

CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
CITY COMMISSION CHAMBERS, 405 W. 3RD St.
WEDNESDAY, SEPTEMBER 23, 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. 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 led the Pledge of Allegiance.

4. APPROVAL OF AGENDA:

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

C. COMMENTS FROM THE PUBLIC:

Greg Neal addressed the Commission with comments related to Hot Springs Land Development, and how they would like a business relationship with the city. He also commended City Manager Madrid for having an open communication with them. They

Torres, Angela

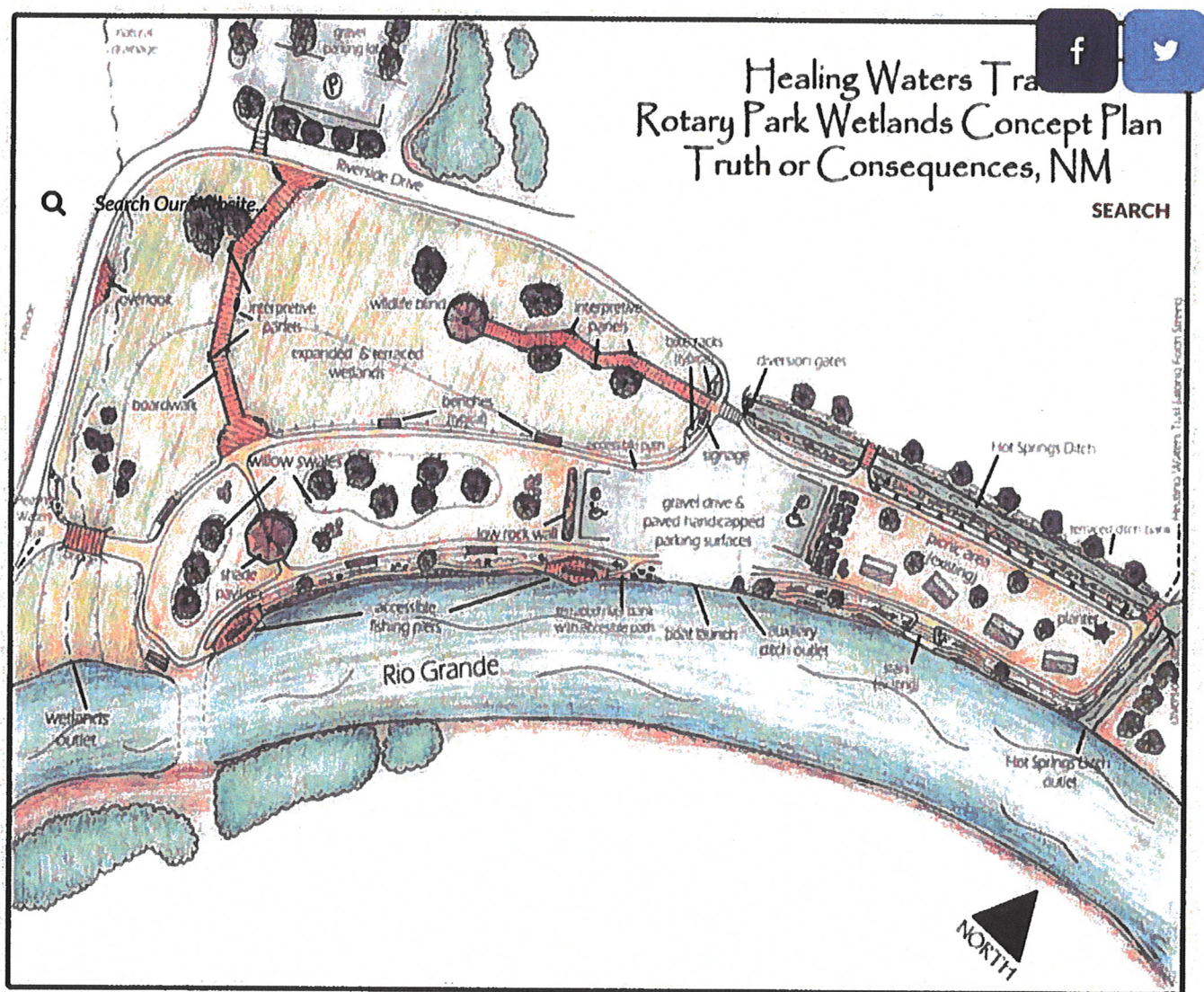
From: ISAAC EASTVOLD <eastvolds@aol.com>
Sent: Sunday, September 20, 2020 4:52 PM
To: Torres, Angela
Cc: Sharon Eastvold; Kathleen Sloan; Diana Tittle
Subject: Eco-tourism and protection of our swallows' migrations
Attachments: Healing Waters Rotary Park, pdf..pdf; ATT00001.txt

*Dear Angela,

Please be so kind as to distribute these comments to City Commissioners and staff for review and response at their forthcoming meeting. Thank you, Isaac "Ike" Eastvold

- >
- > Honorable Mayor Whitehead, members of the Commission, and T or C staff,
- > What are your thoughts on the recent massive die-offs of avian insectivores in NM? Many carcasses were first found at White sands, but now they are documented widely throughout just NM, not outside NM in other states.
- > These beautiful, fragile species have been diminishing since at least 1970. One estimate by ornithologists is that over two billion have died between 1970 and today. Our T or C swallows migrations are one of the diminishing species among the top casualties of the recent die-offs.
- > I have communicated to the Riverwalk Steering Committee and the Commission, concerns about what impacts two bridges, together with increased human traffic along the River corridor, would have on the swallows, particularly their migrations. They are a protected species under the Bird Migrations Treaty Act. They are under the jurisdiction of the US Fish and Wildlife Service.
- > The 2008-10 T or C Healing Waters Trail Plan shows Rotary Park and surrounding wetlands as primarily a wildlife viewing area, not a parking lot for a bridge. That could conflict with the intent of the adopted City plan. One doesn't want to rob Peter to pay Paul.
- > Developing Rotary Park to showcase the swallows' migrations and other wetlands wildlife in accordance with the intent of the Plan could create a very significant visitor destination, much like San Juan Capistrano in San Diego County, California. All accommodations are booked up at least a year in advance for their swallows' migrations. I expect you have heard about it.
- > I first brought the eco-tourism potential of these migrations to the attention of the City Commission in the spring of 2017.
- > The swallows migrations are very close to Earth Day, making the attraction even more potent if the two are linked, particularly since Sierra County currently has no Earth Day celebration. Since National Geographic had recognized me in their special 25th anniversary of Earth Day issue (April 1995), I volunteered to help organize the Earth Day events here.
- > Nothing was done at that time, and no one followed up with me. I did not hear back from Juan Fuentes, the Commissioners, or any other City staff.
- > Nonetheless, as long as the swallows continue to migrate, following insect blooms up the River from Mexico, the eco-tourism visitor potential is still present. It would just take T or C's commitment to intelligent planning of the Rotary Park and its accesses from Downtown in accordance with the Healing Waters Plan.
- > I would welcome the thoughts of the Commission and City staff on these urgent matters. What steps do you see to protect these birds, and our own self-interest, of course?
- > FYI, attached below is the schemata diagram for the Rotary Park wetlands from the original Healing Waters Trail Plan (chapter 7, pp 151 etc).
- >

> Sincerely,
> Isaac "Ike" Eastvold
> Chihuahuan Desert Conservancy
> (505) 255-7679
>
>





City of Truth or Consequences

505 Sims, Truth or Consequences NM, 87901

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CITY COMMISSION SEPTEMBER 23, 2020 REGULAR MEETING MINUTES

would like to enter into an agreement with the city and have an active and productive working relationship. They do not want any confrontation with the city, and they think there is some economic opportunity around the airport which their property encompasses.

Awilta Lacey addressed the Commission and asked the city to either approve or deny electric on her property so she can move forward. She would like this issue resolved.

Rick Dumiak addressed the Commission with comments related to standing water in an arroyo behind the Wastewater Treatment Plant that is causing a mosquito problem. They put a big belly in the arroyo to do some work and it was never taken away. There is constant standing water in that area that has been here for 8 to 10 months so he's hoping the city can address that issue.

Mr. Dumiak also commented on 630 Charles Street. Supposedly they had 10 days to get the property in order. It's a dangerous situation, and they have kids living there. You can see the porch is falling down, and dogs are attacking people. Nothing has been done since the last meeting.

City Manager Madrid read public comment submitted by Isaac Eastvold. (Complete copy attached hereto and made a part hereof).

D. RESPONSE TO PUBLIC COMMENTS:

Commissioner Aragon addressed Mr. Neal's comment and asked if this matter is pending litigation.

City Attorney Rubin responded by saying we are still pending litigation, and he encourages the city not to engage in conversation with Hot Springs Land Development while litigation is pending.

Commissioner Aragon asked City Manager Madrid if he could address Ms. Lacey's comment.

City Manager Madrid responded by saying that there are certain compliance issues that we have in order to obtain utilities of any type, and we don't allow utilities until all conditions are met.

Commissioner Aragon also asked about Mr. Dumiak's comment and asked where we are with that.

City Manager Madrid responded by saying this and many other areas have been cited and put into the system which involves Municipal Court.

City Attorney Rubin also added that a Resolution has been passed in regards to 630 Charles Street, and there is a due process procedure that we have to follow before we can clean up the property.

Commissioner Forrister and Commissioner Baca asked that we try and help the Lacey's out as best as we can.

E. CONSENT CALENDAR:

1. **City Commission Retreat Minutes, August 19, 2020**
2. **City Commission Regular Minutes, September 9, 2020**
3. **Acknowledge Regular Recreation Advisory Board Minutes, August 3, 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. ORDINANCES/RESOLUTIONS/ZONING

1. **Discussion/Action: Resolution No. 14 20/21 Authorizing the Execution and Delivery of a Water Project Fund Loan/Grant Agreement between the New Mexico Finance Authority ("Finance Authority") and the City of Truth or Consequences (The "Borrower/Grantee"):**

City Manager Madrid stated that this item has previously been before you. This is a final loan agreement with the New Mexico Finance Authority for the loan portion. Exhibit A shows the grant amount of \$384,688 and a loan amount of \$256,456. The specific Debt Service Schedule is on page 3 of Exhibit A and it shows a detailed Bond Debt Service starting June 1, 2023 and ending June 1, 2042. Principal payments will begin at \$13,123 and drop down to \$12,532. He also reported that the numbers of the debt service tie to the numbers in the Exhibit.

Alfredo Holguin, Wilson & Company, explained that the funds are for the Booster Station and Austin Street Improvements. It will be improvements to the Morgan Street Booster Station, the Cielo Vista Booster Station, and the replacement of lines along Austin Street. Morgan is the Main Booster Station that transfer's water from this side of town to the twin northern tanks. The Cielo Vista Station provides water to the subdivision in that area, and there is a critical segment on Austin Street that tends to have a lot of failures so they are trying to replace that as well.

Commissioner Aragon asked that we give a better description on the agenda's to show what the loans are for. His fellow Commissioners also agreed that they would like to have detailed information listed on the agenda.

Commissioner Aragon moved to approve Resolution No. 14 20/21 Authorizing the Execution and Delivery of a Water Project Fund Loan/Grant Agreement between the New Mexico Finance Authority ("Finance Authority") and the City of Truth or Consequences (The "Borrower/Grantee"). Commissioner Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

2. Discussion/Action: Resolution No. 15 20/21 Authorizing and approving submission of a completed application for financial assistance and project approval to the New Mexico Finance Authority Water Trust Board for Cantrell Dam design and Rehabilitation Project:

City Manager Madrid stated that the Dam does not belong to the city. However, he found records that show we have maintained it, and in a sense accepted responsibility for the maintenance as far back as 1991. He was also informed that it goes all the way back to the construction of the I-25 Bypass. What we want to do is avoid future implications of not maintaining the Dam.

Mario Juarez-Infante, Wilson & Company reviewed a PowerPoint regarding the Cantrell Dam. (Complete copy of presentation attached hereto and made a part hereof.)

Commissioner Baca moved to approve Resolution No. 15 20/21 Authorizing and approving submission of a completed application for financial assistance and project approval to the New Mexico Finance Authority Water Trust Board for Cantrell Dam design and Rehabilitation Project. Commissioner Aragon seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

3. Discussion/Action: Resolution No. 16 20/21 Authorizing and approving submission of a completed application for financial assistance and project approval to the New Mexico Finance Authority Water Trust Board for planning and design services for Effluent Irrigation System Improvements Project:

Alfredo Holguin, Wilson & Company explained this Resolution is to submit an application to NMFA Water Trust Board for the design of the construction of the improvements. The Effluent Irrigation System is what the city uses to irrigate the ball fields on the southern part of town. The effluent water is treated from the Wastewater Treatment Plant in order to improve water conservation, and reduce the amount of potable water that is used for irrigation. The issues with the current system are that the controls no longer work. They were originally automated controls, and the pump was supposed to automatically turn on or be set on a timer. They are failing due to age and have to be run manually. City staff will manually turn them on at 3:00 a.m. in order to start the irrigation process. If you can irrigate before the sun comes up, and before it



Cantrell Dam Design and Rehabilitation

September 23, 2020

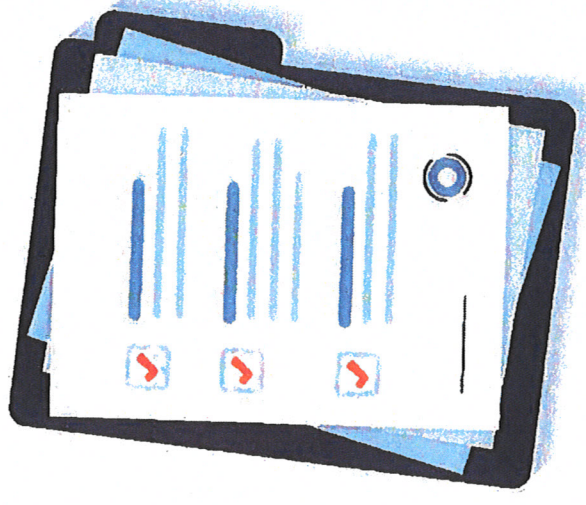
**WILSON
& COMPANY**

discipline | intensity | collaboration | shared ownership | solutions



July 26, 2020 Storm Event

- Cantrell Dam overtopping
- Downstream damage to public and private property
- Significant sediment loading
- Significant soil erosion
- Coordination and communication with the New Mexico Home Land Security and Emergency Management office
- State Disaster Declaration is pending Governor's approval

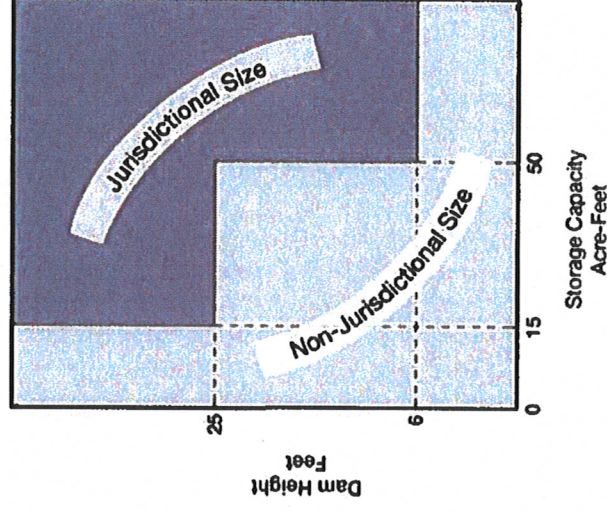




Cantrell Dam

- **Non-jurisdictional dam:** Any dam not meeting the height and storage requirements of a jurisdictional dam. The state engineer does not regulate the design, construction and operation of a non-jurisdictional dam unless the dam is unsafe and there is a threat to life or property, as determined by the state engineer. Waters impounded by a non-jurisdictional dam may not be exempt from water right permit requirements.
- According to the NMOSE Dam Safety Bureau, the screening level measurements using 2015 Google Earth imagery yielded an estimated height and current storage capacity of the dam and flood detention pond less than 15 to 20 feet and less than 15 acre-feet, respectively.

New Mexico Office of the State Engineer
Jurisdictional Dam Size





Cantrell Dam

- The roadway which also serves as the spillway at the left abutment, was severely eroded and the left (east) end of the dam did experience overtopping as a result of July 26 flood event.



Wilson & Company, Inc., Engineers & Architects



Cantrell Dam



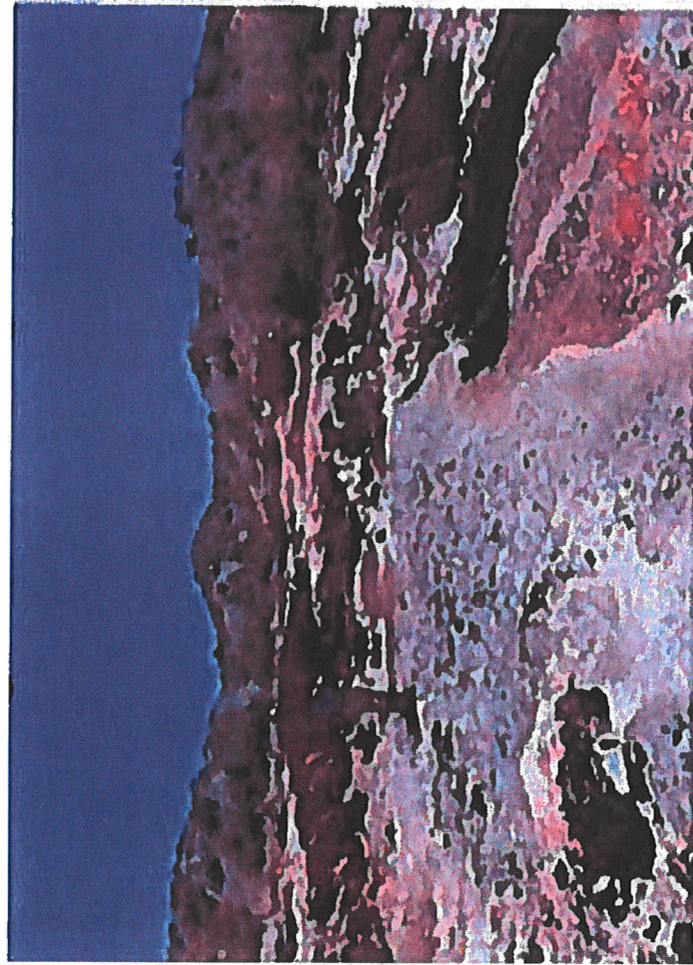
3.



Upstream (northerly) view of the downstream slope (Images 1 through 3).



Cantrell Dam



5.



Upstream view of the eroded spillway channel (Image 4); easterly view of the left abutment where over-topping occurred (Image 5).



Sources of Funding

- FY 2021 Water Trust Board Application Cycle
 - Scope:
 - Comply with the RULES AND REGULATIONS GOVERNING DAM DESIGN, CONSTRUCTION AND DAM SAFETY, December 31
 - **Inundation map:** An inundation map delineating the areas that will be flooded as a result of dam failure. The inundation map shall be supported by a dam breach and flood routing analysis report.
 - Next steps is Design, Construction Funding application, Construction.
 - Improvements will provide flood protection to the west side of the City.
 - Funding Request Amount: \$750,000
 - Local Match Requirement: (varies 10-40%, depending on debt service)

Questions?

Wilson & Company Inc., Engineers & Architects

gets hot, you can reduce evaporation and use the water as efficiently as possible. However, because of that, we are seeing higher operation costs because the controls no longer function automatically. There is no safety for the pumps, and if the wet-well is drawn down too quickly and runs dry, you can burn out the pumps. The two pumps that are being used are two different styles because of being replaced at one point. Our goal is to restore the controls so that city staff does not have to manually turn them on at 3:00 in the morning. We also want to replace the pumps so they are identical and the system can always run on one with the second one as a backup. You would be able to use the effluent water a little bit more efficiently, and it may also reduce the electricity cost as well.

Commissioner Baca moved to approve Resolution No. 16 20/21 Authorizing and approving submission of a completed application for financial assistance and project approval to the New Mexico Finance Authority Water Trust Board for planning and design services for Effluent Irrigation System Improvements Project. Commissioner Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

4. Discussion/Action: Resolution 17 20/21 Authorizing and approving submission of a completed application to participate in the Bureau of Reclamation WaterSMART and Energy Efficiency Grants for Fiscal Year 2021 Program:

City Manager Madrid explained that this application is for the replacement of meters.

Alfredo Holguin, Wilson & Company also explained that the goal of this project is to replace water meters. A lot of the current water meters are anywhere from 30-40 years old, and they are typically being replaced as needed. Meters of that age lose about 20% of their accuracy, so you are really only metering 80% of water use. Right now with the most recent water audit the city is calculating about 35% water loss, and he believes it has to do with the age of the system. The goal is to replace the setter and the meter together as one assembly, and utilize the new automatic meter reading system which will reduce operators having to manually read the meters. It will also increase the accuracy of the meter readings, and allow you to pin point the source of a lot of these leaks and measure the water flow in a home.

City Manager Madrid stated that these items will come back to the Commission for approval if they are funded. He then thanked Traci Alvarez and Wilson & Company for their efforts and motivation because these meters, as well as our infrastructure are old and have not been addressed in years.

Commissioner Forrister moved to approve Resolution 17 20/21 Authorizing and approving submission of a completed application to participate in the Bureau of Reclamation WaterSMART and Energy Efficiency Grants for Fiscal Year 2021

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

G. UNFINISHED 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 reported that the only part of the Governor's Order that may affect us is the opening of swimming pools.

No action was taken on this item.

H. NEW BUSINESS:

- 1. Discussion/Action: Possible appointment of a qualified elector to fill the vacancy for the City Commissioner Position IV:**

City Manager Madrid stated that each person requesting consideration for the vacancy will be allowed to make a 5 minute presentation to the Commission. This is not an interview, and the questions will not be the same for everyone. This just gives the Commissioners whatever level of comfort they need to pick someone to sit in the vacant seat. The four (4) individuals who submitted their letters of interest were Merry Jo Fahl, Rick Dumiak, Ingo Hoepfner, and Frances Luna.

The Commission gave each candidate 5 minutes to explain why they are interested in serving in the vacant position.

Merry Jo Fahl, Rick Dumiak, Ingo Hoepfner, and Frances Luna one by one briefly explained why they were interested in serving in the vacant position.

Commissioner Forrister asked Ms. Luna to clear up any questions the community might have regarding her serving on both the County and City Commission.

Ms. Luna responded that she attached the Attorney General's ruling in her letter of interest. There is a standing ruling that you can hold two elected seats, just not for the same Municipality. She also explained that she is term'd out at the County level, and will only be serving as a County Commissioner until January 2021.

Mayor Whitehead asked if there were any other questions. With no further questions, she then turned it back to City Manager Madrid to explain the process.

City Manager Madrid explained that it would be appropriate for a nomination at this time.

Commissioner Aragon commended City Manager Madrid and his fellow Commissioners for putting this together in a methodical matter. He and Commissioner Forrister talked

CITY COMMISSION SEPTEMBER 23, 2020 REGULAR MEETING MINUTES

about this, and they were hell-bent on making sure this was not a political appointee. They wanted the person to be qualified, and have experience. He is also very disappointed that Rolf Hechler did not want to continue. They have a sterling group of people who are running, and want to be a Commissioner. Obviously the vote of the people would be the best, but that's going to be fourteen (14) months from now when that will happen again so whoever gets this will have to actually run if they want to do it again.

Commissioner Aragon made a motion to appoint Frances Luna to fill the vacancy for the City Commissioner Position IV. Commissioner Forrister seconded the motion.

Mayor Whitehead then asked if there were any questions, comments, or concerns. Hearing none, she then called for Clerk Torres to take roll call.

**Hon. Paul Baca, Commissioner voted nay
Hon. Randall Aragon, Commissioner voted aye
Hon. Amanda Forrister, Commissioner voted aye
Hon. Sandra Whitehead, Mayor voted aye**

Motion carried with a 3 to 1 vote.

Mayor Whitehead stated that there were some great candidates, and this is a really hard decision. We live in a community where we all have to work together, and we all have to be united. She will be proud to work with Ms. Luna because she knows she has done a great job before. Ms. Luna is here for a year and four months as a replacement to Brendan Tolley. She will then have to run in November of 2021 for a 2 year term if she wishes to do so. Mayor Whitehead then thanked everybody for their interest. At the last meeting she nominated Rolf Hechler, and she thinks he would have also been a great candidate. He could have hit the ground running because he had just left office. However, the Commission chose at that time not to do that, and to move forward with the process we just completed.

Commissioner Aragon stated that this was a hard decision to make with all of the qualified candidates. He just wanted to make sure that the quality came to the surface and it wasn't political. He then congratulated Ms. Luna on her appointment of City Commissioner.

I. REPORTS:

City Manager Madrid called on Parks Supervisor Hechler to give a brief presentation on Ralph Edwards Park.

Parks Supervisor Hechler reported the following updates at the Ralph Edwards Park:

- The sidewalks, shelter wall, gazebo pad, and railing are complete. There are two 10 ft. sections of sidewalk that has not been formed yet, and so they can get equipment in as needed.
- Grating on the hillside, Riverside, and Cedar Street are complete as well.
- We are currently working on the irrigation system and power to the gazebo. They are also installing three (3) hydrant style Hose Bibbs throughout the park.
- They want to have the sprinkler system installed within the next couple of weeks.
- The sod will be planted in October, but unfortunately since we are late in the year, it will take a little longer to get the roots established. They hope to open up the park around Thanksgiving. He asked the public to be patient while the roots are being established because they want to get everything done right the first time.
- During the timeframe when they lay the sod, they will be working on signage, tables, pet waste stations, and trash receptacles.

The Commission commented on how pleased they are with the results of the park.

City Manager Madrid reported the following:

- Manager Madrid gave an update on the questionnaires that were sent out regarding the time of the Commission Meetings. It was not a scientific poll like you would have for an election, and this was not a random sample or a scientific thing. It was just a question. We sent out 4,000 questionnaires regarding morning or evening meetings, and we received 400 responses which is about 10%, and is not very high. We didn't have any issues with anyone turning in 10 at a time because the questionnaire was sent out per household, and not per person. The results showed, **102 responses (25%) in favor of morning meetings; 115 responses (28%) in favor of evening meetings; and 183 responses (45.8%) had no preference.** You can look at them in the context of 400 or you can look at them in the context of 4000.

Commissioner Forrister commented that she is glad we did this, and she thinks that we will probably continue to see results like this. 10% is around 2.9% of our total population in favor of evening meetings and 2.6% in favor of morning meetings. She does not believe this is close enough to say that this is what the public wants. She feels that the decision needs to be left up to the Commissioners.

City Attorney Rubin reported the following:

- He congratulated Ms. Luna on her appointment of City Commissioner.

City Commission Reports:

Commissioner Baca reported the following:

- He thanked all of the candidates who submitted their letter of interest for the Commissioner position, and he congratulated Ms. Luna on her appointment of City Commissioner.

Commissioner Forrister reported the following:

- She also thanked all of the candidates who submitted their letter of interest for the Commissioner position, and she congratulated Ms. Luna on her appointment of City Commissioner.

Commissioner Aragon reported the following:

- We ought to be impressed with everything that is going on with the infrastructure.
- Although Ms. Alvarez is doing an excellent job, we really need to look into whether or not we need an additional grant writer.

Mayor Whitehead reported the following:

- She welcomed Ms. Luna to the Commission.

J. EXECUTIVE SESSION:

1. *Threatened & Pending Litigation (current & possible Litigation) pursuant to 10-15-1(H.7).*
2. *Real Property (various properties) Pursuant to 10-15-1(H.8):*

Commissioner Aragon moved to approve going into executive session at 10:53 a.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.

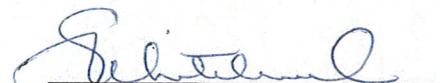
Mayor Whitehead reconvened the meeting in open session at 10:55 a.m.

Mayor Whitehead certified that only matters pertaining to Real Property (450 W. Riverside) Pursuant to 10-15-1.H(8) was discussed in Executive Session and no action was taken.

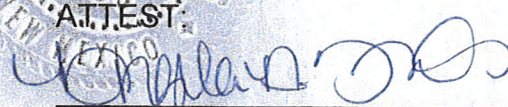
M. ADJOURNMENT:

Commissioner Baca moved to adjourn at 10:56 a.m. Mayor Whitehead seconded the motion. Motion carried unanimously.

Passed and Approved this 14th day of October, 2020.


Sandra Whitehead, Mayor


ATTEST:


Angela A. Torres, CMC, City Clerk