

CITY COMMISSION MEETING MINUTES  
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO  
CITY COMMISSION CHAMBERS, 405 W. 3<sup>RD</sup> St.  
WEDNESDAY, AUGUST 26, 2020

**A. CALL TO ORDER**

The meeting was called to order by Mayor Pro-Tem Tolley 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. Brendan Tolley, Mayor Pro-Tem  
Hon. Paul Baca, Commissioner  
Hon. Randall Aragon, Commissioner  
Hon. Amanda Forrister, Commissioner

Absent: Hon. Sandra Whitehead, Mayor

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 Pro-Tem Tolley called for fifteen seconds of silent meditation.

**3. PLEDGE OF ALLEGIANCE:**

Mayor Pro-Tem Tolley called for Commissioner Baca to lead the Pledge of Allegiance.

**4. APPROVAL OF AGENDA:**

Commissioner Baca requested that item I3 be tabled until the next meeting.

City Manager Madrid also requested that the following items be removed from the agenda:

- Item I4 to be tabled until the next meeting due to some un-resolved issues.
- Item I1 to be removed from the agenda. The documents are in the packet, and in the record, and any questions can be addressed by contacting his office or Finance Director Carol Kirkpatrick.

## CITY COMMISSION AUGUST 26, 2020 REGULAR MEETING MINUTES

- Item H1 to be removed from the agenda due to the fact that there has not been any new recommendations from the Governor's Office.

**Commissioner Forrister moved to amend the agenda as noted. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

### **C. COMMENTS FROM THE PUBLIC:**

Ron Fenn addressed the Commission with comments regarding the Commission keeping their cameras on during the City Commission Meetings so the public can see their faces. He feels that the public needs to see the Commissioners faces as well as hear their voices.

Isaac Eastvold addressed the Commission with comments regarding the Riverwalk project. The Healing Waters Trail Plan and an element called the Wetland Elements was adopted by the City Commission back in 2008 or 2010. It is an excellent plan that is posted on the city's website under the Parks and Recreation Department. The only part that was implemented was the trail plan. The wetlands element was left off, and that portion addressed Rotary Park and all of the surrounding and remaining wetland complex. The plan was written by a student at the UNM School for Planning & Architecture, and it was reviewed by the National Park Service committee. The wetlands element speaks about Rotary Park as a wildlife viewing area, and there is a beautiful concept design plan that shows a boardwalk, and a wildlife viewing area much like the one along the Bosque in Albuquerque. Unfortunately, the plan was never implemented in its own flat, and today we have a large barren area south of the picnic tables which should have been part of the development of the wetlands element. He was concerned to hear in the presentation on the River Walk Project that parking for the bridge is being thought of in the wetlands planning area. It seems like that should be a danger to the values that were outlined in the adopted plan.

Hans Townsend addressed the Commission with comments regarding things not moving forward with logic and common sense. He commented on the amount of money that was spent on the swimming pool that is now collapsing, and money continuing to be spent on that pool. He feels that we need a new pool built in an area that is accessible to visitors and that will bring in money.

He also commented on the survey that was added to the utility bills regarding the meetings being held in the morning or the evenings. He feels that the questions on the survey were not straight forward because you do not want a straight forward answer. He feels that the survey should have a place for the public to sign and date, and the meetings should be held in the evenings so people who work during the day can also attend the meetings. Other communities have evening meetings and so should we.

**D. RESPONSE TO PUBLIC COMMENTS:**

Commissioner Aragon responded to Hans Townsend's comment regarding the City Commission survey. He asked if they should not count the answers of those who have never attended a meeting and perhaps they wrote down that they have never attended a meeting because they work during the day. The questionnaire needs to be looked at because he wants our community to have input regarding the meetings being held in the evening or the morning.

City Manager Madrid also addressed Mr. Townsend's comment by saying he disagrees completely with the statement that the Commission doesn't care. The questionnaire was put out there because the Commission does care.

Commissioner Forrister also addressed Mr. Townsend's comment of the Commission not caring. They maybe did not ask the right questions on the survey, but saying that they don't care is not true. The reason they put the survey out there was because they want public comment, and they are going to do whatever the majority vote says. They could have decided when the meetings are going to be held amongst themselves, but they chose to involve the community.

She also addressed Ron Fenn's comment by saying that not all of the Commissioners have video, and they are not all on the GoToMeeting. Her understanding is that the Commission Chambers is getting video equipped so that the public can see them. For several years people have been listening to the meetings on the radio and they don't see the Commissioners faces. If you would like to see their faces you can come into the Chambers and have a seat in the audience.

Commissioner Aragon also addressed Mr. Fenn's comment by saying that City Manager Madrid already mentioned that we are going to get video and it will be eventually be improved. Even though it's nice to see the Commissioners faces and expressions, the law does not require it.

Mayor Pro-Tem Tolley stated that our Commission Chambers is open during the meetings. We are observing social distancing, and we ask that you wear a mask, but you can come and sit in the audience, and be present during these meetings.

He also addressed Mr. Townsend's comments about the meetings being held in the day vs. night. That topic has been up for discussion several times in the last few months, so obviously it is something that they are paying attention to. Perhaps this is not the perfect questionnaire to be sent out, but it was sent out because they are taking this seriously, and they are trying to do this in a way that the majority gets a say on this, and they want to hear the voice of the people. Is the questionnaire perfect, maybe not, but it was an attempt to address an issue that continues to come up. He concur's with Commissioner Aragon's comment that perhaps weighing on whether or not someone has attended meetings in the last year should not be a consideration of whether their vote carries weight or not. He went on to say that he had only attended one meeting before he was elected because he works during the day. Therefore, he doesn't think that is something

that should carry weight on how they consider the votes. And again, this is something they have addressed with the public, rather than just making a decision themselves that affects everyone. They gave the public a voice, and they are attempting to get public input on this matter.

Commissioner Baca stated, with all due respect Mayor Pro-Tem he disagrees. Everybody in this community voted them in, and to say that their vote doesn't count just because they do not come to a meeting doesn't settle right with him. They may not come to meetings, but they still care. A lot of them listen to the meetings on the radio so every vote should count.

Mayor Pro-Tem Tolley responded by saying he agrees with Commissioner Baca, and he is sorry if that was not conveyed. His point was that they shouldn't give more or less weight to their vote just because they had or had not attended a meeting.

Commissioner Forrister noted that the community always has the chance to get their voice heard even if they cannot attend the meetings. You can always submit your recommendation to City Clerk Torres and she can put you on the agenda. There are lots of different ways to be heard. They are not going to be able to pick a meeting time that works for everybody, it's just not going to happen. They are going to try and pick a meeting time that is good for the majority, but there also other avenues on how you can be heard.

**E. CONSENT CALENDAR:**

- 1. City Commission Regular Minutes, August 12, 2020**
- 2. Acknowledge Regular Public Utility Advisory Board Minutes, July 20, 2020:**

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

**F. PUBLIC HEARINGS:**

- 1. Public Hearing/Discussion/Action: Application with the USDA Rural Development Community Facilities Grant Application for financial assistance for various equipment needs:**

Traci Alvarez explained that this is the standard application we use when we apply to USDA for our equipment grants. In the past we have received police vehicles, equipment needed for our Park's Department, backhoes for our Streets Department and Water/Wastewater Department and lawn mowers, a UTV, and various equipment for various departments. This is a standard commission action that we are requesting that gives us permission to apply for equipment to the various departments as the funding becomes available. It also authorizes City Manager Madrid to sign and submit the necessary forms. Normally this is a \$35,000 cap on the piece of equipment. 55% of this

## CITY COMMISSION AUGUST 26, 2020 REGULAR MEETING MINUTES

is a grant, and the remaining is a cash match. However, we have been lucky with USDA because when extra funding is available, we get a 55% grant over the total funding amount with a 45% cash match. When it comes to police vehicles they are considered safety, so they automatically qualify for a 55% match on the total cost as well. At this time they are asking the City Commission to approve submission of applications throughout the year, and authorize City Manager Madrid to sign off on necessary forms.

Commissioner Aragon asked if the Commissioners would be able to vote on the items.

City Manager Madrid explained that this is so we wouldn't have to bring it back for a vote. This would be in the event where USDA would notify us that they have some left over funding, and they would need an application in the next day or so. In order to take advantage of those kind of things we would need to submit the application before we can actually have a meeting, and this allows us to do that. This is only for equipment, it's not for million dollar projects. We recently had the funding opportunity from USDA where we budgeted in the Water or Wastewater Department for two pieces of equipment, and we leveraged what we had in the budget were able to acquire two pieces of equipment for the price of one by spending the same amount of money. That's what this program brings to us.

Commissioner Aragon asked if the Commission would know when an application is being submitted.

City Manager Madrid responded that the Commission wouldn't know the day that it happens and you wouldn't take action on it, but it would be noted in the financial reports and/or the department reports.

Commissioner Aragon asked how much money would be involved.

City Manager Madrid responded, it's not in the hundreds of thousands. It's usually less than one hundred thousand, but it accumulates and it allows us to get equipment that we normally couldn't afford.

Commissioner Aragon stated that he just wanted to make sure that everybody understands that, and that they think on this.

Commissioner Forrister asked if we would be missing out on funds if they didn't approve this.

City Manager Madrid responded probably yes, because we have frequent opportunities. We probably have a list of at least a half a dozen items that we've acquired through this method, and by approving this type of application.

Commissioner Aragon asked if it is standard that Commissioners do not get involved with the large sums involved.

## CITY COMMISSION AUGUST 26, 2020 REGULAR MEETING MINUTES

City Manager responded actually yes. It depends on the communities, but it is fairly standard.

Commissioner Forrister asked that the Commissioners get updates letting them know when applications are submitted.

City Manager Madrid responded that he will keep the Commissioners updated.

Commissioner Baca commended City Manager Madrid, because every time something comes up, he updates them. Therefore, he has no problems giving him authority.

**Opponents:** None.

**Proponents:** None.

Mayor Pro-Tem Tolley closed the Public Hearing.

**Commissioner Baca moved to approve the application with the USDA Rural Development Community Facilities Grant Application for financial assistance for various equipment needs. Commissioner Aragon seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

### **G. ORDINANCES/RESOLUTIONS/ZONING:**

- 1. Discussion/Action: Approve list, ranking, and Resolution No. 06 20/21 for the ICIP for FY 2022-2026 as required by DFA:**

City Manager Madrid explained that he was the one who did the tally on these as discussed in a previous Commission Meeting. The Commission requested that more time be given for consideration in order to properly rank them with a little bit more information and input. He received input from the Commissioners and he requested the top 5. The scoring on this was really simple, if it was your top project, he flipped it and gave it 5 points so that the top project got the most number of points. The worksheet provided is the ranking by those points (the top 5), and the rest of them are not in any particular order.

The results of the top 5 projects are as follows:

- #1: Municipal Water System Improvements.**
- #2: Citywide Storm Drain Improvements.**
- #3: Downtown Roadway Improvements.**
- #4: Street Improvements for the Water Distribution Line Replacement/  
Downtown Waterline Project.**
- #5: Water/Sewer line relocations.**

**Commissioner Forrister moved to approve the list, ranking, and Resolution No. 06 20/21 for the ICIP for FY 2022-2026 as required by DFA. Commissioner Aragon seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

**2. Discussion/Action: Resolution No. 12 20/21 Request to the City of Truth or Consequences for membership in the South Central Council of Governments (SCCOG) for FY 2020-2021:**

City Manager Madrid explained that this item was approved at our last meeting for the payment of membership, and this Resolution is required by the South Central Council of Governments (SCCOG) for membership. This Resolution is in their format and we request your approval.

**Commissioner Forrister moved to approve Resolution No. 12 20/21 Request to the City of Truth or Consequences for membership in the South Central Council of Governments (SCCOG) for FY 2020-2021. Mayor Pro-Tem Tolley seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

**H. 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:**

This item was removed from the agenda.

**I. NEW BUSINESS:**

**1. Discussion/Update: Annual Expenditure and Revenue Reports:**

This item was removed from the agenda and tabled until the next meeting.

**2. Discussion/Action: Lodger's Tax Initial Funding Allocations for Fiscal Year 2020/2021:**

City Manager Madrid reported that the Lodgers Tax Advisory Board has taken a different approach this year primarily due to travel restrictions and the COVID Pandemic. This is also in consideration of the Lodgers Tax Advisory Board shifting to a more electronic form of media, and stepping away slowly from the same print media that we have seen for years because the internet has been a more effective tourism tool. In the request for funding, they had similar requests as last year. They requested that some of the entities justify their requests, but some of the entities did not show up. Some entities did, and those requests were addressed. The Lodgers Tax Advisory Board was pretty detailed in reviewing the requests. The decided to take the approach on whether some events may or may not happen, because there may be some travel

restrictions still in place months or maybe even a year from now. They did not want to fund things that were not assured. Their approach is not to fund things that are not certain and to re-address these quarterly or even at the middle of the year. This is not their final funding recommendation. They will be doing it on a progressive basis which is pretty smart given the times we live in now. The recommended allocations are as follows:

- **MainStreet Truth or Consequences: \$3,450.00**
- **Sierra Arts Council: \$1,600.00**
- **Veterans Memorial Park & Museum: \$3,374.28**
- Total amount: \$8,424.28**

**Commissioner Baca moved to approve Lodger's Tax Initial Funding Allocations for Fiscal Year 2020/2021. Commissioner Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

**3. Discussion/Action: Consider the appointment of George Szigeti to the Public Utility Advisory Board:**

This item was removed from the agenda and tabled until the next meeting.

**4. Discussion/Action: Consider the appointment of Ron Fenn and Chris Sisney to the Planning & Zoning Commission:**

This item was removed from the agenda and tabled until the next meeting.

**J. REPORTS:**

**City Manager Madrid reported the following:**

- He reported on the letter of approval from DFA for our final budget. It's fairly standard and we didn't have any issues and revisions were not requested. He will be finalizing our funding requests for our Disaster Relief for our flood event after today's meeting. That will be submitted by Friday morning, and we will be requesting funding primarily to do a lot of the repairs ourselves and get reimbursed for our time and effort, and use of equipment. We will also be requesting some major funding for infrastructure repairs for the Wastewater Treatment Plant because that is where we had the most damage. We are not only taking the approach of getting things back to normal, but we also want to make sure that we address any issues in design, the condition of our systems, or in our infrastructure.
- He also reported that he had the pleasure of going out on a vector control last night. It is a really interesting operation, and it is something that is necessary. The truck doesn't make that much noise, but the spray is very effective and it is

very animal and people friendly. They usually do vector control late at night or they start early in the morning at 4:00 a.m. when there is no wind.

**City Commission Reports:**

**Commissioner Forrister reported the following:**

- She thanked City Manager Madrid for getting NMDOT to cut the weeds that were over growing on 3<sup>rd</sup> Street.

**Commissioner Baca reported the following:**

- He also thanked City Manager Madrid for getting NMDOT to cut the weeds that were over growing on 3rd Street.

**Commissioner Aragon reported the following:**

- He had a meeting yesterday with Rotary and one of the Club Members Dr. Channell Segura. She is the Superintendent at the T or C Schools. They talked about internet, the hybrid method and remote systems for the kids. There are some issues with the kids that are virtual because some children do not have internet. One of his student's mothers told him that she had internet, but she lost it due to funding issues so she is having to drive to the school parking lot area to access WIFI. Dr. Segura is going to find out where hot spots are throughout our County, but the Civic Center and Library came up because they both have free WIFI. The only problem with that is they changed the access hours to 8am-5pm. He asked City Manager Madrid if there is any way the city could extend those hours during this Pandemic so the kids will have alternate places to do their homework after their parents get off of work. He also asked if there were other city building that have WIFI. He asked that any businesses in town who have a hot spot please email Dr. Channell Segura at [csegura@torcschools.net](mailto:csegura@torcschools.net) so she can put together a spreadsheet for the parents.

City Manager Madrid responded that City Hall and the City Annex Building has WIFI, but it's not as strong as it is at the Civic Center and the Library. He also stated that they will leave the WIFI on at the Library 24hrs a day. They had some people that were hanging out after hours and that's why they limited the hours.

**Mayor Pro-Tem Tolley reported the following:**

- He stated that there is a hot spot at the Church at the Butte in Elephant Butte. They have free WIFI and they have opened their sanctuary so parents and children can come and use their WIFI.
- He gave the city a huge commendation for responding promptly to a fire that was in his neighbor's yard this morning. There were multiple members of the community and city employees who happened to be nearby, who were onsite helping put out the fire before the Fire Department or any of our Emergency Services showed up. It was just his neighbors van that caught on fire, but it was right next to his house. They contained it before there was any structural damage or anything like that.

CITY COMMISSION AUGUST 26, 2020 REGULAR MEETING MINUTES

- He then announced that he submitted a letter of resignation for City Commissioner/Mayor Pro-Tem. He has encountered some unforeseen health issues that have left him unable to serve this position to the capacity which it deserves. This was not an easy decision for him. He then thanked everyone for being so patient with him over these last few months. It was a wicked learning curve. Commissioner Forrister, Commissioner Aragon, we were all new to this and we didn't get the regular training, but you both handled it like pro's. He then thanked Commissioner Baca for setting a great example for the new Commissioners and he thanked City Manager Madrid, Attorney Rubin and Clerk Torres for being so helpful. If he has done any good in the last few months it's because of all of the help he has received from them. He also thanked the citizens of T or C for the faith they placed in him, but unfortunately, at this time he will be unable to serve any further.

Commissioner Aragon commended Mayor Pro-Tem Tolley for his proficiency in running meetings. He hopes that whoever they get fill his seat does half as good as he did. Mayor Pro-Tem Tolley is a youngster in his eyes, but he is a shining star as far as leadership. He will be missed.

Commissioner Baca stated that Mayor Pro-Tem Tolley has done a wonderful job and he wishes him the best.

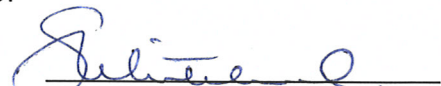
Commissioner Forrister also wished Mayor Pro-Tem Tolley the best, and said they hate to see him go, but his health is a priority. Get better and come see us again.

City Attorney Rubin also wished Mayor Pro-Tem Tolley the best of luck and stated that it was great working with him.

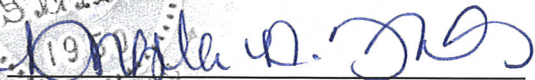
**M. ADJOURNMENT:**

**Commissioner Forrister moved to adjourn at 9:53 a.m. Commissioner Baca seconded the motion. Motion carried unanimously.**

**Passed and Approved this 9th day of September, 2020.**

  
Sandra Whitehead, Mayor

ATTEST:

  
Angela A. Torres, CMC, City Clerk