

CITY COMMISSION MEETING MINUTES  
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO  
CITY COMMISSION CHAMBERS, 405 W. 3<sup>RD</sup> St.  
WEDNESDAY, JANUARY 27, 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. She explained that Hans Townsend recently passed away and she asked that everyone please keep his family in their thoughts and prayers.

**3. PLEDGE OF ALLEGIANCE:**

Mayor Whitehead called for Commissioner Baca to lead 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. PUBLIC COMMENT:**

Rick Dumiak virtually addressed the Commission with comments related to:

- (1) He is seeking a public apology from City Manager Madrid for his statement made on January 13, 2021 regarding his integrity.
- (2) He also requested an update on Rotary Park since it appears no action has been taken, and he continues to find bottles, garbage, and debris at Rotary Park every morning during his daily walks.

Diana Tittle virtually addressed the Commission with comments related to:

- (1) She asked that the Commissioners turn on their cameras during the meetings so that the constituents may see their elected representatives and government employees carry out the public's business. She feels that it is especially important today while the three members of the public present their appeals. She also asked that City Staff and Attorney Rubin come to the microphone while speaking.

Kyle Smith virtually addressed the Commission with comments related to:

- (1) He had a complaint regarding an increase in his utility bill. He feels that there are errors in the billing system, and he would like the Commission to look into addressing that issue.

Ron Fenn virtually addressed the Commission with comments related to:

- (1) He recently submitted to the city an issue of false information and improper data collection in the electric utility bills. He stated that he received a rather ridiculous response from George Szigeti of the Public Utility Board stating that the fact of all these errors is justification for the million dollar Smart Meter system.
- (2) He asked what is going to be done with the data collection and billing procedures to make things reasonable, fair, and understandable. Meter readers do not read his meter every single day, so he knows exactly how much electricity he is using on a daily basis. He doesn't need a million dollar program to tell him what he is using. He already knows.
- (3) He has not received an updated bill from the city, and they short changed him by over 434 kilowatt hours on his bill that he produced. It was recorded as 41 kilowatt hours and he has not received a corrected bill, and it has been over 10 days. He would like the proper information to be provided to him and to all citizens.

Linda De Marino virtually addressed the Commission with comments related to:

- (1) MainStreet is in the process of the City Brand Development. They are collaborating with the Chamber of Commerce, Sierra Arts Council, Geronimo Trails Scenic Byway and several other representatives from opposite organizations and areas of the community to work on that branding process.

They have created the logo, and are working on identifying markets, and developing a marketing plan.

- (2) MainStreet is also working on a USDA grant that will allow them to help our local businesses develop their ecommerce capabilities.
- (3) MainStreet has received tentative funding from the New Mexico MainStreet Capital Outlay, and the Department of Transportation for the Foch Street Project. Hopefully during the next meeting we will have a resolution of support from the city.

Commissioner Luna read an email submitted by Superintendent of the TorC Schools, Dr. Channell Segura in regards to fingerprinting issues she encountered at the T or C Police Department. (Complete copy attached hereto and made a part hereof).

#### **D. RESPONSE TO PUBLIC COMMENT:**

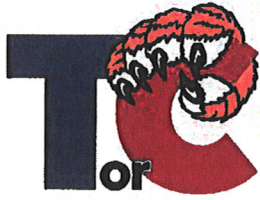
Mayor Whitehead responded to the following comments:

- **Diana Tittle's comment regarding the Commissioner's cameras:** She explained that the Commissioners do not have all of their cameras on during our meetings. However, they we have our main camera on that is focused on the Commissioners, so we are visible through GoToMeeting, we are broadcast over the radio, and we are following the Open Meetings Act. She suggested that Ms. Tittle reach out to her to explain what she is expecting the Commission to do.
- **Ron Fenn & Kyle Smith's comments regarding their utility bills:** If you have an error on your bill, the proper procedure would be to call the utility department to set up a meeting to review your bill.
- **Dr. Channell Segura in regards to fingerprinting issues:** She met with City Manager Madrid regarding the fingerprinting and she was advised that we can make arrangements to get fingerprints done. As a city entity and as the Police Department this is our job and we need to take care of all of our essential workers so she was very disappointed that this was not taken care of when she read Dr. Segura's email.

Commissioner Aragon responded to the following comments:

- **Ron Fenn & Kyle Smith's comments regarding their utility bills:** He also recommended that they visit the Utility Office or City Manager Madrid so they can address the issue.
- **Linda DeMarino resolution of support comment:** He wants to ensure that we get the resolution of support for MainStreet on the next meeting agenda.
- **Dr. Channell Segura in regards to fingerprinting issues:** We need to work something out to address her concerns made in the email she submitted.

# Truth or Consequences Municipal Schools



TRUTH OR CONSEQUENCES  
MUNICIPAL SCHOOLS

910 North Date Street  
Truth or Consequences, New Mexico 87901  
Phone: (575) 894-8166 Fax: (575) 894-7532  
Website: [www.torcschools.net](http://www.torcschools.net)

The mission of the Truth or Consequences Municipal Schools, the heart of our community, is to inspire and nurture students to dream and develop the ability to pursue their dreams with courage and integrity through educational excellence reflective of academic achievement, cultural values, historical perspectives, and future opportunities fostered by a dedicated and committed staff.

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Tuesday, January 26, 2021

Mr. Morris Madrid  
City Manager Truth or Consequences  
401 McAdoo Street  
Truth or Consequences, NM. 87901

Dear Mr. Madrid,

It is with regret that I must write this letter to inform you of an issue that the Truth or Consequences Municipal School District has encountered. We have always worked closely with the local City Police Department in facilitating the fingerprinting process for our Background Reports, which is required by both our District as well as the State's Public Education Department. Unfortunately, we have discovered that the City Police Department is no longer providing these services. The explanation given is that it is due to possible COVID-19 exposure.

As a School District, we are considered an essential operation during the pandemic, and are expected to keep staff at each site, even during these difficult times. The integrity of our students' education, as well as their safety, is at risk if we are unable to get this important need met—this service is essential to the operation of the School District. Unfortunately, the closest establishment that provides this service is The Hatch Police Department. We do not feel this is a viable permanent option moving forward and need the services to be rendered locally. We are currently exploring other options but, in the meantime, we are in immediate need of this service.

As a State Public entity, we take pride in offering numerous services and partnering with local community establishments and organizations that do the same. We feel it is vital to have the needs of our community met from within our community. We feel we are not experiencing the same reciprocation from our Local City Police Department, which we do not understand. Any assistance you can offer in this matter, is very much appreciated.

As always, we appreciate the continued efforts you provide our Community and School District.

Dr. Channell Segura  
Superintendent, TorC Schools  
[csegura@torcschools.net](mailto:csegura@torcschools.net)

## Administration

Dr. Channell Segura, Superintendent of Schools  
Christine Kittel, Executive Administrative Assistant  
Sabrina Bierner, Chief Finance and Operations Officer  
Dr. Renee Garcia, Chief Academic Officer

## Board of Education

Brett Smith - President  
Douglas Whitehead - Vice President  
Julianne Stroup - Secretary  
Dr. Barbara Pearlman-Member  
Christine LaFont- Member



City Manager Madrid responded to the following comments:

- **Kyle Smith's comments regarding his utility bill:** Notices were sent out regarding the conversion of the AMI meters and to inform the customers of the fluctuation. Some of the reading periods were shorter than normal. During the conversion when the old meters were taken out customers had a short reading. So people who had a higher bill one month should have received a lower bill the month before that. Also, the fluctuation he is talking about regarding \$3,000 is actually 3000 kilowatts in consumption.
- **Dr. Channell Segura in regards to fingerprinting issues:** His office still has not received her letter in regards to the fingerprinting. He received a similar call from SJOA regarding their need for fingerprints. However, it was a phone call, and it was resolved. He asked them how many staff members needed their finger prints taken and a date was arranged for them to come in and be fingerprinted. All anyone had to do was contact us to make arrangements to get their fingerprints taken. There was one day that the Police Department had to be closed for disinfection because we have to disinfect the facility to not only protect the employees but the public in general we have any positive COVID cases. He informed everyone that the Police Department is open now for regular service.

**E. CONSENT CALENDAR:**

1. **City Commission Regular Minutes, January 13, 2021**
2. **Subrecipient FY 20/21 2nd Quarter Reports:**

**Commissioner Luna moved to approve the City Commission Regular Minutes, January 13, 2021 and Subrecipient FY 20/21 2nd Quarter Reports listed on the Consent Calendar. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

The Acknowledgement of the Regular Public Utility Advisory Board Minutes of November 16, 2020 was removed from the consent calendar for discussion.

**1. Acknowledge Regular Public Utility Advisory Board Minutes, November 16, 2020:**

Mayor Pro-Tem Forrister asked about the Residential Solar Generation Limits item that was discussed at the November 16, 2020 Public Utility Advisory Board Meeting. She also asked if Mr. Szigeti would have to abstain from voting since he has solar in his residence. She also asked if that item would come before the Commission for approval or if it is something the Board can pass directly.

City Clerk Torres explained that the Board is still in the process of trying to figure out their recommendation to the Commission. When they do make a final recommendation, it will come before the Commission for final approval. They are only an Advisory Board so they cannot make any changes to our ordinances without the Commission's final approval.

Mayor Pro-Tem Forrister stated that it is her understanding that they are wanting the city to pay out at the end of the year. She asked if we put electric back into the grid, would get reimbursed for that from Sierra Electric Cooperative.

City Manager Madrid explained that the change the Public Utility Advisory Board is recommending does not incorporate an annual cash refund. It only raises the limit. Credits are normally paid when service is terminated and the accounts are closed.

Mayor Pro-Tem Forrister stated that is financially concerning to her if we do not get a reimbursement and we are giving them a credit. They are getting free electric for one, and we are also giving them a payment when they close their account. She would like for us to look into that.

**Mayor Pro-Tem Forrister moved to approve the Acknowledgement of the Regular Public Utility Advisory Board Minutes, November 16, 2020 listed on the Consent Calendar. Commissioner Luna seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

#### **F. NEW BUSINESS:**

##### **1. Discussion/Action: Public Appeals in regard to Electric Smart Meters:**

City Attorney Rubin explained that we are here to talk about an appeal as set forth in Section 14-30 (e) of our code. The ordinance does not give any guidance as to how the appeal should be conducted, so it's really up to the Commission on how they wish to proceed. However, you want to ensure that people are given due process and an opportunity to be heard, and that the Commission has the opportunity to ask questions if they desire. What is brought forth today is a concern that was raised to the City Manager. The appeals were denied on the administrative level, but they did tell everyone that they can submit their appeals to the City Commission. As far as procedure is concerned, he doesn't think that the Commission has to be terribly frugal about this as long as you give everyone a chance to be heard. He feels that 5 minutes would be satisfactory because of the information that was provided in the packet. A 5 minute presentation would be a supplement of what they already told you in the packet. He also recommended that each appeal be handled separately because the grounds of the appeals are not identical.

The Commission agreed that 5 minutes would suffice.

#### **Ariel Dougherty:**

Ms. Dougherty presented her appeal of Electric Smart Meters by saying that the Electric Smart Meters are a health hazard for her. She asked the Commissioners if they communicated with Robin Garrison, who is her Disability Rights Advocate of Disability Rights New Mexico. She sent a letter to each Commissioner on January 12, 2021.

Commissioner Luna and Mayor Whitehead informed Ms. Dougherty that they are here to hear her appeal.

Ms. Dougherty continued by saying she believes City Manager Madrid, City Attorney Rubin, and Bo Easley are in a conflict of interest because they all signed off on her first appeal as a Judge. All of the appeals are individual and unique, but they are somewhat lumped together in this process. The agenda request form shows a zero fiscal impact, and it appears you have no reason to attach a waiver request to the budget in anyway, so it is difficult for you to not accept her appeal. This is not a zero impact. Therefore, it does not harm the city in anyway, and litigates against any hardship the city might claim in her appeal. She is glad to answer any questions the Commission may have. As listed in the packet her appeal is due to her health which is already compromised and susceptible by almost 5 times to certain cancers. Therefore, she requests to minimize her RF exposure which is cumulative. She is encouraging the Commission to approve her appeal as a remedy to the violation of her due process rights in the ordinance of New Mexico State Statutes 3-14-18. Three of the Commissioners may not be aware of these long standing issues before this Commission, as they only came into office in April 2020 or later. She urges you to make this decision based on your independently informed evidences regarding this matter. Repeatedly, the city has as insight on how the Smart Meters are an asset for the City's Electric Department workers, but never in her observation have they ever once offered how they are a benefit to her welfare which you are obliged to uphold. She contend they are not. Please accept this appeal to a waiver of installation of a Smart Meter on her property which in all honesty is a minor request because the city already offers exceptions to these installations. She requests that you respond to each of her points in writing. She also respectfully asks that these comments be added to the record, and to the minutes of the meeting.

**Ron Fenn:**

Mr. Fenn Ms. presented his appeal of Electric Smart Meters by saying he cannot see the Commission. Therefore, this is not a proper hearing. He objects to City Manager Madrid and City Attorney Rubin being present for this as they already denied his appeal, and the only thing they can offer here is an undue influence on this Board to reject his appeal. He has been harmed and abused already by the city in this regard, and he is appealing under a number of issues. He unnecessarily had his power shut off for one week when he appealed in advance of the shut off. There was no guidance for this appeal and that is one heck of a way to run a railroad. You are supposed to be representing the people. You are supposed to be looking out for the care and the welfare of the people of the City of Truth or Consequences. Not benefit the employees of the City of Truth or Consequences. That is not the point of government. He is appealing this on the basis of special mutual benefit, and requests an exemption from the installation of a Smart Meter on his property as a private solar producer. Having a substantial investment in his property benefits both himself and the city. The city is currently selling his access power to his neighbors. It has nothing to do with Sierra Electric Coop. You are just not buying them out of production that he has, and you are

not buying from Sierra Electric Cooperative. Ms. Forrister you are incorrect in assuming that the city is going to be out something. No, they are benefiting by selling his power.

Mayor Whitehead asked Mr. Fenn to give the Commission a summary of why he does not want the smart meter on his property.

Mr. Fenn continued by asking the Commissioners if they all read the 90 pages of documentation he provided to them. He stated that summarizing it in 5 minutes is rather ludicrous. His right is to be heard and to cross examine the people who are going to make the decision on him. He is appealing this on the basis of pending litigation which could be harmed by him taking a Smart Meter, and unfortunately only two of you Commissioners are responsible for the pending litigation. He is hoping that the other three who are not involved in this pending litigation right now will accept his appeal to keep yourself out of the litigation. Otherwise you will be involved in this litigation. On the basis of the potential damage to his health, he must explain that he has had cancer and the Smart Meters have been shown to cause health issues. Whether you've looked up the data or not, or whether you just don't want to accept what the Federal Communications Commission says, or at the studies done by thousands of people, scientists, and doctors that have said there is harm from these smart meters. He is appealing because there has been no due process.

**Lee Foerstner:**

No presentation was made by Mr. Foerstner so the Commission based their ruling on his appeal presented in the packet.

City Attorney Rubin recommended that the Commission now have a discussion and they can ask any questions if necessary.

Mayor Whitehead asked City Manager Madrid and Electric Division Director Easley to give a summary as to why they denied the appeals.

City Manager Madrid explained that these issues have been made before. This process took years, and there are two things that comments that were made. The first one being that this is discriminatory in nature, and that is not true. We are not making exemptions for anyone who has a technical capability. There may be a few issues when systems are extremely out dated and they are not capable of handling the Smart Meters. That was the major burden for one the home owners, and for those cases we are not converting to the Smart Meters. However, there are very few of those. The other one is the health concern. The Federal Communications Commission approved these meters. They went through numerous tests, they are in millions of homes throughout the Country, and they are not deemed to be a health hazard and that is the basis of his rejection.

Mayor Pro-Tem Forrister asked if Lee Foerstner is denying solely on his personal property or his business. Is his business not applicable to have a Smart Meter installed?



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Electric Division Director Easley responded that Mr. Foerstner is rejecting the Smart Meter be installed at his property. The business who is ran by his son has a Smart Meter.

Commissioner Luna asked how many homes are outdated and cannot have a Smart Meter installed.

Electric Division Director Easley responded that there are about 96% of the meters installed on the residential side. The residential areas are the only ones we are having issues with.

Commissioner Luna asked if it is an expense to the homeowner or the city when a meter needs to be replaced.

Electric Division Director Easley responded that the expense is to the city, and they are all businesses. All of the residential meters have already been changed out.

Commissioner Luna then asked what City Manager was referring to when he said some have not been changed out because it would be burdensome to the customer.

Electric Division Director Easley responded that City Manager Madrid was referencing the commercial meters.

Commissioner Luna then asked if we are having to physically go out and hand read those meters.

Electric Division Director Easley responded yes in the commercial areas, but only until they get the 15-20 meters switched over to the Smart Meters. That process should be done by the end of next month.

Commissioner Luna stated that it bothers her that they expected 100% compliance with this. When people live in a free world they have the right of choices, but she feels that those choices should come at a cost. If we are going to have to send someone to manually read these meters, she thinks it's appropriate for them to have the choice to remain with their old meter. To have someone taken away from another task to go read that meter and enter that information should be at the customers cost. If it is that concerning to them, and they wish to do that, let's let them make that choice, because we want choices in our lives. She spoke to Denise at Sierra Electric Cooperative and they are charging \$50 for a special read, so why can we not give the customers who want to stay with their original meter the option to do so, and let them pay for the cost that the city is going to encumber because of it. She doesn't think it is unreasonable on the city's part, and she thinks that helps those customers who have their health concerns take care of themselves.

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Mayor Pro-Tem Forrister asked City Manager Madrid and Electric Division Director Easley if they see us at some point in time not having a meter reader because everybody will have a Smart Meter.

City Manager Madrid responded by saying the reading of the electric meters would go away if we were to get 100% conversion, but we still have to read the water meters.

Mayor Pro-Tem Forrister then asked if we go with Commissioner Luna's suggestion, would that fix the issue because we already have somebody who is going out.

City Manager Madrid responded that it is possible, but it is burdensome.

Commissioner Aragon agrees that there should be a cost if they are wanting to keep their old meters.

City Attorney Rubin stated that the Commission doesn't necessarily have to rule on this today. If you wish to have city staff do some research in the questions you are raising, that is something you can do.

Commissioner Aragon stated that they need to move forward with this.

Mayor Pro-Tem Forrister explained when Sierra Electric Cooperative installed her meter the customers didn't get a choice, so she is not sure about what Denise is referring to on the fee. She personally would like to find out if charging a \$50 trip fee to their bill every month would suffice sending someone out to read their meter on a monthly basis.

Commissioner Luna stated that they all know that our meter readers don't make \$50 an hour, so if we are making \$150 a month to go and read three meters, she thinks that would be sufficient. Let's get this done and put this drama behind us and move on. She thinks we could very easily set a precedence here that if you don't want the Smart Meter installed there is the process. She does not see why we can't make an accommodation, and let them have the option, and let them pay for that option and move on.

Commissioner Baca agreed with Commissioner Luna.

Mayor Pro-Tem Forrister stated that some members of the public suggested that they read their own meter, but she feels that they either have to have a Smart Meter installed, or they can pay a fee to have their meter read on a monthly basis.

**Commissioner Luna made a motion that they set a \$50 per month trip charge for those who do not wish to have the Smart Meters installed, and that would cover the city manually reading the meters, and that be the precedence and the process for anyone who does not want a Smart Meter can then follow. Commissioner Aragon seconded the motion.**

City Manager Madrid stated that the language in that motion was for anyone who does not want a Smart Meter. There is a timeline for an appeal process that doesn't pan out for most people. The ordinance states that there is a timeline to appeal. That can apply to people who have filed an appeal on a timely basis, or are still in that limbo because someone who had their meter installed in October has clearly gone beyond the window of an appeal. He thinks that needs to be clarified. In regards to the \$50 fee, that is close to the range the Public Utility Advisory Board discussed a few months ago when they discussed a fee, but recommended no exceptions.

City Attorney Rubin stated that he feels they can move forward with the motion with the understanding that any appeal that is filed is to be done in a timely matter.

Commissioner Luna explained the appeal ordinance does not have a specific date to submit an appeal. If someone leaves and that meter is pulled, and we put in a Smart Meter it re-sets the clock. What she is trying to do is not have another appeal and have a process if someone doesn't want this in their house. She's trying to solve the problem for the three people we have on the agenda today and in the future.

Mayor Pro-Tem clarified that the motion states if somebody already has a smart meter and they want to appeal the process and pay a \$50 monthly fee they can do so.

Commissioner Luna stated that is the way her motion stands.

**Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

## **2. Discussion/Action: Community Development Block Grant (CDBG) Project Selection:**

Tiffany Goolsby, South Central Council of Governments explained the CDBG process involves requirements for public hearings to receive public input. We have met the requirements for publishing and holding the public hearing meetings. She then gave an overview of the eligible and ineligible projects. (Complete copy attached hereto and made a part hereof).

Mayor Whitehead read the emails submitted in regards to public input. Complete copy attached hereto and made a part hereof).

City Manager Madrid stated that we did not receive any public comments during the public hearings that were held. However, we do have three potential project options including the drying beds at the Wastewater Treatment Plant, the Waterline Replacements, and a new Well. If there are any other recommendations from the Commissioners now would be the time to discuss them.

Mayor Pro-Tem thanked everyone who submitted their input via email and on the city Facebook page. She also asked City Manager Madrid would these be taken into

## **EXHIBIT 1-Q-1**

### **CDBG PUBLIC MEETING AGENDA WITH REQUIRED ELEMENTS**

#### **PRE-PROJECT SELECTION FOR CDBG PUBLIC MEETING**

**1. Welcome**

- This meeting will cover the Community Development Block Grant (CDBG) Program. It will cover the purpose of the program, eligible/ineligible applicants, eligible/ineligible activities and provide local citizens with the opportunity to propose project ideas.

**2. Purpose and History of CDBG**

- Program Objectives
  - Benefit principally low and moderate income families.
  - Aid in the prevention of slum or blight.
  - Meet urgent community development needs where an existing condition poses a threat to the health and welfare of the community and other financial resources are not available.
  - Approximately \$10 million was available for the past year (2020).
- Eligible Applicants
  - Infrastructure grants: all counties, incorporated municipalities and New Mexico Mortgage Finance Authority
  - Planning grants: all counties, incorporated municipalities, New Mexico Mortgage Finance Authority, water associations, sanitation districts, land grants, public nonprofit groups, council of governments and mutual domestic water consumer associations
- Ineligible Applicants
  - Indian Pueblos and Tribes may receive funding directly from the U.S. Department of Housing and Urban Development (HUD).
  - Entitlement cities (Albuquerque, Farmington, Las Cruces, Rio Rancho and Santa Fe) receive funding directly from HUD.
- Eligible Activities
  - Community Infrastructure: water; sewer systems (including storm sewers); solid waste disposal systems; street improvements (roads, streets, curbs, gutters, sidewalks, traffic control devices, street lighting, parking facilities, municipal utilities).
  - Public Facility: real property acquisition; construction or improvement of structures (community centers, senior citizen centers, homeless shelters, domestic violence shelters, substance abuse facilities, nonresidential centers for the handicapped such as sheltered workshops); other community facilities designed to provide health, social, recreational or similar community services for residents.



- Housing: real property acquisition; rehabilitation; clearance; provision of public facilities to increase housing opportunities; code enforcement; historic preservation activities; a maximum of \$65,000 in CDBG funds per home can be used on rehab/repair activities.
- Economic Development: assists businesses in creating new jobs for low and moderate income persons; creation of businesses owned by community residents.
- Planning: grant assistance must be used for a comprehensive plan if there has not been a current or updated plan within the last five years; asset management plan; development of codes and ordinances; feasibility studies; base mapping, aerial photography, GIS systems; limit of \$50,000.
- Colonias: the State of New Mexico is obligated to allocate 10% of the total CDBG funding each year to eligible projects in designated Colonias.
  - Applicant must be:
    - Designated Colonia prior to November 1990; and
    - Located within 150 miles of the U.S./Mexico border
  - Project must address:
    - Lack of potable water supply; or
    - Inadequate sewage system; or
    - Lack of decent, safe and sanitary housing
- Ineligible Activities
  - Construction or rehabilitation of buildings used for the general conduct of government such as city halls or courthouses. The only exception is to make a public or government operating facility ADA-compliant.
  - General operation and maintenance expenses of public facilities.
  - Income maintenance programs.
  - Housing allowance payments and mortgage subsidies, including but not limited to expenditures for the use of equipment or premises for any political activities.
  - Costs involved in preparing applications and securing funding.
- Program Requirements
  - Applicants must conduct at least one public meeting prior to selecting a project to advise citizens of estimated CDBG funds available; types of projects available; obtain recommendations from citizens regarding community development and housing needs. A minimum of three meetings is recommended.
  - Citizen participation must be encouraged with emphasis on low and moderate income persons by publishing public meeting notices in English and Spanish, and using other means such as media or posting flyers in an effort to reach the public.
  - Recommendations from the public are to be considered and the project selected at an official meeting of the governing body.
  - Each CDBG application must address at least one of the three national objectives: benefit to low and moderate income persons, prevention of slum and blight, urgent or life threatening community development need.

- **Application Requirements**
  - All applications must include a full and phased scope of work, to include corresponding budgets.
  - Application requests are limited to a maximum of \$500,000 without certified cost estimates and \$750,000 with certified cost estimates.
  - Projects (both full and phased) must be fully functional on a stand-alone basis once awarded funds have been expended.
  - Projects must be completed within twenty-four (24) months of a fully executed grant agreement.
  - A previous year's unfunded CDBG application must be updated and resubmitted if the applicant, after conducting the required public hearings, determined that the project is still viable and a priority for the community.
  - Rural communities must provide a minimum 5% cash match
    - ❖ Municipalities: 3,000 residents or less
    - ❖ Counties: 25,000 residents or less
  - Non-Rural communities must provide a 10% cash match
    - ❖ Municipalities: more than 3,000 residents
    - ❖ Counties: more than 25,000 residents
  - Applications are scored by rating certain criteria such as description and need; benefit to low and moderate income persons; leveraging; citizen participation; planning; feasibility and readiness; user fees and revenues; and cost benefit. The Community Development Council (CDC) also will take into consideration current economic situations, if the entity was funded last year and application presentation.

### **3. Objective of this Meeting**

- The purpose of this meeting is to gather information from the local community about potential project ideas. Community members must keep in mind the parameters of the CDBG program in terms of eligibility and other required elements. At this time, neither the City of Truth or Consequences nor the City Commission have determined a project to pursue. We will now discuss some of the current and/or previous CDBG projects that have impacted our community and then we will take questions from the audience as well as receive input for potential project ideas.

### **4. Current and Past CDBG Projects Discussion**

### **5. Questions**

### **6. Citizen Input**

### **7. Adjourn**

consideration on anything you put on to the potential 2021 CDBG Project option page that was handed out.

City Manager Madrid responded by saying the most support we received was for a new Pool/Recreational Facility. It has the most community support, but because of the state that we are in, it probably will not be considered an eligible project because in order to fund this as a community project, DFA would require that all other funding documents be approved and in hand, so the projects would have to be fully funded for them to contribute to the connect. It could be at that state by this time next year. However, this year that is not a viable project for CDBG. It was considered, but it was not considered eligible.

Water/Wastewater Director Jesse explained that the most critical project would be the New Northern Groundwater Well. It would be the most beneficial of the three projects because if something were to go wrong with Cook Station or with our Water Wells on the southern portion of town, the new Water Well would be able to still provide water to the upper zone which is the highest elevation. It will also be able to provide water to the entire city.

Mayor Pro-Tem Forrister asked about the waterline replacement, and if it will be running through old water lines, or is that something that has already been fixed, and this is a different water line replacement.

Water/Wastewater Director Jesse explained if we don't have any water to put in those lines then the water lines won't matter. We are focusing on water lines on several other projects, and we are actively participating in getting those upgraded as well. This would be an addition to the water lines that we are currently looking at upgrading partly in the project that is in the Main Street waterlines that are going to be replaced. That will also include 5 roads that we are planning on replacing waterlines on as well. There are a couple of other projects that we've been looking at, so actively participating in both projects will help us get to that level of confidence in the water system that would be most beneficial.

Commissioner Luna stated that the two projects that are being pitched the hardest is the Waterline Replacement which will cost \$824,000 and the New Northern Groundwater Well which will cost \$1.8 million dollars. Both exceed the application maximum with the certified cost estimates so her question is where we are getting the money to fund the rest.

City Manager Madrid explained that the Waterline Replacement maximum is \$450,000, and in this particular case we can scale back the quantities to get the funding by reducing the waterline linear ft. of waterline that we put in place. We would have to find funding for the other project. For anything in excess of \$750,000 we would have to come up with a match of about 3%. This one is the most reliable, but it also costs the most, and we have not yet identified the funding.

Mayor Pro-Tem Forrister asked if the South Central Council of Governments (SCCOG) would be able to help us find funding for that project.

Traci Alvarez, Grant Projects Coordinator/Zoning Official responded that the South Central Council of Governments (SCCOG) is extremely helpful in assisting us with other funding. We also pair with funding sources that we are already applying for. It's a matter of trying to combine funds, but nothing is ever necessarily guaranteed, nor does it always work within the timeline. However, it does help if you already allocated funding from one source. As far as the Waterline Replacement goes, these are waterlines that are identified in our Preliminary Engineering Report (PER). We have the field Municipal Water Preliminary Engineering Report (PER) that is being worked on and finalized, and then we have two smaller Water Preliminary Engineering Reports that are being worked on for specific grant projects through USDA, so we might be able to pair some of that money with USDA as well, but again, there are no guarantees.

**Commissioner Luna made a motion that we scale back the waterline replacement.** She thinks that is to the point, it's the cart before the horse, you need both of them to go forward. We all know our infrastructure is failing and that still shows the public that we are responsive to their comments, and we are making improvements, and we can do that within the CDBG grant money that's available.

**Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

### **3. Discussion/Update: 2nd Quarter Revenue and Expenditures:**

Carol Kirkpatrick, Finance Director gave a detailed overview of the 2nd Quarter Revenue and Expenditures.

Mayor Whitehead commended City Manager Madrid, Finance Director Kirkpatrick for their hard work and collaboration regarding the budget.

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

#### **1. Discussion/Action: Resolution No. 29 20/21 Budget Adjustment:**

City Manager Madrid explained that this is a required procedure by the Department of Finance and Administration (DFA) for funds that were not included in the original budget. This is to incorporate funds that have been received or appropriated subsequent to that.

Finance Director Kirkpatrick explained that they requested an increase for our JJAC through the Children Youth and Families Department (CYFD) grant. We are waiting on a final contract on that, and the other one was for the senior grants. They need to purchase an ice machine and have a sink installed.



**Commissioner Luna moved to approve Resolution No. 29 20/21 Budget Adjustment. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

**2. Discussion/Action: Resolution 30 20/21 Water System Asset Management Plan:**

Traci Alvarez, Grant Projects Coordinator/Zoning Official explained that this is similar to what we brought to you previously the Wastewater System Asset Management Plan. For the Water System Asset Management Plan we had one in place in 2014 and it was updated in 2017. Various funding sources that we applied for require that our Asset Management Plan be updated every one to 5 years, depending on the funding source. We are in the process of during our grant applications so we need to update this so we are eligible for funding applications. Adopting the resolution means the Commission is committing to the development and implementation of the plan and we will bring that completed plan to the Commission once it is updated and then you will be approving a management steering committee which we suggest consist of our City Manager, Water/Wastewater Director or his designee, the Finance Director or their designee and the Grant Coordinator or their designee and the Engineer.

**Commissioner Luna moved to approve Resolution 30 20/21 Water System Asset Management Plan. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

**H. REPORTS:**

**City Manager Madrid reported the following:**

- He and Traci Alvarez met with the SCCOG representatives this past week regarding ongoing items including every possible funding opportunity within the state, whether it be for CDBG or other projects. What we hope to achieve through that is collaboration of everyone who is within the area of SCCOG, and hopefully that will result in some extra funding.
- We had an issue regarding the Main Street funding of \$200,000 that had been previously discussed. We received a draft of that agreement on December 22, 2020 from MainStreet Truth or Consequences, and it was between the City and the New Mexico Department of Transportation. While reviewing the agreement they found a few flaws. One thing that was a major issue was the termination date. It was set for June 30, 2021. He has never seen a case where a funded capital project design would be complete and closed out in 5 months. We reached out to the Department of Transportation and agreed that it was too short of a timeline. They obtained approval for the date to be changed to June 30, 2022. They submitted the agreement to our District Representative, and we have a meeting scheduled next week to finalize that agreement.

## CITY COMMISSION JANUARY 27, 2021 REGULAR MEETING MINUTES

- We have been trying to get everyone to get tested for COVID, and we want to make the vaccination hotline information available to the public. The number is (855) 600-3453.

City Attorney Rubin had no reports.

### **City Commission Reports:**

Commissioner Baca had no reports.

Mayor Pro-Tem Forrister had no reports.

Commissioner Luna had no reports.

Commissioner Aragon had no reports.

### **Mayor Whitehead reported the following:**

- She announced that Mile Marker 7 Coffee Shop had their Grand Opening this past weekend, and she is very excited to see that business forming. She has seen a lot of good things happening to them on Facebook. They have wonderful coffee so go and see them and support our local businesses.
- She also encouraged everyone to sign up for their vaccinations.

### **I. EXECUTIVE SESSION:**

**Mayor Pro-Tem Forrister moved to approve going into executive session at 11:28 a.m. to discuss 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. Limited Personnel Matters Pursuant to 10-15-1(H.2):**

Mayor Whitehead reconvened the meeting in open session at 12:42 a.m.

**Commissioner Luna certified that only matters pertaining to Limited Personnel Matters Pursuant to 10-15-1(H.2) was discussed in Executive Session and no action was taken.**

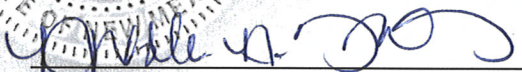
### **M. ADJOURNMENT:**

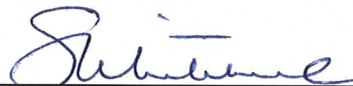
**Mayor Whitehead moved to adjourn at 12:43 a.m. Mayor Pro-Tem Forrister seconded the motion. Motion carried unanimously.**

**Passed and Approved this 10<sup>th</sup> day of February, 2021.**

CITY COMMISSION JANUARY 27, 2021 REGULAR MEETING MINUTES



  
Angela A. Torres, CMC, City Clerk

  
Sandra Whitehead, Mayor