposal at either a live or online auction:

City Manager Madrid explained that it is a great practice to bring all items forward for approval anytime we want to dispose of surplus property even though the items presented are below the threshold amount.

Commissioner Forrister moved to approve Resolution No. 35 19/20 declaring surplus property for disposal at either a live or online auction. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

5. Resolution 36 19/20 of the Commission of the City of Truth or Consequences, New Mexico, Authorizing the submission of a New Mexico Community Development Block Grant Program Application to the Department of Finance and Administration/Local Government Division; and authorizing the Mayor to act as the City of Truth or Consequences Chief Executive Officer and Authorized Representative in all matters pertaining to the City of Truth or Consequences participation in the Community Development Block Grant Program:

City Manager Madrid explained that this Resolution is a requirement of the Department of Finance and Administration. The purpose is to confirm that the Governing Body supports the application. This application is for a Planning Grant to update our Comprehensive Plan. The maximum amount of funding from the Community Block Grant is \$50,000. We would have to match \$5,000 from our General Fund and we are capable of performing the match.

Mayor Pro-Tem Tolley moved to approve Resolution 36 19/20 of the Commission of the City of Truth or Consequences, New Mexico, Authorizing the submission of a New Mexico Community Development Block Grant Program Application to the

Department of Finance and Administration/Local Government Division; and authorizing the Mayor to act as the City of Truth or Consequences Chief Executive Officer and Authorized Representative in all matters pertaining to the City of Truth or Consequences participation in the Community Development Block Grant Program. Commissioner Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

6. Resolution No. 37 19/20 adopting the FY 2020/2021 Preliminary Budget:

City Manager Madrid and Finance Director Carol Kirkpatrick gave a detailed report of the FY 2020/2021 Preliminary Budget.

Mayor Pro-Tem Tolley moved to approve Resolution No. 37 19/20 adopting the FY 2020/2021 Preliminary Budget. Commissioner Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

G. NEW BUSINESS:

1. Discussion/Action: Fiscal Year 2020/2021 Allocations for Subrecipient Applications:

City Manager Madrid reviewed the following applications we received from different entities:

- **Companion Animal Action Team (CAAT) requested \$2,500**
- **Domestic Abuse Intervention Center (DAIC) requested \$2,500**
- **Matthew 25 Food Pantry requested \$7,860.00**
- **Sierra Joint Office on Aging requested \$50,000**
- **The Club of Sierra County requested \$20,000**
- **Geronimo Springs Museum requested \$5,000**
- **Geronimo Trail Scenic Byway, Inc. requested \$5,000**
- **MainStreet Truth or Consequences requested \$45,000**

City Manager Madrid continued by saying that all of the applicants have to prove their non-profit status, and they must be in good standing with the New Mexico State Public Regulation Commission.

Commissioner Forrister moved to approve Fiscal Year 2020/2021 allocations for subrecipient applications as noted. Commissioner Aragon seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

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

City Manager Madrid explained that this recommendation was submitted by the Golf Course Advisory Board and he recommends approval.

Commissioner Baca moved to approve the recommendation of the Golf Course Advisory Board to appoint Rick Artman as a new member on the Golf Course Advisory Board. Commissioner Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer.

**Hon. Amanda Forrister, Commissioner - Voted Aye
Hon. Randall Aragon, Commissioner - Voted Aye
Hon. Paul Baca, Commissioner - Voted Aye
Hon. Brendan Tolley, Mayor Pro-Tem - Abstained
Hon. Sandra Whitehead, Mayor - Voted Aye**

Motion carried with a 4-0 vote with one Commissioner abstaining.

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

City Manager Madrid explained that Ms. Johnson is a current member on the Sierra Vista Hospital Governing Board and she is requesting approval to continue to serve on the board.

Commissioner Forrister moved to approve the re-appointment of Peggy “Cookie” Johnson to the Sierra Vista Hospital Governing Board. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

4. Discussion/Action: Appointment of a City Representative to fill the position formerly held by Bruce Swingle on the Sierra Vista Hospital Governing Board:

The Commission asked that this position be advertised so that everyone has a fair shot in being appointed.

Commissioner Forrister made a motion to table this item until the vacancy has been published. Commissioner Aragon seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

5. Discussion/Action: Appointment of a City Representative to fill the position formerly held by Lori Montgomery on the Sierra Vista Hospital Governing Board:

The Commission asked that this position be advertised so that everyone has a fair shot in being appointed.

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

6. Discussion/Action: Appointment of Members to serve on the Joint Powers Commission (JPC):

City Manager Madrid explained that this item is to replace the previous positions held by former Mayor Pro-Tem Kathy Clark and former Commissioner Rolf Hechler.

Mayor Pro-Tem Tolley made a motion to appoint Mayor Whitehead, Commissioner Forrister and Commissioner Aragon to serve as members on the Joint Powers Commission (JPC) and for Commissioner Baca to serve as an alternate. Mayor Whitehead seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

7. Discussion/Action: Appointment of an Alternate Board Member to the South Central Council of Governments (SCCOG) and the Regional Planning Organization (RPO):

City Manager Madrid explained that this item is to replace the previous alternate position held by former Commissioner George Szigeti.

Commissioner Forrister made a motion to appoint Mayor Pro-Tem Tolley as an Alternate Board Member on the South Central Council of Governments (SCCOG) and the Regional Planning Organization (RPO). Commissioner Aragon seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

8. Discussion/Action: Appointment of an Alternate Board Member to serve on the Sierra County Recreation & Tourism Advisory Board:

City Manager Madrid explained that this item is to replace the previous position held by former Mayor Pro-Tem Kathy Clark.

Mayor Whitehead made a motion to appoint Mayor Pro-Tem Tolley as an Alternate Board Member on the Sierra County Recreation & Tourism Advisory Board. Commissioner Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

9. Discussion/Action: Appointment of a Board Member to serve on the Spaceport America Committee:

City Manager Madrid explained that this item is to replace the previous position held by former Commissioner Rolf Hechler.

Mayor Whitehead made a motion to appoint Commissioner Aragon to serve as a member on the Spaceport America Committee. Commissioner Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

H. REPORTS:

City Manager Madrid reported the following:

- Our swimming pool has been a complicated issue. Last fall we had to generate some reports for USDA regarding water consumption. The data we received didn't seem to line up with our actual water usage. It seemed like we had an inordinate amount of water loss in the system and it turned out to be the way the reports were being generated within the billing system. The consumption was below the 3,000 gallon threshold, and it was being billed as zero, which was incorrect. We revised the reporting system so the consumption would reflect actual readings. During the time we thought we had a lot of water loss, we worked actively to try and identify water usage that wasn't being billed. One of the things we were directed to was our swimming pool. Our swimming pool was using an inordinate amount of water every day. We are still trying to identify where the water is going, and how it is leaking and that has delayed our design because we cannot build a structure around the pool if it's not structurally sound underneath. We are currently working with an architect to find the services of an engineer with gravel penetrating radar to make sure that we do not have a void underneath the pool that could cause the pool to sink, collapse, or compromise the integrity of the building if we decide to build one. Everything is on hold until we can determine that the quality of the ground that supports the pool is intact. There have also been other considerations we have had to work through like taking down the bubble that was over the pool because it was very hazardous. We have some funding through NMFA for a structure and we were looking at a Plexiglas metal structure that allows us to control the environment in the summer and winter months. However, that design process has been put on hold until we can determine the integrity of the pool.
- As mentioned before, they solicited bids for the design of the Ralph Edwards Park. We received two responses that were way above what we had anticipated

and budgeted. We do however have a design and plan. The city had to correct the drainage on Riverside because water was flowing freely into the park and hurting the grass and trees with everything that flowed directly off of the street. We are building a curb to control the flow of water, and we will be self-performing a lot of the work. We had a surveyor stake the ground for us so our Streets Department can get out there and grate it to the level where we have the top soil and the sidewalks. Then we can lay the sawed ourselves. We will also be saving some money doing the project ourselves.

- The Advisory Boards can start meeting again if they wish to do so. If it is not appropriate for them to meet in person, we will provide the GoToMeeting for them to use, and we will support them in getting their agendas out because we want to try and get back to business as usual.
- We are preparing to open up our facilities. The City Clerk's Office, and Utility Office have been open because they have barrier windows. We are installing Plexiglas barriers in the departments that deal with the public, but do not already have the barriers. We are still asking the public to conduct as much business as possible over the phone, and we require anyone who goes into the offices wear a mask.

City Attorney Rubin reported the following:

- He clarified that that the terms of office can be lengthened or shortened should the city wish to opt into the Local Election Act.

City Commission Reports:

Commissioner Aragon reported the following:

- One of his constituents wanted him to mention that they were concerned about the armed forces that came in last weekend. County Commissioner Luna covered that at the County Commission Meeting. They had armed militia from Albuquerque at the church, and on our highways, and the public is worried about us protecting ourselves. He assured the citizens that we are.
- He asked that the Advisory Boards supply their minutes to the city to keep on record.
- He also mentioned a service monkey for the city website.

Mayor Whitehead reported the following:

- On Memorial Day we had a huge parade, and she was honored to be a part of it.

I. EXECUTIVE SESSION:

- 1. 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 moved to approve going into executive session at 9:23 p.m. to discuss 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) Commissioner Forrister seconded the motion. Roll call vote was taken by the Clerk-Treasurer. Motion carried unanimously.

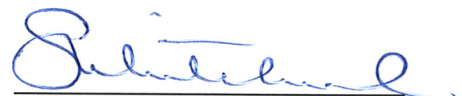
Mayor Whitehead reconvened the meeting in open session at 9:40 p.m.

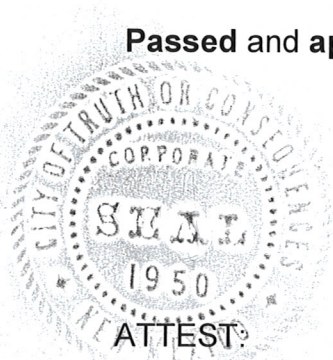
Mayor Pro-Tem Tolley certified that only matters pertaining to Threatened & Pending Litigation (current & possible Litigation) pursuant to 10-15-1(H.7) and Real Property (various properties) Pursuant to 10-15-1(H.8) was discussed in Executive Session and no action was taken.

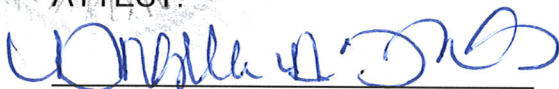
J. ADJOURNMENT:

Commissioner Forrister moved to adjourn at 9:42 p.m. Commissioner Baca seconded the motion. Motion carried unanimously.

Passed and approved this 10th day of June, 2020.


Sandra Whitehead, Mayor





Angela A. Torres, CMC, City Clerk