

CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
CITY COMMISSION CHAMBERS, 405 W. 3RD St.
WEDNESDAY, JANUARY 13, 2021

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. Amanda Forrister, Mayor Pro-Tem
Hon. Paul Baca, Commissioner
Hon. Randall Aragon, Commissioner
Hon. Frances Luna, 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 led the Pledge of Allegiance.

4. APPROVAL OF AGENDA:

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

C. PRESENTATIONS (10 minutes):

1. Proclamation recognizing January 24, 2021 – January 30, 2021 as School Choice Week in Truth or Consequences, New Mexico:

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Mayor Whitehead presented the Proclamation recognizing January 24, 2021 – January 30, 2021 as School Choice Week in Truth or Consequences, New Mexico.

2. Presentation: Film Liaison Report:

Cary “Jagger” Gustin gave a brief presentation regarding the Film Liaison Report. (Complete copy attached hereto and made a part hereof).

D. PUBLIC COMMENT:

Isaac Eastvold virtually addressed the Commission with comments related to:

- (1) Soft Path Development of our natural history. (Complete copy attached hereto and made a part hereof).
- (2) NM bird die-offs. (Complete copy attached hereto and made a part hereof).

Rick Dumiak virtually addressed the Commission with comments related to:

- (1) The Resolution the city passed regarding 630 Charles Street. He asked where the city was at on that because he is not seeing any progress on that property.
- (2) He commented on Rotary Park, and asked what the rules and regulations were because he is witnessing trash, overnight camping, camp fires, and people urinating and defecating at the park. He also commented that there is no signage posted at the park.

Ron Fenn virtually addressed the Commission with comments related to:

- (1) He submitted an appeal to the City Commission following the denial of his appeal of Electric Smart Meters. He cannot locate any written procedures for appeals so he wants to know how he is to proceed with his appeal.

E. RESPONSE TO PUBLIC COMMENT:

Mayor Pro-Tem Forrister responded to the following comments:

- **Isaac Eastvold’s comments:** She made a suggestion to contact Merry Jo Fahl with Jornada because they are part of the team who are working on the foot bridge.
- **Mr. Dumiak’s comment of 630 Charles Street:** It is frustrating when the Commission approves Resolutions, and 5 months later nothing is being done on these properties.
- **Mr. Dumiak’s comment regarding Rotary Park:** Maybe we could have more police presence so we are not experiencing these problems.

City Manager Madrid responded to the following comments:

- **Mr. Dumiak’s comment of 630 Charles Street:** Although they might not be happy with it, there is progress being made, and there is due process that has to take place. It’s a lot more than just taking in a piece of equipment and clearing out trash when there are possible hazardous materials in there. Sometimes we

NM Film Office Updates:

Early November 2020 NM Film Office continues to work to attract film production to New Mexico. Work includes scaling up talent and crew base here in the state. Now free training program for NM Background Actors. Background acting is one way to get your foot in the door, make connections, and become familiar with movie set etiquette. Contact the NM Film Office for more details and information.

Intimacy Coordinator Training Program: This is a fairly new category of Industry professionals. Creates a safer environment on set for actors performing scenes involving physical touch, nudity, intimacy and simulated sex, while also helping the Director achieve their creative vision.

This training is available as a resource to the Director with things like choreography and movement coaching. The 16 week course of online training Starts on February 7th, 2021. Contact the NM Film Office for more details And information

nmfilm.com

Or by phone: 505-476-5600

cannot find someone who is willing to go in there and abate the property. That was the situation for a while in this particular case.

- **Mr. Dumiak's comment regarding Rotary Park:** Just because someone says something, doesn't mean it's true, and that is true and particular to Rotary Park. Rotary Park is clean all the time. Our Department Director goes through there just about every day and one of our Commissioners has also been there. That type of condition simply does not exist at Rotary Park.

Commissioner Aragon responded to the following comments:

- **Mr. Dumiak's comment regarding Rotary Park:** He visited Rotary Park and there wasn't a drop out of place. We also can't keep the police there 24/7. There are going to be people who go there and use it, but the city does clean it. He did however agree on adding signage to the park.

City Attorney Rubin responded to the following comments:

- **Mr. Fenn's comment regarding the appeal:** The appeals will come before the Commission during the next Commission Meeting.

City Manager Madrid added that the appeals will be heard in an open session, and it will be in a hearing type environment with parameters. There are no procedures for this type of appeal, but there will be due process.

F. CONSENT CALENDAR:

1. **City Commission Regular Minutes, December 16, 2020**
2. **Acknowledge Regular Planning & Zoning Commission Minutes, December 7, 2020**
3. **Accounts Payable, December 2020**

Commissioner Luna moved to approve the consent calendar as submitted. Mayor Pro-Tem 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. 717 Authorizing the sale of real property pursuant to §NMSA 1978 3-54-1:**

Staff Presentation:

City Manager Madrid explained that this involves an exchange of property and cash of equal value. The exchanges must be appraised, and the value must be equal. The properties were not exactly equal in value, so cash was added into the exchange to make sure the value was equal. The idea behind this exchange is partially an economic development issue. The property we will be acquiring is adjacent to our race track. Prior to COVID, we had a couple of inquiries about developing the track again. The

Torres, Angela

From: ISAAC EASTVOLD <eastvolds@aol.com>
Sent: Saturday, January 09, 2021 8:56 PM
To: Torres, Angela
Subject: Public Comment for the forthcoming T or C City Commission meeting: "Soft path" development of our natural history--(Please distribute, Angela. Thanks!

<https://sierracountysun.org/feature/how-sandhill-cranes-could-return-to-sierra-county/>

Honorable Mayor Whitehead, City Commissioners, City Manager Madrid, City Attorney Rubin, and City Planning Staff,:

As an addition to our City and County's portfolio of economic development plans, right in front of us is development of our unique birthright of natural history to make T or C a renowned destination for bird watching, nature study, low impact recreation, and healing through what the Japanese call "nature bathing." This "soft path" to development is almost always less expensive than the "hard path," and is sustainable for a very low, or even no, cost; but not infrequently it is overlooked.

Andy Potter, in the above attached link to his Opinion Piece for the *Sierra Sun*, has an excellent idea to help take us down the "soft path" to economic development. Purchasing as park or open space parcels on the east shore from Rotary Park, besides being relatively inexpensive, would strengthen the Wetlands Element restoration around Rotary Park previously approved by the City Commission in the 2009 Healing Waters Trail Plan. City Attorney is now pursuing "quiet title" for the Park from the Bureau of Reclamation. Both shores of the Rio Grande in the vicinity of Riverbend and Rotary Park, therefore, would become a potent visitor destination for birdwatchers, natural sciences students, and residents wanting inspiration and to just relax in a quiet natural environment.

The bridge crossing sites being considered in the proposed Turtleback Trails planning effort, if integrated sensitively, could be compatible with, and even enhance, this soft path of development.

Just protecting both banks of the River in this area would create a highly successful visitor destination to increase the tourism sector of our economy. Users of Riverbend would be delighted, as would Rotary Park users and nearby residents, just as they are now by the occasional sighting of great blue herons and deer across the River.

Were you aware that bat tourism organizations exist world wide, and will direct their members to sites which are protected? Examples of bat tourism exist at Carlsbad Caverns National Park and the Turner Enterprises magnificent bat cave in their Armendaris Range property. These famous bat tourism destinations

could guide T or C in sensitively developing their own populations of bats for tourism.

I have observed that large migrating flocks of both swallows and bats spend considerable time up and down river from Rotary Park, flying back and forth low over the river, to re-fuel on the swarms of flying insects. Besides helping to control insect populations, this key re-fueling area helps these animals to put on enough tiny bits of fat sufficient to continue their long migrations up River for breeding, and back down River to Mexico with their juveniles for the winter.

These precious kinds of places along the Rio Grande are essential to prevent the kind of massive bird die-offs we saw this past fall in New Mexico. The carcasses--mostly swallows--gathered at White Sands and sent by USFWS to the USGS lab in California showed that the animals were completely emaciated, and had no fat whatsoever in their tiny bodies. They just starved to death.

Preserving both shores of the River at Rotary Park would be a substantial mitigation helping these animals, and other migratory species, to prepare to continue their long journeys. It would help halt their decline toward listing as rare, threatened, or endangered species, and a substantial upgrade for our partly degraded section of the Rio Grande between Caballo and Elephant Butte dams.

If migrating species of animals along the River do become federally listed, it would place the entire area under strict standards for their recovery. This now can be avoided with economically beneficial mitigation measures such as I have suggested.

Please correct me if wrong, but I believe the east shore across from Rotary Park was at one time used for farming. Putting that use back to provide timely food for the great sandhill cranes, snow geese and Canada geese which Mr. Potter speaks about, would restore that traditional use. World famous wildlife refuges to our north, such as Bosque del Apache, could guide us in this simple restoration.

"Hard path" urban development of the east shore, however, besides being highly expensive, is also incompatible with its partial designation as a flood zone. Extending infrastructure for "leapfrog" development across the River would be an onerous burden on T or C taxpayers. And most T or C residents would oppose it.

Far better, then, to add to our development portfolio this obvious opportunity to use our birthright of natural history for "soft path" development which is both sustainable, inexpensive, and a potential boon to our economy.

Sincerely,
Isaac Eastvold, President
Chihuahuan Desert Conservancy
(505) 255-7679

Torres, Angela

From: ISAAC EASTVOLD <eastvolds@aol.com>
Sent: Wednesday, January 13, 2021 11:24 AM
To: Torres, Angela
Cc: andy Potter; Bality, Attila P; John Masterson; Merry Jo Fahl; Travis Day; Mark Hedge; Bill Salee; Ulloa, Sylvia (Heinrich); Rebecca Dow; Bruce Swingle
Subject: Re: NM Sept. bird die-offs

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Angela,

This is for distribution to the City Commission and staff as an addendum to my testimony at their meeting today.

It is a scientific overview from the Black Range Report of the factors which are precipitating NM bird die-offs. Notice the recording of a 29% drop in populations. That is a huge decline, and brings us one step closer to listing with all its unappealing consequences.

I have seen estimates that as many as 2 million individual swallows have been removed from their population base between 1970 and today.

The City can become a positive force countering these alarming trends: 1) By adopting an Open Space Element, long and painfully absent from the Comprehensive Plan; 2) At long last, implementing the Wetlands Element of the 2009 Healing Waters Trail Plan to elevate Rotary Park and surrounding wetlands to their full potential; and 3) begin dialogue with our new and current Congressional members, as well as Interior Secretary Deb Haaland, regarding President Biden's commitment to Sen. Tom Udall's so-called "30-30 Resolution," ie, 30% of all natural areas preserved in the next 30 years.

Our River and mesa landscape between Williamsburg-Las Palomas east to the Turtlebacks and Rotary Park-Wetlands is a jewel that TorC can proudly propose for inclusion in the 30% for preservation as an area with National status.

Sincerely,

Isaac Eastvold, President
Chihuahuan Desert Conservancy
(505) 255-7679

<page21image19356448.png, Black Range Report>

New Mexico Bird Die-Off

During the 2020 bird migration significant numbers of dead and weakened birds were reported from the U. S. Southwest, with very high numbers in New Mexico. It is estimated that the number of deaths was in the hundreds of thousands. Most of the birds died during their migration and were insect-eating songbirds. Migration is a very dangerous time for birds, but the number of deaths during this period was extraordinary.

During the second week of September the White Sands Missile Range biologists, who might find 6 dead birds in a normal migration, found "a couple hundred". This story, a story of greater deaths told in orders of magnitude, was repeated throughout the state. Large numbers of deaths were reported starting in the third week in August.

Many of these deaths were attributed to a cold front which came through the state on September 9. Temperatures dropped by as much as 60° when the cold front came through. To attribute the large numbers of deaths to this event is overly simplistic, however. (This type of weather phenomenon often causes significant numbers of bird deaths when they occur during the migration timeframe. In August and September more seems to have been going on, however.)

Jenna McCullough, a researcher at the University of New Mexico **Museum of Southwestern Biology**, collected 305 dead birds at Velarde on September 14 and found that the vast majority of them had little or no fat reserves. The graph above is "*A comparison of body mass from the birds we salvaged on 14 September 2020 with that of other Violet-green Swallows collected during fall migration across the North America, downloaded from Vertnet, an open access biodiversity database. Both outlier points on the right refer to specimens that had little to no fat stores.*" (The data behind mysterious bird deaths in New Mexico.) Birds need significant fat reserves (reflected as "body

Bird migration is a fascinating topic and there are a variety of tools which can be used to understand it better. BirdCast, maintains migration forecast maps, live bird migration maps, and local bird migration alerts. It is maintained by Colorado State University and the Cornell Lab of Ornithology.

mass" here) to migrate successfully. Many of the birds showed signs of wasted breast muscles, indicating starvation and dehydration.

There is seldom one simple answer to significant issues. The bird's lack of body fat meant that on September 9 many of the birds may have died of hypothermia. Not only could they not deal with the cold, they did not have the strength to go elsewhere.

Birds were dying off prior to the September 9 weather event. In fact, they were dying off during a period of very high temperatures. Recent research has indicated that heat waves can be just as harmful as cold snaps. (*Mapping evaporative water loss in desert passerines reveals an expanding threat of lethal dehydration*, Albright et al, PNAS, February 28, 2017)

Smoke from the west coast fires has been posited, by some, as a cause for the die-off, either directly or indirectly (by causing birds to leave their breeding grounds - where they are fattening up for migration - early). There do not appear to be any data, at this time, to support that hypothesis.

The insect population throughout the world has been plummeting. For insect feeders that means less food. It is likely that less food on the breeding grounds was a contributor to the low body mass of the dead birds.

In "*Decline of the North American avifauna*", Rosenberg et al. found a 29% decrease in bird populations since 1970. This is not simply a case of a "perfect storm" where emaciation, dehydration, and a cold front all came together. This is a case of ecological collapse.

One of the attributes associated with climate change is the increase in the variation of weather events, in terms of numbers of events and the characteristics of the events (more hurricanes, with higher winds and more rain, for example).

The changes we have unleashed will occur over decades. In the meantime there are things that we can all do to mitigate the effect on our natural world. We hope to cover some of those activities in future issues.

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property we will be letting go of is a potential use for an RV Park that is right off the Interstate.

City Attorney Rubin also explained that this ordinance comes before you after several months of negotiations the city had with Ashbaugh Construction. It seems a fairly complicated transaction involving us swapping three pieces of property in exchange for cash and another piece of property that we will be receiving from Ashbaugh Construction. Section 3-54-1 explains that anytime a Municipality has property they are disposing of that has an appraised value in excess of \$25,000 we are required to go through the ordinance procedure. This came before you in November for approval of publication, and now we are going through the public hearing process. If the Commission does approve this for final adoption, we still have to wait 45 days before it goes into effect. That will give anyone who has a problem or contest with this time to file the necessary referendum petition. The city owns 3 pieces of property which are described as per Exhibits 1, 2, and 3. Exhibit 1 contains 7.059 acres of land. We have the legal description, and a copy of a boundary survey plat. The appraised value for the property of Exhibit 1 is \$71,000. Exhibit 2 contains 3.319 acres of land, and we have the legal description and a copy of a boundary survey plat for that one as well. The appraised value for the property of Exhibit 2 is \$18,500. Exhibit 3 contains 10.536 acres of land. We also have the legal description and a copy of a boundary survey plat for that one as well. The appraised value for the property of Exhibit 3 is \$133,000. In exchange for that we will be receiving Exhibit 4 which contains a 7.248 acre tract of land. Exhibit 4 had an appraised value of \$136,000 which made a difference of \$86,500 which Ashbaugh Construction has agreed to pay in cash at the time of closing. Paragraph 3 of the ordinance reads: *Additionally, with respect to the aforesaid 2.312 acre tract known as "EXHIBIT 2", ASHBAUGH CONSTRUCTION COMPANY, INC. shall agree to grant the City an easement for floodwater control and drainage infrastructure.* That is a very important consideration for the city. We are agreeing that the property is being sold as an "as is" condition, and we are not making any warranties. The transaction will be closed at Ekmar, and the parties shall deliver title policies of their respective properties to the other party.

Mayor Whitehead then opened the public hearing.

Proponents: None.

Opponents: None.

Public Presentation:

Sophia Peron stated that it was mentioned that there is an RV Park planned for the property which is at the end of the Golf Course, and if so, is it in the Comprehensive Plan.

City Manager Madrid responded by saying, in the Comprehensive Plan we address Economic Development and infill as part of priorities for the community. We do not

mention individual transactions or developments. The Comprehensive Plan is a concept document, not a specific transaction document.

Commissioner Luna asked if our personal appraiser appraised only our property, and if Mr. Ashbaugh had his own property appraised.

City Manager Madrid responded yes that is correct.

Commissioner Luna then asked about the dirt track.

City Manager Madrid explained that they have had discussions with two different proposed operators. Before COVID one of them were operating and conducting dirt track racing within the southern part of the state, and they wanted to add this to that tour. When COVID started the discussion stopped, but the interest remains.

With no further comments Mayor Whitehead then closed the public hearing.

Commissioner Baca moved to approve the Final Adoption of Ordinance No. 717 Authorizing the sale of real property pursuant to §NMSA 1978 3-54-1. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

H. NEW BUSINESS:

1. Discussion/Action: Creation of NEW Sierra County Economic Development Organization (SCEDO):

Commissioner Luna explained that she spoke to members of the Chamber of Commerce, MainStreet Truth or Consequences, businesses down town, and members of the Real Estate Board. It is evident that Sierra County once again needs to join together to create an Economic Development Organization (SCEDO). Originally it was a volunteer organization, and there was one member from different groups and entities who met once a month. It eventually it led to a full time position, but the challenge was being able to pin point what was actually was derived from that persons work. There is a definite need for the Economic Development and working together. In the document she presented for the packet it talks about working together to create unity, and a vision within the community that attracts new businesses, and drive economic development utilizing existing resources. Marianne Blaue and John Masterson who own T or C Brewing Company have taken something that might have just been abandoned, and made it into a real gem downtown. They have been working to try and figure out how to target their business and lure in customers to the Brewery. She thinks that is something Sierra County needs to do because we have so many things to offer. If we can work together and support this, and get somebody from our Commission, she can take this to every entity she listed, and work to try and get something together and report back to each entity. Her goal is for the representative of that body to report back to their entity. Long term, there are grant writers who could completely work on commission to help us

find grants so there may not be any financial resource within the next fiscal year needed. She has the names of two different people right now that are interested in this.

Commissioner Aragon thinks this would be great for our city.

Mayor Whitehead thinks this is a brilliant idea because this is something that has needed to happen for a while in Sierra County and Truth or Consequences. She thinks that we have some fabulous people in our community and all of these organizations can come together and make this happen. However, she would like to make sure that we all work together in unity and come together as an organization. We also need to have communication if we get money for projects. We need documentation so we can proceed forward instead of thinking we are going to get it, and then we proceed and there is no money.

Commissioner Luna commented that she had a meeting with Rebecca Dow and Senator Diamond last week, and they were talking about the entities in Sierra County needing to come together to come up with one joint plan, and request one thing from Santa Fe because there is so little funding this year. She thinks the only time that actually worked is when it was the hospital. We all have our own thing that attracts somebody here whether its economic development, hot springs, hiking or hunting, and that is where economic driving is working.

Mayor Pro-Tem Forrister thinks somebody from the South Central Council of Governments (SCCOG) would be good on this.

Commissioner Luna responded that we could definitely have the South Central Council of Governments (SCCOG) on there.

The Commission agreed that Commissioner Luna should move forward with the project as the representative of the Commission.

No action was taken on this item.

I. REPORTS:

City Manager Madrid reported the following:

- He thanked our members of the South Central Council of Governments (SCCOG) Jay Armijo and Tiffany Goolsby for conducting our Community Development Grant Block (CDBG) Public Hearings for us. They conducted 4 hearings to obtain any public comment or input for proposed Community Development Grant Block (CDBG) project applications for this year. They discussed the parameters for those applications, and past projects that have been undertaken by T or C. We will continue to accept public input for projects in the next couple of weeks. That should be in the next agenda for your consideration. We did not have any ideas submitted by the public for projects. However, we will bring you some alternatives, and the Commission is free to

bring other ideas to the table. If there are any ideas that are submitted, he will bring them to the next Commission meeting for consideration, and approval of the application itself. The Community Development Grant Block (CDBG) program tries to approve Infrastructure Improvement Projects. Those are the most successful in the application. There are types that are for a particular area, and there are other types that are more beneficial to the entire community, for instance improvements to our water systems. One thing they take into consideration is how many beneficiaries there are, and how many people are going to benefit. The type of community projects is an impact on the ratings.

- Our Downtown Water System Improvements Project is at a 90% design and should be at 100% within the next couple of weeks. Once that happens, bid documents can be prepared, and we can go through the bidding process to start construction by early summer.
- He met with the State Office of Emergency Management regarding our Disaster Declaration. The next step is to submit our site by site requests so we can obtain a funding document because right now all we have is the Executive Order. Once the site by site requests are completed and approved, they will give us a funding document. We may qualify for more than \$750,000, but we are going to have to prove that we need it and we will do that with our cost estimates, and the repairs that have already been done. The two biggest ones are the Wastewater Treatment Plant for damages that occurred, and the dam that needs to be repaired to a point that prevents the same type of thing happening in the future. He also explained that the funds will only allow us to restore things to a pre-flood condition.

Commissioner Luna asked if we made any insurance claims on any of the damages.

City Manager Madrid responded by saying the only thing we could have made a claim on was the Police Department, but the dollar amount did not meet the deductible. Our risk management policy does not cover flood events.

Commissioner Luna asked if there is an add-on we can add to our policy.

City Manager Madrid responded that he will check, but he does not think that Municipalities are eligible for flood insurance because of the cost or liability.

- City Manager Madrid explained that he had a meeting yesterday regarding our proposed Asset Management Plan that we will be undertaking. He gave the Commissioners a sheet that showed the type of planning and thinking that goes into their projects. For every project there is a strategy like this one. The Asset Management Plan will probably be on the next agenda for approval, but this is just for your information to see the type of thought and preparation that goes into each plan.

City Attorney Rubin reported the following:

- None

City Commission Reports:

Commissioner Baca reported the following:

- None

Commissioner Aragon reported the following:

- There is now a coalition of the Sierra County Veterans. The coalition desired to have an opportunity to have veterans meet once a month on the fourth Thursday 10-3 with the Veterans Service Officer (VSO) so they won't have to drive 70 miles to Cruces and back. The Olive Tree will be used for the meetings, and Veterans can call and make an appointment to meet with the Veterans Service Officer (VSO). So far it is working out great.
- He would like the Commission to consider a Resolution or letter of acknowledgement thanking Denise Addy for putting on the Toys for Kids Event.

Mayor Pro-Forrister reported the following:

- She would like to get the Chairman of the boards to give the Commissioners an overview of something that is concerning to them or things they want us to know about that are not in the minutes.
- She suggested that Commissioner Luna reach out to Jornada to see if they would be interested in joining the Sierra County Economic Development Organization (SCEDO) group.
- She asked City Manager Madrid for an update on the Ralph Edwards Park.

City Manager Madrid explained that the sod on the park was delayed because of the flooding, and they had to dry out the park. The roots have taken in the sod, and when they measured the depth of the root, it hadn't taken well enough for it to succeed. We have not opened up the park yet because traffic could loosen up the sod in some areas and cause the roots to be damaged. The park will need to be closed for at least another month or more to make sure we have the depth of the root that we need to make sure the roots cannot be damaged on the sod.

Commissioner Luna reported the following:

- At the last meeting she asked if the Municipal League was going to be offering COVID Insurance. She asked City Manager Madrid for an update on that.

City Manager Madrid explained that the Association of Counties and the Municipal League are in the process of negotiating joint coverage to propose to the Legislature. Right now they are both separate and combining the two will save a lot of money. The policy right now for anyone who is exposed to COVID related to work will be handled as a workers compensation claim. Although individuals may have private insurance, workers compensation for exposure on the job is the primary thing right now. Hopefully

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by the next fiscal year we will see a combined general Risk Management Self Insurers Fund for both cities and counties.

Commissioner Luna gave an example of why she feels the city needs COVID Insurance. What if an employee were to get COVID at work, and then they give it to a family member which results in something bad happening to that family member. That could be cause for a lawsuit against the city, and that is why we need that type of coverage.

City Manager Madrid explained that type of event would fall under our general liability and there would have to be an element of negligence for us to be liable for that.

Commissioner Luna said that she hopes that is the way it works. However, it is her understanding that is not the case, and insurance carriers are trying to say that they will not cover that because it is COVID related, just like they won't cover things related to a flood. She just wants us to be covered, and not find ourselves in a bad spot financially if something like that should happen.

- Commissioner Luna reported that there has been a squatter at the city arena for over 30 days, and it does not look like it is being addressed at all. The individual has an RV over there. They have a broken down pop-up, a truck, a dog, some chickens, and they have made themselves right at home. It doesn't look like they are using the utilities, but we have RV Parks that pay lodgers tax and gross receipts who would love their business. City property isn't the place for them to reside for over 30 days.

City Manager Madrid asked Commissioner Luna if it has been reported.

Commissioner Luna responded that she is reporting it now.

- Commissioner Luna asked if anyone had any information on the license plate cameras that have been installed at the entrance and exit of Williamsburg, T or C and on 3rd Street.

City Manager Madrid explained that they are not license plate cameras for giving tickets. They are for monitoring traffic.

Commissioner Luna asked what the purpose is for them.

City Manager Madrid explained that they are for monitoring traffic, and to record anything that could happen in those areas.

Commissioner Luna said, so we are being watched? She then asked who is paying for the cameras.

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City Manager Madrid responded that the Police Department paid for them and we paid for the monitors.

Commissioner Luna said that she assumes that they were included in the budget, and it was a conversation the previous Commission knew about.

City Manager Madrid responded that it was part of the budget.

Commissioner Luna then said, so we are not gaining anything, we are just paying a private company to watch vehicles come and go in and out of T or C?

City Manager Madrid responded by saying, no we are not paying a private company. The video is within the city computers, but we pay a Maintenance fee to make sure that the system stays up.

Commissioner Luna said that she is not very keen on the idea. She thinks the residents of our community would like to know that they are being watched. She was also upset that the Commission did not know about it because she received 3 phone calls yesterday about them.

City Manager Madrid responded that it is a standard practice. Even the Department of Transportation has cameras on highways throughout the state where you can get on your phone and look at the road conditions.

A brief discussed ensued regarding the location of the cameras.

Mayor Whitehead reported the following:

- She thanked everyone for their continuous support and reminded everyone to please wear their masks, wash their hands, stay home if they are sick and get tested because it will help our economy by taking us from red to yellow. She reported that the hospital also does testing on Saturdays from 9-3 and you don't have to have symptoms if you want to get tested.

J. EXECUTIVE SESSION:

Mayor Pro-Tem Forrister moved to approve going into executive session at 10:23 a.m. to discuss Threatened & Pending Litigation (current & possible Litigation) pursuant to 10-15-1(H.7) and Limited Personnel Matters Pursuant to 10-15-1(H.2). Commissioner Luna seconded the motion. Roll call vote was taken by the Clerk-Treasurer. Motion carried unanimously.

1. Threatened & Pending Litigation (current & possible Litigation) pursuant to 10-15-1(H.7):

2. Limited Personnel Matters Pursuant to 10-15-1(H.2):

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Mayor Whitehead reconvened the meeting in open session at 11:28 a.m.

Commissioner Luna certified that only matters pertaining to Threatened & Pending Litigation (current & possible Litigation) pursuant to 10-15-1(H.7) and Limited Personnel Matters Pursuant to 10-15-1(H.2) was discussed in Executive Session and no action was taken.

M. ADJOURNMENT:

Commissioner Luna moved to adjourn at 11:30 a.m. Mayor Pro-Tem Forrister seconded the motion. Motion carried unanimously.

Passed and Approved this 27th day of January, 2021.



Angela A. Torres, CMC, City Clerk

Sandra Whitehead, Mayor