

**CITY COMMISSION MEETING MINUTES  
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO  
CITY COMMISSION CHAMBERS, 405 W. 3<sup>RD</sup> St.  
WEDNESDAY, DECEMBER 15, 2021**

**OPENING CEREMONIES:**

**A. ADMINISTRATION OF THE OATH OF OFFICE BY THE HONORABLE MUNICIPAL JUDGE BEATRICE SANDERS. TERMS WILL BEGIN JANUARY 1, 2022:**

Position I     City Commissioner – Destiny Mitchell  
Position II    City Commissioner – Shelly Harrelson  
Position III   City Commissioner - Merry Jo Fahl  
Position IV    City Commissioner - Rolf Hechler

**Honorable Municipal Judge Beatrice Sanders administered the Oath of Office to Destiny Mitchell, Shelly Harrelson, Merry Jo Fahl, and Rolf Hechler.**

**A. CALL TO ORDER:**

The regular meeting was called to order by Mayor Sandra Whitehead at 9:08 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. Frances Luna, Commissioner

Also Present:    Bruce Swingle, 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 and asked that everyone keep the family of Commissioner Paul Baca in their thoughts and prayers. His grandmother and uncle have passed away recently. She also asked that we keep all other families who suffered a loss from COVID-19 in our thoughts and prayers.

**3. PLEDGE OF ALLEGIANCE:**

Mayor Whitehead called for Commissioner Baca to lead the Pledge of Allegiance.

**4. APPROVAL OF AGENDA:**

**Mayor Pro-Tem Forrister moved to approve the agenda as submitted. Commissioner Luna seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

**C. PRESENTATIONS:**

- 1. Public Service Awards to Mayor Sandra Whitehead, Commissioner Paul Baca, and Commissioner Frances Luna in recognition of their outstanding dedication, commitment, and support to the City of Truth or Consequences:**

Mayor Pro-Tem Forrister administered the Public Service Awards to Mayor Sandra Whitehead, Commissioner Paul Baca, and Commissioner Frances Luna in recognition of their outstanding dedication, commitment, and support to the City of Truth or Consequences.

**D. PUBLIC COMMENT (3 Minute Rule Applies):**

Mark Filosa addressed the Commission with various comments. (Complete copy attached hereto, and made a part hereof).

Ron Pacourek addressed the Commission with comments related to:

- (1) He wished everyone a Merry Christmas and a happy healthy, and prosperous New Year.

Susanne Carlstedt addressed the Commission with various comments. (Complete copy attached hereto, and made a part hereof).

Steven Zeschke addressed the Commission with comments related to:

- (1) He thanked the Commissioners for their service, and congratulated the newly elected officials.
- (2) He commented on the survey he received in his electric bill regarding the Riverwalk. He suggested that there be an ATV ban in the area of the Riverwalk.

**E. REPORTS:**

MARK Filosa -  
Comment

So I wish to thank Mayor Whitehead and Commissioners Baca and Luna for their service on the Commission.

You know when I arrived here 40 years ago, a kid after being raised and educated in Chicago, I had no property; no money. Two broken down old cars, a good wife, and a new baby was all I had! Thus, I owe everything I have to this town. It saddens me that some people have disrespect for the town. Even though I have been here this long, I am a guest here. I was not born or raised here. This town contains people whose families have been here for generations. We guests should be gracious and not try to tear the town and its ethos down.

While some people like to berate you folks who have been elected to serve as Commissioners, their criticism is hardly fair and not sincere. I do not know who their mothers were but I am certain those women did not raise them this way --- that is to be just plain mean and disrespectful to people.

They have no true love for this town; they just want to raise hell. You know, when Jay and I came to this town when I first met him nearly 40 years ago coincidentally from two parts of the country, I was often afraid to speak out about something wrong because I was afraid it would affect business. How gutless I was! I really do not give a damn anymore now at my age, and I have concluded one is suppose to say something when you see something wrong.

So to you Mr. Finn and your ilk; I trust you might remember what I told your leader Brother Finn a few years ago. If you want to do something for this community, why don't you get involved in the Sierra County Fair, the annual scholarship night, the Grad Bash which keeps our kids safe on graduation night. Now this helps kids in our community; so let me ask you Ron, have you ever done anything for the kids in this community; a truly selfless act of kindness?

Now grant you, you do not get your name in the paper, you do not get to raise hell, you do not get to climb on top of the building and act like an nut, but you get to do something that is intrinsically right and moral.

I bet even your moms would approve; how about it Ron and you Fennites? I'll be watching; why don't you surprise me and do the right thing.

Thank you for your time, Commissioners, and Happy and blessed Holidays.

God Bless you all.

Fire set on porch at 519 Austin  
Street 12/7/21 7 p.m.

Christopher Stonewall

734-718-1351

Believes he was targeted as a  
gay man and/or for displaying  
Biden and rainbow flags.

**City Manager Swingle reported the following:**

- He thanked the outgoing Commissioners for their service. It has been a privilege working with all of you. It has been a very difficult time with the financials and infrastructure of the city, as well as some of the community members coming in and making off the chart comments and remarks. We need to bond together to move forward. The dissent that you have been subject to for years is not healthy for this community or for the government. So many people who come here are mortified with what they see in that aspect, so he hopes we can get past that.
- Jim Brannon notified him that they want to hold off another year for Fiesta. They would like COVID to diminish before they move forward with future Fiesta plans.
- He reviewed the city department accomplishments for 2021. (Complete copy attached hereto, and made a part hereof). The departments have done tremendous work and he can't express how proud he is of all of the departments and what they have done for this community. The Commissioners have also accomplished a lot.

**City Attorney Rubin reported the following:**

- He feels that City Manager Swingle should share the credit of all of the accomplishments.
- He thanked Commissioner Baca, Commissioner Luna, and Mayor Whitehead for their service. He enjoyed working with them.
- He has been working on a title suit for the Rotary Park, and it appears that he is nearing a successful inclusion of the law suit. The history is as you know, the City of Truth or Consequences has been maintaining that park for several years on an off and on basis. There has always been a question as to whether or not we were rightfully in possession of the property and if we had the ownership interest to do the things that we were doing. We went through the process of having a survey done. We filed a law suit, it has been published, and we have received the necessary disclaimers from the adjacent property owners, and the best part is that he has been able to reach an agreement with the Bureau of Reclamation. They are not contesting our right to claim legal ownership and title to the property, and we will cooperate with them as they maintain the river.

**City Commission Reports:**

**Commissioner Baca reported the following:**

- He thanked everyone for letting him be in this position for the last 4 years. He has enjoyed it.
- Happy Holidays to everyone.
- He liked Mr. Fenn better as a stranger.

**Commissioner Luna reported the following:**



## 2021 ACCOMPLISHMENTS

### ADMINISTRATION

- Staff developed and the commission approved the city's FY 22 budget. Remarkable cuts were made to balance the budget. Approximately \$1.6 million was cut from the budget.
- The commission approved restructuring the organization to improve efficiencies, chain of command roles, and services, including creation of an Assistant City Manager position.
- Staff and the commission provided leadership and direction during two significant crises, loss of the substation north transformer and well #7. Both of these issues had tremendous impact potential to the community.
- Staff applied for and received \$9.8M in various funding offers to improve the City infrastructure, particularly the water system.
- Staff monitored 6 new site developments in residential, commercial and multifamily housing. Some of these builds are completed, while others are in various stages of construction or plan review.
- Staff completed or in the process of cleanup or demolition of 9 of the city's worst properties.
- The city hired a professional chief of police.
- Staff established professionalism standards of conduct and behavior for the organization. Professionalism training defining employee roles and responsibilities, as well as, professionalism standards was provided to all employees in the organization.
- Staff developed and the commission approved three significant policies for the organization that were either outdated or didn't exist. 1) Personnel Policy Ordinance, 2) Procurement Policy, and 3) Risk Control Policy.
- Staff provided and the commission supported Leadership training designed to set supervisory standards and expectations, and grow leaders within the organization. This course is the first of five leadership trainings that will be provided to staff.
- Hosted Virgin Galactic's maiden flight into space. Approximately 250 people watched the first manned commercial flight at the Civic Center.
- Staff developed and the commission approved a robust infrastructure Capital Improvement Plan for the city. The plan and priorities have been communicated to our Legislative delegation.
- The city received Colonias funding to complete a comprehensive city-wide water system assessment. Wilson Engineering is completing the project and will likely provide the

cause less harm to concrete surfaces in less than 1/10<sup>th</sup> the time it took with previous equipment.

## **ANIMAL SHELTER**

- The Animal Shelter housed 1,087 animals from January 1, through November 24, 2021.
- 292 animals were adopted, as of November 24, 2021.
- In collaboration with SCARS and Arenas Valley Animal Clinic, 82 cats and 26 dogs were fixed, since August 2021.
- As of November 24, the Shelter's average save rate was 91.95% for the year.
- The Shelter improved its return to owner rate to 28.98% compared to last year at 24.12%

## **ELECTRIC**

- Department continued staff development growing staffs expertise and skills: Willie Montoya and Chris Rees finished the 4 year Merchant Program, Crispin Bush finished the first year Merchant Program, and Todd Mannon has started his first year Merchant Program.
- Replaced 90% of Primary Underground Wire that was installed in the 70's and 80's.
- Replaced two poles next to the river on the north and south side with steel poles.
- Performed a significant electrical upgraded at the new county complex.
- Installed new switch and electric feeder for the new White Sands Bank.
- Staff replaced numerous poles around city.
- Drafted and executed an RFP for North Substation transformer replacement.
- Drafted and executed an RFP for multiple pole conductor replacements.
- Drafted and posted an RFP for electric car charging station.
- Staff has almost completed relocation of poles and conductors for first half of DOT Roundabout Project.

## **FACILITY MAINTENANCE**

- Upgraded electrical panel at the Armory.
- Repaired damaged water system at the Armory.
- Installed new roof at the golf course pro shop.
- Installed new ceramic tile floor at the Airport Terminal.
- Installed two new swamp coolers at the golf course.
- Refurbished the golf course apartment.
- Assisted the Parks Department in installing sun shade at the dog park.
- Installed new vinyl floor at the Service Center.
- Installed new water heaters at the Gardner Learning Center, Golf Course apartment, Waste Water, City Hall, and Airport Mobil Home.
- Installed new steel door at the Annex Building/Fire Chief Office.

- The Library added 773 new items to the circulating collection during the year.
- Because of contagion and the possibility of spreading harm to the community's health by holding large gatherings, staff converted the Children's programs to "take-home" packages. These are book bags containing reading materials, craft materials for coloring, etc. and suggestions for other projects. During the summer program, 104 Take-Home Bags were distributed, and for the winter program, staff distributed 67 Take-Home Bags so far.
- During parts of the year when the Library could not admit people to the building, staff ran a curbside check-out/check-in service, by taking books outside to waiting patrons who had make their requests by telephone or email. Staff also rearranged the collections, repaired and re-labeled many of our books and their labels and covers, and gave the entire library building a general clean-up.

## **PARKS & RECREATION**

- Completed phase 1 renovation of Ralph Edwards Park. The community can be proud of the new design and park appearance. Installation of all new sidewalks, straight curb and gutter to prevent flooding, new zoned irrigation system and timer, regrading of the entire park and hillsides, bollard and cable to prevent vehicular traffic on grass, installation of new sod, storm drain to prevent flooding, and 32 ft. raised gazebo pad and railing.
- Repaired a water leak at the Pool. The leak equated to a loss of about 35,000 gallons per week. In addition, staff performed an acid wash and power wash of the pool to clean surface areas.
- Installed a new pump system at the fish pond.
- Improved baseball field fencing at Louis Armijo Sports Complex.
- Repaired and upgraded waterlines and sprinkler systems at various parks.
- Improved the Punk Greer Rodeo Arena grounds. Arena upgrades consisted of – new doors for the announcer booth, base course spread around the perimeter, fixed fences, shade screen around the canopy for spectators, and a thorough clean-up.
- Repaired and improved affluent pond pump station at Luis Armijo Sports Complex.
- Developed and installed an 18-hole Frisbee (Disk) Golf course on existing fairways.
- Installed new wind screens and “Pickle Ball” court at the Tennis Court.
- To improve the playability of the Golf Course, staff improved the irrigation system and cleaned the course substantially, including removing dead trees and shrubs.

## **POLICE**

- Staffed 10 out of 12 police officer positions, allowing the department to provide two officers per shift, 24/7 coverage and reduce response times (Note: One certification by waiver applicant currently undergoing hiring process that would possibly fill the 11<sup>th</sup> spot leaving only one opening)
- Conducted thorough investigations that resulted in arrests on serious incidents such as two hit and runs with serious injuries and locating wanted repeated offenders.



## **WASTEWATER**

- After nearly a year, due to COVID restrictions, a tech installed the repair parts to get the UV system operational. This is a critical component of the wastewater system to properly disinfect treated water. Staff utilized a combination of sodium hypochlorite and sodium bisulfite to chlorinate enough to kill any pathogens, then applied dechlorinate with the sodium. This was a very expensive practice since the city was not set up for that type of treatment.
- Staff installed 12 new sewer taps city-wide.
- Staff installed a new chlorine pump at the facility to help with foam and filamentous bacteria that injects on the RAS line.
- Staff received a USDA grant to purchase two pieces of equipment; a skid-steer loader with a brush cutting attachment and a backhoe. The USDA grant covered 75% of the costs.

## **WATER**

- Repaired over 275 water leaks city-wide.
- Due to water consumption exceeding production, the pump at Well # 7 was replaced with a submersible. Staff also replaced the riser pipe with new 8" well riser and the variable frequency drive. These improvements will help the well run more efficiently, while also cutting down the costs of electric consumption in the process.
- Replaced Well #1's pump with new submersible and replaced the riser pipe column.
- Staff replaced all water lines and the main on Corbett Street. Staff replaced aged cast iron pipe that had corrosion and blocked flow. The pipe replaced the old 4 inch pipe with new 6" PVC. Staff also installed 6 new valves in the process that were either broken or leaked.
- Staff installed a new front end Systems Control and Data Acquisition (SCADA) system, which allows the wells to communicate with Cook Street and run automatically. This new SCADA will tie into the city's new system when the MSD project is completed.
- Staff installed 16 new water taps for customers of various sizes and locations.
- NMED performed a sanitary survey on the department, resulting in minimal findings. All findings have been corrected and approved by NMED. This survey included the repaired well heads to ensure sanitary seals were intact.
- Purchased a new service truck to replace an antiquated 1990's model.

- She thanked her fellow Commissioners for allowing her to serve as Commissioner because they are the ones who appointed her. Until you sit here you really don't know what juggling chainsaws feels like. It's easy to judge, but juggling chainsaws is not fun at all. Since she was a child, some of her earliest childhood memories are going to Commission Meetings with her late grandfather, so she has always felt comfortable in a Commission room as a child, a reporter and as a commissioner, but in the future, it will be as a constituent, and she will be more pleasant than others have been to her because she knows what it feels like to sit here. Ironically when we hired Bruce, and he started sifting through layer one, he said these are problems that we won't solve. These are problems our grandchildren will still be dealing with. As the infrastructure issues keep coming and rearing their ugly heads, she believes that more and more every day. She is glad to see the new Commission that is coming in. She has full confidence in you all, and she will be blowing up your phones. She has utmost respect and trust in Bruce, and she hopes that you all will do the same. There is not a better Manager in this state than the one that we have right here. She remembers when she interviewed him as the County Manager, she didn't think it was going to last because he wasn't from here, but as Mark Filosa said, he made this his home. He cares with a passion about this community, the same as us who were born and raised here. With the legal advice of Jay Rubin, and the hard work of our city staff, and department heads, and our new Chief of Police, she thinks we are in a good place, but it is not going to be easy. The road ahead is not paved. It has pot holes, water leaks and infrastructure problems, and that comes with making tough decisions at budget time. She thanked everyone for letting her be in this position as Commissioner.

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

- She stated that it was a pleasure working with her fellow Commissioners. It has been really nice because we agree on a lot of things, but we also disagree on a lot of things, and she doesn't ever feel that anyone has repercussions when we want to challenge each other. She feels that it brings out the best in them when they have the hard discussions and they are not just all in on the same thing. She hopes that the new Commissioners can continue to do the same as well.
- She wishes that we had a full audience today to hear all of the city's accomplishments because we are ridiculed time and time again about things that we have not accomplished and she feels that it stems from Bruce's leadership. Hiring him was one of the best decisions they could have made as a Commission. He is worth his weight in gold so she hopes that the new Commission appreciates him as much as they do.
- She expressed to her fellow Commissioners how much she appreciates all of them.
- Toys for Tots led by Denise Addie has collected over 125 bikes. They collected 74 last year. If the public would still like to donate anything for the toys for kids, she is asking for Legos, mind craft or any little toys, and they can be dropped off at Bullocks, Tractor Supply, Bank of the Southwest, First Savings Bank, and La

Cocina. With that being said, living and being raised in this community is one of the best places we can be. We pull together and this community is just amazing.

- She has the pleasure of leading the countdown to light the tree at the Old-Fashioned Christmas event. She thanked the city workers for all of their time and effort putting up all of the lights. It looked truly amazing.
- She wished everyone a Merry Christmas and a Happy New Year.

**Mayor Whitehead reported the following:**

- She said thank you. She had the pleasure of serving for a little over 9 years. She served off and on as Mayor, and Mayor Pro-Tem and she really enjoyed it. She had the pleasure of working with several different groups of Commissioners. Commissioners three great managers of course Bruce is her favorite. She has known him the longest. She knew him through the New Mexico association of counties and she thought that he did an outstanding job as you have done with the city. According to the accomplishments you've done a great job in just the short time you have been here. Not only you but our staff. She has worked close with the staff, and just watching and seeing what they've done and what they've accomplished, and learned, and with a good they have done for our community. She appreciates that. There has been a lot of negativities and it is really sad that there is so much of that out there because we try to do the best that we can. Like Commissioner Luna stated earlier, until you sit in this seat you really don't know what's going on. She was always one of those people who wanted to run for every office there was, which she did. She had that opportunity with the county, and she served on the school board. The reason why she wanted to serve on the school board was because her as a mother and a parent of a child that was going to school knew how the school worked from the outside in, but she didn't know how it worked from the inside out. That was her goal, and she learned a lot. She feels that the new group of Commissioners will do an outstanding job. She wished everybody well, and wished everyone a happy, safe, and blessed Merry Christmas, and a Happy New Year.
- She thanked the community because they were the ones who elected her to this seat.

**F. CONSENT CALENDAR:**

1. **City Commission Regular Minutes, November 17, 2021**
2. **City Commission Special Minutes, November 29, 2021**
3. **Acknowledge Regular Planning & Zoning Commission Minutes, November 4, 2021**
4. **Accounts Payable, November 2021**

**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. ORDINANCES/RESOLUTIONS/ZONING:**

- 1. Discussion/Action: Approval of the amendment of Resolution No. 35 21/22 for the Sale of Surplus Property to be sold at the January 18, 2022 online Auction through J.J. Kane Associates, Inc. dba J.J. Kane Auctioneers:**

City Clerk Torres explained that this resolution was approved at our last meeting. We are bringing it back today because we have one vehicle that we want to remove, and two vehicles that we are wanting to add. We are removing the 2008 Ford Crown Victoria because our Chief is still able to use the vehicle. The two vehicles that were added to the list were from the Fire Department. The auction will be held online on January 18, 2022 through J.J. Kane Associates. The publication will be on December 17<sup>th</sup> and December 24<sup>th</sup> which meets the 14-day publication requirement.

**Commissioner Luna moved to approve amendment of Resolution No. 35 21/22 for the Sale of Surplus Property to be sold at the January 18, 2022 online Auction through J.J. Kane Associates, Inc. dba J.J. Kane Auctioneers. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

- 2. Discussion/Action: Resolution No. 38 21/22 Budget Adjustment Resolution:**

City Manager Swingle reviewed the Budget Adjustments that were included in the packet. He noted that the minimum wage raises are included in the budget adjustments. Minimum Wage increases January 1, 2022. We have a number of employees who we need to increase their salaries to put them at minimum wage.

**Commissioner Luna moved to approve Resolution No. 38 21/22 Budget Adjustment Resolution. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

- 3. Discussion/Action: Approve Resolution No. 39 21/22, and sign the NMFA Loan/Grant agreement and closing documents for the Cantrell Dam Design/Rehabilitation Project:**

Traci Alvarez, Assistant City Manager explained that this is the final step to proceed with our Water Trust Board Project. We were awarded that project, and the City Commission approved that project back in June of 2021. Staff requests to approve the resolution to proceed forward with the design and rehabilitation of the Cantrell Dam.

**Commissioner Luna moved to approve Resolution No. 39 21/22, and sign the NMFA Loan/Grant agreement and closing documents for the Cantrell Dam Design/Rehabilitation Project. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

**4. Discussion/Action: Publication of Ordinance No. 723 authorizing the execution and delivery of loan No. PPRF-5652, between the City of Truth or Consequences and the New Mexico Finance Authority for the purpose of purchasing a new electrical transformer:**

City Manager Swingle explained that this is a request to publish the ordinance, and moving forward with purchasing a new north transformer. This is the transformer at the substation. As you know, during the summer it had gone down, and things were pretty dicey as far as the integrity of the grid. We were able to get it up and functioning again. However, it failed again about two weeks ago. We brought in another contractor to work on it, and it is up and running again. However, it needs to be replaced. We are looking at approximately \$1,320,907 for the purchase of the new transformer. It has been ordered and it takes about 8 months to have it constructed.

**Mayor Pro-Tem Forrister made a motion for the publication of Ordinance No. 723 authorizing the execution and delivery of loan No. PPRF-5652, between the City of Truth or Consequences and the New Mexico Finance Authority for the purpose of purchasing a new electrical transformer. Commissioner Luna seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

**5. Discussion/Action: Publication of Ordinance No. 724 authorizing the execution and delivery of a promissory note and commercial security agreement by and between the City of Truth or Consequences, New Mexico and the Bank of the Southwest:**

Chris Muirhead, Modrall Sperling explained that this relates to USDA financing for the water system improvements that was the subject of the letter of conditions in the USDA and September of 2019. That was a mix of a loan for \$5,487,000 and a grant for \$ 3,930,000. The last few years is the New Mexico office of USDA consistent with their national practices has instead of financing the construction through these loans, has asked the grantees which is the city to get interim financing or a construction loan to handle the construction of the improvements, and then they pay it off with their loan once the construction is complete. What you have in front of you is the first process of Bank of the Southwest. They have agreed to lend the loan amount to the city for the construction for the water system improvements and then have that paid off with the USDA loan. From a legal standpoint you need to do this interim financing the same as you do with any other financing. State law requires that you have an ordinance that approves the amount, and three pledge of the revenues. If you didn't have those special pledges, it would be subject to an election, but because it is a special pledge, you can do it through a majority vote of

the City Commission. This ordinance relates to this interim financing, and approves the loan documents from Bank of the Southwest in the amount of getting out of \$5,487,000 with an interest rate of 4.25%. The good news is that a USDA loan is no worse than a 2.15% and extends for 4 years subject to re-payment at any time.

**Mayor Pro-Tem Forrister made a motion for the publication of Ordinance No. 724 authorizing the execution and delivery of a promissory note and commercial security agreement by and between the City of Truth or Consequences, New Mexico and the Bank of the Southwest. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

**6. Discussion/Action: Publication of Ordinance No. 725 amending Chapter 3 of the Municipal Code of Ordinances pertaining to animals:**

Traci Alvarez, Assistant City Manager explained that Chapter 3 of the Municipal Code of Ordinances pertaining to animals really needed to be updated so it fits the needs of our current day operations at the Animal Shelter and through Animal Control. The shelter portion was some wording changes. We removed the fees from the ordinance because we will be bringing back a resolution to re-assess the fees at the Animal Shelter.

Victor Rodriguez, Chief of Police explained that there were a lot of changes to the Animal Control portion so we can streamline a lot of the issues our officers were running into with the enforcement, restraining animals, animals running at large, safe keep of animals which is a huge thing that we do when we have individuals who for whatever circumstances cannot care for the animals and at some point the city ends up taking those animals, and sometimes we stay with them for months, so this really defines that after 72 hours, the animal can become property of the city. We can extend an additional 72 hours, but the goal is to make sure that it is defined in the ordinance. The other big thing that you will see in there is penalties for a lot of our habitual violators of rabies, animals running at large. We are really trying to get the point across. There was a dog that had been at the shelter 15-20 times in a year and we are trying to get away from that. We also made changes to the livestock portion because we have had some situations with livestock in the Municipal limits so this mimics the livestock state statute.

**Mayor Pro-Tem Forrister made a motion for the publication of Ordinance No. 725 amending Chapter 3 of the Municipal Code of Ordinances pertaining to animals. Commissioner Luna seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

**H. NEW BUSINESS:**

**1. Discussion/Update: Update on Financial Reports as of November 30, 2021:**

City Manager Swingle reviewed the financial reports that were provided in the packet.

**2. Discussion/Action: Approval of Emergency Purchase for Testing on the North Transformer:**

Donna Gardner, Chief Procurement Officer explained that the Electric Department had to have emergency testing done to the north transformer. On November 16, 2021 the north transformer was lost due to the transformer differential sudden pressure lock-out relay tripped. The whole town is currently running off the south transformer and should it go out, we will be without power. We had to do an emergency procurement for the transformer in the amount of \$29,963.46 to be able to test and fix the transformer.

**Commissioner Luna moved to approve the Emergency Purchase for Testing on the North Transformer. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

**3. Discussion/Action: Award Recommendation for RFP 21-22-005 12.47KV Distribution Line:**

Bo Easley, Electric Department Director explained that this was brought up about 6 months ago that we were going out for RFP for the 12.47KV Distribution Line so we can replace 19 poles from where Andy's Bar used to be all the way down the alley behind Bullocks. We received 2 bids. One was extremely high and the other one was right where we thought it should be so we are going with them.

Donna Gardner, Chief Procurement Officer then proceeded to explain that we received 2 bid proposals on November 16<sup>th</sup>. One was from Bixby Electric, and one was from DND Industries. The scoring within the RFP included past performance and the cost of the highest weighted factor. Bixby Electric achieved the highest score with 83 points and DND Industries was 78 points. We would like to offer the award to Bixby Electric for RFP 21-22-005 for the 12.47 KV Distribution Line Renovations.

**Mayor Pro-Tem Forrister moved to award the recommendation of RFP 21-22-005 12.47KV Distribution Line to Bixby Electric. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

**4. Discussion/Action: Extension of Contract with Tech 45 Enterprises:**

Donna Gardner, Chief Procurement Officer explained that a contract was entered into with Tech 45 Enterprises for Airport Management Services on 7/1/2021 through 9/30/2021. An extension was then entered into for 10/1/2021 through 12/31/2021. The city posted a Request for Proposals for those services; however, canceled the RFP until further information can be gathered. Therefore, the city needs to extend services through 6/30/2022.

**Commissioner Luna moved to approve the Extension of Contract with Tech 45 Enterprises. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

**5. Discussion/Action: Extension of Contract with Integrated Technologies:**

Donna Gardner, Chief Procurement Officer explained that the original extended contracts with Integrated Technologies Group were from 7/1/2021 through 9/30/2021 and 10/1/2021 through 12/31/2021. This is to extend the contract from 1/1/2022 through 6/30/2022. A Request for Proposals for Integrated Technology Support Services was issued. However, only two responses were received. The city rejected those responses due to concerns over budget and lack of on-site services. The city intends to issue another RFP in the future.

**Mayor Pro-Tem Forrister moved to approve the Extension of Contract with Integrated Technologies. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

**6. Discussion/Action: Approval of Contract with Sunny 505:**

Donna Gardner, Chief Procurement Officer explained that Sunny 505 provides account management and graphic design to the city among other services. The contractor also attends quarterly meetings on behalf of the city for the NM Tourism Department Cooperative Advertising Grant.

**Mayor Pro-Tem Forrister moved to approve the Approval of Contract with Sunny 505. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer.**

**Hon. Amanda Forrister, Mayor Pro-Tem voted aye  
Hon. Frances Luna, Commissioner abstained  
Hon. Paul Baca, Commissioner voted aye  
Hon. Sandra Whitehead, Mayor voted aye  
Motion carried with a 3-0 vote with 1 vote abstained.**



**7. Discussion/Action: Approval of Purchase Requisitions over \$20,000:**

Donna Gardner, Chief Procurement Officer and Paul Tooley Fire Chief reviewed the Purchase Requisitions over \$20,000 that were provided in the packet.

**Mayor Pro-Tem Forrister moved to approve the Purchase Requisitions over \$20,000. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer.**

**Hon. Amanda Forrister, Mayor Pro-Tem voted aye**

**Hon. Frances Luna, Commissioner abstained**

**Hon. Paul Baca, Commissioner voted aye**

**Hon. Sandra Whitehead, Mayor voted aye**

**Motion carried with a 3-0 vote with 1 vote abstained.**

**8. Discussion/Action: Appointment of Steven Zeschke to the Planning & Zoning Commission:**

City Clerk Torres explained that Steven Zeschke was a former member on the Planning and Zoning Commission. On July 12, 2021, Mr. Zeschke resigned due to him moving out of town for a short period of time. He is now again a resident of Truth or Consequences, and wishes to serve again as member on the board. On December 2, 2021, the Planning & Zoning Commission unanimously voted to re-appoint Mr. Zeschke to the board. We currently have two vacancies on the board. If Mr. Zeschke is appointed, he will become the 4th member, only leaving one vacancy to fill.

**Commissioner Luna made a motion to table this item and have City Clerk Torres seek additional applicants and let the new Commission appoint the vacant positions. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

**9. Discussion/Action: Sierra County Arts Council Lodger's Tax Application:**

Tammy Gardner, Executive Assistant explained that the Sierra County Arts Council requested \$1,150.00 for brochures. The Lodger's Tax Advisory Board approved \$450.00 at the November 15<sup>th</sup> meeting because they wanted other quotes. The request was for \$1,200.00 for 1 year of website maintenance and development. The board approved \$700.00 to pay for the remainder of the Fiscal Year at their November 15<sup>th</sup> meeting.

**Mayor Pro-Tem Forrister moved to approve the Sierra County Arts Council Lodger's Tax Application with the amounts noted by Tammy Gardner.**

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

**10. Discussion/Action: Geronimo Trails Scenic Byway Lodger's Tax Application:**

Tammy Gardner, Executive Assistant explained that the Geronimo Trails Scenic Byway requested \$2,500.00 for reprinting of brochures, and the Lodger's Tax Advisory Board approved \$2,500.00 at the November 15<sup>th</sup> meeting. The request for \$1,500.00 is for updates and maintenance to the website. The Lodgers Tax Advisory Board approved \$1,500.00 at the October 26<sup>th</sup> meeting.

**Mayor Pro-Tem Forrister moved to approve the Geronimo Trails Scenic Byway Lodger's Tax Application with the amounts noted by Tammy Gardner. Commissioner Luna seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

**11. Discussion/Action: Commitment of Local Funds for the SJOA Senior Citizens Program:**

City Manager Swingle explained that this is a commitment of funds that the SJOA Senior Citizens Program sends out pre-budget every year. They do it as a requirement from the state. They are asking for the city to commit the same funds that we did last year for \$47,000 to the SJOA Senior Citizens Program to provide food and services to our seniors. This is not in stone. This is just a commitment letter that the state requires. If we are financially unable to pay the full \$47,000 to SJOA, we just need to notify them in writing what that amount is going to be, and we will do that during the budget process.

**Commissioner Luna moved to approve the Commitment of Local Funds for the SJOA Senior Citizens Program. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

**12. Discussion/Action: Accept donation from the County of Sierra for the Generac SG0100 105kW LP backup generator located on Water Tank Hill:**

City Manager Swingle explained with the county transitioning over to the new building, and communications will be down there. All of the county communications will be moved to SCRDA's tower. We will still have fire and our utility frequencies on tank hill. The county received a community wide grant years ago to install that generator as a backup for our communications. We would like for the Commission to accept the generator. The county graciously spent a lot of money doing maintenance and ensuring the integrity of the

generator before extending this offer to us. We very much appreciate the county allowing us to keep the generator.

**Commissioner Luna made a motion to accept donation from the County of Sierra for the Generac SG0100 105kW LP backup generator located on Water Tank Hill. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

**13. Discussion: Discussion regarding the use of the Ralph Edwards Civic Center:**

City Manager Swingle explained that this was put on the agenda to have a discussion and get an idea of what we want to do with the Civic Center. Right now, the Civic Center is being used mainly for what we refer to as senior programs. He is not sure what all of them are, but we have a lot of them going on at the facility. We have been receiving a lot of requests from others who want to use the facility for recreational purposes. Do we want to extend the use of the facility from just senior programs? We have youth basketball that want to play basketball a couple days a week in the evenings and we have had other requests for religious classes, and services being provided there, so it really is generating a lot of attention from a lot of people other than senior programs. It really limits our ability to rent it out. I know Angela does a great job of trying to rent it out, and then contacting the senior programs that are there to cancel their events for whatever days that she can rent the facility out, but if we get into programs like youth basketball, and things like that, we're going to have to have staff there because we can't just let bunch of kids play basketball unattended. We need to have staff working there to take care of things and control the activities that are going on, as well as secure the facility. Many months ago, probably prior to him coming on board, we had some theft of some audio equipment at the Civic Center. He wanted to discuss this today because he wanted to get a feel from the Commission of what you want as far as religious classes. Those things will require payment for the facility, and like they would have to rent it like everyone else if they have a religious class or a class on knitting, that's up to them, but for the Commission to allow the religious practices to take place in the facility, and it be at no charge really just puts the Commissioners in a bad position. I'm trying to get your thoughts on where you want to go with the Civic Center.

Commissioner Luna explained that the Commission moved the senior programs from the Lee Belle Johnson Center where they were held, to the Civic Center before Bruce even moved into town. That was the compromise as to eliminating the senior recreation services. She doesn't know if there is a different place where we could make them a new home. She thinks their ultimate desire is not having to move their stuff for any activities, and she thinks that the city is losing money from not being able to rent it out completely, because nobody wants to kick them out from their pickleball and all of their fun stuff. Having done Miss fiesta and watch them play pickleball it is pretty exciting, and she wants to grow old, and go play, but she thinks that's a decision that the new Commission needs to make because they're going to be the ones getting those phone calls. As far as going all the way back to when she was a little girl in the Civic Center, the money was found to

renovate the Civic Center. It was to become a venue for the community. Not to be utilized for basketball leagues and such like that. The school and the city had partnered at that time for the community to be able to utilize those gyms. Even though it was the old gymnasium, they did not want to just throw away the money, and it be vandalized and deteriorate due to basketballs being bounced off the acoustic tiles and such. Si she does not think that is the best resource personally, but she thinks that's something the new Commission needs to make a final decision on.

City Clerk Torres asked, if the new Commission does decide that they want to keep the senior activities there. One thing that needs to be determined is what is going to be considered senior activities. Is it only going to be for those that were transferred over from the Lee Belle Johnson Center, because we have a lot of groups who come in and are saying that they are a senior activity group? We need to think about how we are going to monitor that? There are even some senior activities now who have younger individuals there, so I think that's just something that we're going to have to maybe consider and maybe think about when this is brought up again.

City Manager Swingle explained that the community's trying to turn it into a recreation center for everybody, and doesn't believe that was ever the intent. This is probably premature and it should go to the next Commission, but he wanted to hear kind of a historical perspective on it as well.

**I. EXECUTIVE SESSION:**

- 1. Threatened & Pending Litigation (City of T or C vs. Hot Springs Land Development) pursuant to 10-15-1(H.7).**
- 2. Threatened & Pending Litigation (McCleskey vs. City of T or C) pursuant to 10-15-1(H.7).**

**Commissioner Baca made a motion to go into executive session at 11:09 a.m. to discuss Threatened & Pending Litigation (City of T or C vs. Hot Springs Land Development) pursuant to 10-15-1(H.7) and Threatened & Pending Litigation (McCleskey vs. City of T or C) pursuant to 10-15-1(H.7). Mayor Pro-Tem 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 11:27 a.m.

**Commissioner Luna certified that only matters pertaining to Threatened & Pending Litigation (City of T or C vs. Hot Springs Land Development) pursuant to 10-15-1(H.7) and Threatened & Pending Litigation (McCleskey vs. City of T or C) pursuant to 10-15-1(H.7) was discussed in Executive Session.**

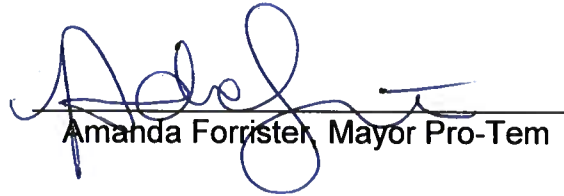
**No action was taken.**

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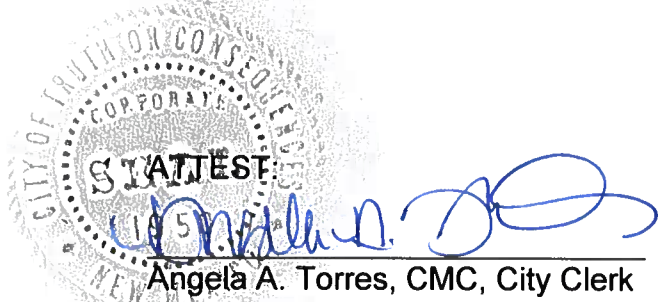
**J. ADJOURNMENT:**

**Mayor Whitehead moved to adjourn at 11:28 a.m. Mayor Pro-Tem Forrister seconded the motion. Motion carried unanimously.**

**Passed and Approved this 12th day of January, 2022.**



Amanda Forrister, Mayor Pro-Tem



Angela A. Torres, CMC, City Clerk