

CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
CITY COMMISSION CHAMBERS, 405 W. 3RD St.
WEDNESDAY, JULY 22, 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 announced that our Human Resources Director Becky Rodriguez. She asked for everyone to keep Becky, Police Chief Apodaca, her husband and the rest of their family in your thoughts and prayers. She then called for fifteen seconds of silent meditation.

3. PLEDGE OF ALLEGIANCE:

Mayor Whitehead called for Mayor Pro-Tem Tolley 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. PRESENTATIONS:

1. Rio Grande Trail Project. Attila Bality, National Park Service:

Attila Bality and Merry Jo Fahl gave a brief presentation regarding the Rio Grande Trail Project. (Complete copy of presentation attached hereto and made part hereof.)

2. Film Liaison Report. Cary "Jagger" Gustin, Film Liaison:

Cary "Jagger" Gustin gave a brief Film Liaison Report.
(Complete copy of presentation attached hereto and made part hereof.)

D. COMMENTS FROM THE PUBLIC:

Frances Luna addressed the Commission with comments related to the renewal of the lease for "T" Hangar #5 which is leased by the Kiehne's. She also stated why it is important that we keep Mr. Kiehne's business local. If we don't renew this lease, he will take his business elsewhere.

John Diamond addressed the Commission with comments related to the "T" Hangar # 5 lease agreement. Mr. Diamond stated that Mr. Kiehne spends a lot of money in this town, and his business is very important for our community, so he asks that the city renew Mr. Kiehne's hangar lease agreement.

Doc Lanford asked that the city consider renewing Mr. Kiehne's hangar lease, and why it is important that we keep Mr. Kiehne's business here in T or C.

Joe Romero addressed the Commission with comments related to the renewal of the "T" Hangar #5 lease.

Larry Mullenax addressed the Commission with comments related to the "T" Hangar #5 lease, and why the city is advising Mr. Kiehne to use his hangar for aeronautical use which is required by the Federal Aviation Administration (FAA).

Kathy Vickers addressed the Commission with comments related to the "T" Hangar #5 lease agreement. She also referred to the Federal Aviation Administration (FAA) Rules and Regulations.

Diana Tittle had a comment related to the Regular Local Election Act. She asked City Clerk Torres if the state reimbursement needed to be added to the proposed Ordinance no. 716.

City Manager Madrid read a comment submitted by Lenora Gulihur. (Complete copy attached hereto and made part hereof.)

Mayor Whitehead read a comment submitted by Kathy Clark. (Complete copy attached hereto and made part hereof.)

E. RESPONSE TO PUBLIC COMMENTS:

Mayor Pro-Tem Tolley responded to comments related to the "T" Hangar #5 lease. He asked how it was determined that the hangar was in violation of our guidelines. He also asked City Manager Madrid to address the portion of the letter submitted by Lenora Gulihur saying that an aircraft is being stored in the hangar at times.

City Manager Madrid responded by saying he believes the violation was a delinquency of payment, and the failure to request renewal as provided by the contract. It also could have been due to a walk through by a representative from the Federal Aviation Administration (FAA). They have the right to walk through and inspect the entire Airport, including inside all of the hangars. This is not the only hangar that is being questioned. There are two other hangars in question that are maybe not being used for aeronautical purposes. The intent of the Court of Federal Regulations (CFR) is the law and there are civil and criminal penalties associated with that. Our biggest fear is not being funded for our Airport. We cannot operate the Airport without State and Federal funding. We received advice from the New Mexico Department of Transportation (NMDOT) (which also includes aircraft) that this is not an appropriate use of the hangar. The intent of the Court of Federal Regulations (CFR) is that the hangars are to be used for aircraft storage. However, it is not a violation to the policy for anyone who has an airplane to also store their vehicles in the hangar. They just cannot use that hangar as a glorified storage unit for non-aeronautical use. The registered aircraft on the "T" Hangar #5 lease does not fit in the hangar. If there is another aircraft allegedly being stored there, it's not registered with the Airport, and it is not part of the agreement. We also have not seen any physical observation that the other aircraft has been in there.

Commissioner Forrister asked if we have a hangar big enough for the larger plane; if we have a waiting list; and if there is a required amount of time you have to have an airplane in the hangars.

City Manager Madrid responded by saying he does not think we have a hangar available that will fit the larger plane. We do have a waiting list for the hangars and there are seven people on that list. As for the question regarding the time limit planes are to be stored in the hangar, that would be based on a reasonable amount of time.

Commissioner Aragon asked if Mr. Kiehne has an aircraft stored in the hangar.

City Manager responded no, there is not an aircraft stored in the hangar.

Commissioner Aragon also mentioned that we need to look at building an area for cars to park at the Airport. He also feels that we really need to address this issue.

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City Manager Madrid responded by saying a leased space was offered to where he could build an enclosure, but that was not an option. We always want to find a resolution to this issue. The resolution to this issue will be based on whether both parties are willing to make accommodations within the law.

Commissioner Forrister asked how the city going to address the issue of hangars being used for non-aeronautical use because they are cheaper than renting a storage unit for a boat.

City Manager Madrid responded by saying we will have to be more diligent with our inspection of the hangars.

Mayor Whitehead talked to Mr. Kiehne, and she feels that they as a Commission need to make sure that they diligently investigate whether or not they are going to be penalized for this. She thinks that we can work everything out. The Truth or Consequences Airport belongs to the city, and we have to comply by the Federal Aviation Administration (FAA) Regulations. She was told by Mr. Kiehne that he stores his Jeep and equipment for his plane in the hangar. He is a big supporter of our community, county, schools, and kids, so we want to make sure that we keep him here and make him happy, but we still have to follow the guidelines of what we are putting in the hangars.

City Attorney Rubin advised the Commission that this item is not on the agenda so we really couldn't make a decision at this time. There are obviously some legal issues that we have to look at, and quotations regarding the federal rules. After taking a quick look at this, there are some concerns he may have so he will discuss this with City Manager Madrid, and we will see what we are legally allowed to do.

F. CONSENT CALENDAR:

- 1. City Commission Regular Minutes, July 08, 2020**
- 2. Acknowledge Regular Recreation Advisory Board Minutes, March 2, 2020:**

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

G. PUBLIC HEARINGS:

- 1. Public Hearing/Discussion/Action: Final Adoption of Ordinance No. 715 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 addressed Diana Tittle's question during public comment. If this Ordinance is passed today, we do not have to add additional language that states that the county will take over elections, and the state will reimburse them.

City Attorney Rubin explained, as of right now the elections are held the first week in March of even numbered years. We have the option to continue that. However, we also have the option (pursuant to the state statute) to opt-into having our elections when the county has their local elections. Pursuant to Section 1-22-3.1 we have the option of either lengthening the term by 1 year, and 9 months, or reducing the terms by 3 months. When we originally brought this to the Commission, the original draft called for lengthening the term of 1 year, and 9 months, but after this was discussed two meetings ago, we decided it was more appropriate to have the terms shortened by 3 months. Section 2(A) and 2(B) of the ordinance reads:

- *2(A) Municipal officers elected or appointed to a term ending in 2022 shall serve until December 31, 2021. The new term of the position shall be elected at the regular local election in November 2021, and the new term shall commence January 1, 2022.*
- *2(B) Municipal officers elected or appointed to a term ending in 2024 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.*

Commissioner Forrister thinks we are doing this ethically by lessening the terms.

There were no opponents or proponents for this Public Hearing.

Mayor Whitehead closed the Public Hearing and called for a motion.

Mayor Pro-Tem Tolley moved to approve Final Adoption of Ordinance No. 715 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). Commissioner Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

H. ORDINANCES/RESOLUTIONS/ZONING:

1. Discussion/Action: Ordinance No. 716 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 that item has come before you twice, once last year, and once a couple of months ago. It is on our agenda again because the interest rates keep dropping for the financing from the New Mexico Finance Authority (NMFA). As the interest rates drop, they give us the opportunity to refinance. This is an opportunity to refinance again because when the economy is slower the bottom market is not as active. Therefore, the people selling the bonds have to drop the rates a little bit, which is in our best interest, and it saves us a lot of money. However, every time that happens, the New Mexico Finance Authority's (NMFA) policy is to re-do the entire process. Their process is similar to ours.

- They do a preliminary approval at their meeting
- They send us the preliminary agreement, and once we commit by publication that we are in support of the refinancing, they take it back at their meeting.

They then prepare the final documents for approval, and then send it back to us for our final approval, and that is why you do not have the detailed debt service schedules, payment schedules, or a final interest rate. This item is only to state the intent to publish, and support the refinancing. You will have all of that relevant information when we come back for final adoption.

Commissioner Forrister moved to approve Ordinance No. 716 for publication refunding of PPRF-5198 and new money for infrastructure projects, including the Loan Agreement, Intercept Agreement and closing documents. Commissioner Aragon seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

I. OLD BUSINESS:

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 stated that he does not have any recommended changes to this Resolution at this time. He reported that the Governor's actions are based on statewide numbers which continue to rise. Right now we are staying in the same stage, and there is no indication that is going to change in the next couple of weeks. There has been a lawsuit filed by the Restaurant Association to contest the Governor's prohibition of in-house seating and eating. The District Court found in favor of the Restaurant Association by default, meaning that the Governor's legal team did not file a response. The Supreme Court granted to keep the Governor's Order in place until the case can be heard next week. That is the only possible modification, and if the Governor's Order is overturned, then we should probably review the language at the next meeting. We may also end up being stricter than the State Order. That is something he will monitor with

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our City Attorney and make sure that we are completely informed at our next meeting as to how it went.

Mayor Pro-Tem Tolley had a meeting with Police Chief Apodaca regarding the enforcement of masks. Chief Apodaca explained to him that he was under the impression that he would need some sort of Ordinance from the Commission in order for Local Law Enforcement to enforce the state mandate. However, after the last Commission meeting he received an email from the Attorney General's Office that specified that Local Law Enforcement could enforce the Department of Health Statute based on the Governor's Emergency Declaration. Therefore, he has given his officers the directive to enforce that order.

No action was taken on this item.

J. NEW BUSINESS:

1. Discussion/Action: Survey via Utility Bill regarding City Commission Meeting Times:

Commissioner Aragon explained that he has received phone calls regarding the time the Commission Meetings are held. He knows that they discussed waiting until after the COVID Pandemic ceased, but he doesn't feel that they should wait because people coming to the meetings, or not coming to the meetings, has nothing to do with the Pandemic. He urges the Commission to look at this, and leave it up to the community, because we support the community and we are their voice so we should let them vote. He would like to add the option of morning meetings being held at 9:00 a.m. or night meetings being held at 6:00 p.m. to be printed on the city utility bills. All they would have to do is circle it, sign it, and give it to the Utility Manager. Then we would look at the numbers and determine when the meetings are held by the numbers.

City Manager Madrid stated that he developed a short questionnaire that we could include in the utility bills. It provides the information the Commissioner's would like to see plus a little bit more. It is very simple, and it fits in the envelopes that are mailed out with the bills so it will not require any additional postage. The questionnaire asks if they would prefer the meetings in the morning, night, or no preference. It also provides a little more information as to people's willingness to participate and how they participate in meetings, whether it's by listening to the radio or through other media. The very last question asks are you able to view City Commission Meetings via YouTube or other media, and the reason for that is we are going to broadcast our meetings via YouTube in the future.

The Commission would like for both meetings each month to be at the same time, and they agreed for City Manager Madrid to move forward with the questionnaire.

No action was taken on this item.

2. Discussion/Action: Consider the appointment of Larry Mullenax and Mark Shipley to the Airport Advisory Board. City Manager Madrid

City Manager Madrid stated that this is a recommendation from the Airport Advisory Board and he has no reason to disagree with the recommendation.

Mayor Pro-Tem Tolley asked if these were advertised or if they are just taking the board's recommendation, and not worrying about how they came to that decision.

City Manager Madrid stated that these are re-appointments.

Applicant Larry Mullenax stated that this is a re-appointment and he has been on the board for a few years. The problem he is struggling with is that it appeared in the beginning they were doing a lot more with what was happening at the Airport than they seem to be doing now. He feels like now they just sit there listen to a report, then say okay fine and go home. He doesn't feel that they are really much use to the Commission. We have a very small group of pilots to choose from to be involved in this. At the last Airport Advisory Board Meeting he suggested that they switch the Chairman and Vice-Chairman, but the Vice-Chairman wouldn't stand up to the plate.

Commissioner Forrister asked if it would help for those appointments to be advertised so we can start getting more people involved.

City Clerk Torres explained that they usually don't advertise for re-appointments because it's very hard for us to get anybody to apply for these boards. We usually just ask the members if they would like to be re-appointed and they re-submit their applications.

Commissioner Forrister would like them to come up with a plan as to how they re-appoint people to these boards.

Commissioner Forrister moved to approve the appointment of Larry Mullenax and Mark Shipley to the Airport Advisory Board. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously

3. Discussion/Action: Consider the appointment of Cary "Jagger" Gustin to serve another 2 year term as the Film Liaison:

City Manager Madrid explained that he does not believe that this position was advertised. However, Mr. Gustin has represented our city for many years. He is a very active member at the state level, and he is one of our State Ambassadors. He travels around the state to attend meetings, and he has been doing this at his own expense. He completely supports Mr. Gustin's re-appointment as our Ambassador.

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Cary "Jagger" Gustin thanked the Commission and stated that he is very honored to serve the city.

Mayor Pro-Tem Tolley moved to approve the appointment of Cary "Jagger" Gustin to serve another 2 year term as the Film Liaison. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer.

Hon. Amanda Forrister, Commissioner abstained.

Hon. Paul Baca, Commissioner voted aye

Hon. Sandra Whitehead, Mayor voted aye

Hon. Brendan Tolley, Mayor Pro-Tem voted aye

Hon. Randall Aragon, Commissioner voted aye

Motion carried with a 4-0 vote. 1 abstained.

K. WORKSHOP:

1. Discussion/update: Review of "draft" 2020-2021 Final Budget:

City Manager Madrid reported on the City Manager's Office, Safety Department, Community Development Code Enforcement and Police Department.

City Clerk Angela Torres gave a brief review of the Clerks Office and upcoming goals for her department.

Finance Director Carol Kirkpatrick gave a brief review of the Finance Department and upcoming goals for her department.

Facility Management Director David Johnson gave a brief review of the Facility Management Department and upcoming goals for his department.

Water/Wastewater Director Jesse Cole gave a brief review of the Water and Wastewater Departments and upcoming goals for those two departments.

Sanitation Director Andy Alvarez gave a brief review of the Sanitation Department and upcoming goals for his department.

Electric Department Director Easley gave a brief review of the Electric Department and upcoming goals for his department.

Streets Supervisor Benny Fuentes gave a brief review of the Street Department and upcoming goals for his department.

Parks Supervisor Hechler gave a brief review of the Parks and Recreation Department and upcoming goals for his department.

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Animal Shelter Manager Tara Manning gave a brief review of the Animal Shelter and goals she would like to achieve for the Animal Shelter.

Golf Course Manager Bart River gave a brief review of the Golf Course and upcoming goals for the Golf Course.

Library Director Pat O'Hanlon gave a brief review of the Library and goals she would like to achieve for the Library.

Pool Manager Kyle Blacklock gave a brief review of the current operations of the Swimming Pool.

Utility Manager Sonya Williams gave a brief review of the Utility Office and goals she would like to achieve for the Utility Office.

Airport Manager Orlando Saavedra gave a brief review of the Airport and upcoming goals for the Airport.

Fire Chief Tooley gave a brief review of the Fire Department.

Finance Director Kirkpatrick reviewed the draft version of the FY 2020/2021 Final Budget.

Mayor Whitehead closed the Workshop portion of the meeting.

REPORTS:

City Manager Madrid reported the following:

- As the Mayor mentioned at the beginning of the meeting, they did lose one of their employees, Becky Rodriguez. She was very valuable and friendly to everyone. Due to the COVID Pandemic our employees cannot attend the services, so he has spoken to the family and received their permission to purchase a memorial plaque to place in front of one of the trees in the Evelyn Renfro Park as a dedication memorial for Becky.

Commissioner Forrister reported the following:

- She had concerns regarding the parking on the South side of the Ralph Edwards Park.

City Manager Madrid responded, he can look into placing a barrier in that area to ensure that nobody can park close to the river, because there is no intention for parking to be in that area. That portion will not even be paved. The only parking will be up against the park for the Farmers Market.

- Commissioner Forrister also stated that the individual with Amerigreen Organics voiced to her that he was disappointed with the city. He feels that there isn't any

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support coming from us. She knows that we had talked about being happy for them to come in, but she has been told that nobody from the city has been attending their meetings.

City Manager Madrid stated all he can say about that is that the state placed that funding on hold pending the special session. Since then, the application is undergoing an administrative review, and is entirely on hold until further notice. The funding is not even assured anymore.

- Commissioner Forrister also stated that it has been brought to her attention that the city has not adopted the County's Wildland Fire Plan. She asked what happens next if we have a structure fire vs. having a wildland fire, and do we have procedures in place on what happens when a wildland fire happens vs. a structure fire in the city limits.

City Manager Madrid responded, as far as putting out the fire itself, that's the Fire Chief's call, and if he made a recommendation to adopt a Wildland Fire Plan Ordinance that would be on the agenda in a minute. As far as coordinating everything related to an emergency like that we do have that commanding control structure in place.

Commissioner Forrister recommended that they look into adopting the Wildland Fire Plan for the city.

Mayor Pro-Tem Tolley reported the following:

- He was approached by multiple concerned citizens regarding the enforcement of wearing masks. They asked that the T or C Police Department enforce the state mandate of wearing masks in public. It does, however look like Chief Apodaca is already enforcing that.

City Manager Madrid explained the idea of enforcement will be that they walk up to the individual, remind them of the mask requirement, and we will have masks available to give them. Anything that has to do with the city we will have a presence and a plan. If a person shows up and refuses to wear a mask, and refuses to leave, an officer will then say either put on a mask or you need to leave. The person would probably be cited for trespassing rather than the mask violation because that makes them accountable to our court here. We don't know what the process is for issuing a violation for the masks. The removal of the person addresses the problem rather than handing them a piece of paper.

Commissioner Aragon reported the following:

- He asked City Manager Madrid about the time frame of when the meeting survey would go out. He also asked that it be advertised on Facebook.


City Manager Madrid said that they can start sending it out with the next billing cycle which would be early next week.

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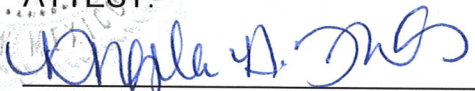
M. ADJOURNMENT:

Commissioner Forrister moved to adjourn at 1:08 p.m. Mayor Pro-Tem Tolley seconded the motion. Motion carried unanimously.

Passed and Approved this 12th day of August, 2020.


Sandra Whitehead, Mayor

ATTEST:


Angela A. Torres, CMC, City Clerk