

CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
CITY COMMISSION CHAMBERS, 405 W. 3RD St.
WEDNESDAY, MAY 26, 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: 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. She asked that everyone keep the Artesia Officer that was tragically killed in a car accident, and his family in your thoughts and prayers.

3. PLEDGE OF ALLEGIANCE:

Mayor Whitehead called for City Manager Swingle to lead the Pledge of Allegiance.

4. APPROVAL OF AGENDA:

Mayor Pro-Tem Forrister made a motion to re-schedule item C2 until the next meeting, and move item H4 before item H1. Commissioner Luna seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

C. PRESENTATIONS (10 Minutes):

- 1. Proclamation naming May 7, 2021 as State Environthon Champion Scat Cats Day in honor of their win on May 7, 2021 and every year forward.**

Mayor Whitehead and Mayor Pro-Tem Forrister presented proclamations to the Hot Springs High School Scat Cats in honor of their ninth New Mexico State Championship.

- 2. Proclamation for Hot Springs High School Tigers Day, our High School Varsity Boys Basketball 2021 3-A State Champions.**

Item was removed from agenda until the next meeting.

D. PUBLIC COMMENT (3 Minute Rule Applies):

Rick Dumiak addressed the Commission with comments related to:

- (1) His electric AMI meter, and the cost of the trip fee.

Ariel Dougherty addressed the Commission with comments related to:

- (1) Her concerns regarding items G6 and H3. (Complete copy attached hereto and made a part hereof).

Ron Fenn addressed the Commission with comments related to:

- (1) The AMI meters, and cost of the meter reader trip fee.

E. RESPONSE TO PUBLIC COMMENT:

There were no responses to public comment.

F. CONSENT CALENDAR:

- 1. City Commission Special Budget Minutes, May 5, 2021**
- 2. City Commission Regular Minutes, May 12, 2021**
- 3. Acknowledge Regular Public Utility Advisory Board Minutes, April 19, 2021**
- 4. Accounts Payable, April 2021**

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

Public Comment – Truth or Consequences City Commission Meeting – May 26, 2021
Ariel Dougherty – Caballo Road

Greetings, Mayor Whitehead and Commissioners

~~...number and ... modest information about the~~

~~It is disappointing that GAC remains on your agenda. Much information and lack of information make it questionable in passing Open Meeting Act criteria.~~

The 4th reason that I object to G.6 is the contradictions and inconsistencies it raises about following some regulated industry standards *and not others*. PNM is regulated by the PRC. Our municipal electric system, unregulated, largely does not follow considered PRC rules and leaves us in the public, its customers, with no way to have accountability in the operations of what is really our citizen owned electrical system.

Another case in point is Item H. 3. about revising the penalty fee for the residential customers that are non-AMI users. Foremost, this is a revision or rule related to the ordinance and must have a public hearing. There seems to be misinformation about who those customers are, as well, a failure to recognize commercial non-AMI sites. Please ask us in the public questions on this. The attached PUAB portion of minutes are DRAFT minutes, yet to be approved by the Advisory Board. I attended that meeting. As you can see in the minutes even at a citizen's advisory meeting I, or others, were allowed no input in the discussion. Sadly, a read of these minutes make confusing and contradictory statements mixing a far more glaring problem as Utility Office Manager Sonya Williams, mentioned that her office "handles many system errors...from 50 to 60, sometimes more." This is a far greater problem about time and management than the 6 households that are non-AMI. Mr. Szigeti's figuring on an average salary of \$50K is hyperbole. Are the fifty or so sites where meter readers have to go out and "re-read" meters also going to be charged what ever this penalty fee is? They collectively are taking up far more staff time.

Regretably those problems OBSCURE the point of this discussion. Most non-AMI users have offered to do self-report. Two PUAB members out of the four present mentioned that they lived in other communities where they self reported. These comments are not documented in these DRAFT minutes. Further, there is persistent failure to mention the \$8 fee we ARE CHARGED hidden under a line, ELTOTAL CHARGE. This fee traditionally covers the monthly hook up fee, meter readings and inputting those readings into the billing process – whether electronically or manually done.

Numerous non-AMI users or those desiring their old analog meters back only have \$25 a month in electric use. A \$25 penalty fee of 100% is outrageous. It would be best for the Commission to allow an experimental time of six months of self-reporting to better evaluate this issue. Then hold a public hearing that codifies the best process into the proper ordinance.

G. ORDINANCES/RESOLUTIONS/ZONING:

- 1. Discussion/Action: Resolution No. 43 20/21 adopting the FY 2021/2022 Preliminary Budget:**

Commissioner Luna moved to approve Resolution No. 43 20/21 adopting the FY 2021/2022 Preliminary Budget. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

- 2. Discussion/Action: Resolution No. 44 20/21 Budget Adjustment Request:**

Carol Kirkpatrick, Finance Director explained that this budget adjustment request is so they can budget the cash in the Golf Course Impact account. They want to try and replace one of the pumps at the Golf Course. We had not previously budgeted for it, so that is what we are doing now so we can get it replaced.

Mayor Pro-Tem Forrister moved to approve Resolution No. 44 20/21 Budget Adjustment Request. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

- 3. Discussion/Action: Resolution 45 20/21 confirming participation in the NMDOT Project Fund Call for projects:**

Traci Alvarez, Community Development Director explained that NMDOT is doing their call for projects, and we would like to submit an application for the area of Cedar Street, along Ralph Edwards Park. It will include some drainage improvements to that area, and the benefit of going with this street is that it is also a part of our Colonias Infrastructure Fund Improvements Street, so the plan and design can be done under Colonias funding. Due to that fact, we are only requesting construction funds of \$800,000. We are also submitting a waiver on the match amount.

Commissioner Luna moved to approve Resolution 45 20/21 confirming participation in the NMDOT Project Fund Call for projects. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

- 4. Discussion/Action: Resolution No. 46 20/21 pertaining to City Manager Authorities:**

City Manager Swingle explained when he first got here it was clear that there were no authorities designated to what the City Manager has the authority to sign off on, and what needs to go to the Commission. This resolution is intended to clarify those authorities. These authorities are consistent with a lot of jurisdictions in New Mexico. He

continued by saying, you may wish to amend some of the amounts or amend the resolution in general, and that is the will of the Commission. He then reviewed the authorities listed in the resolution:

- The City Manager is expressly authorized to procure and execute contracts for budgeted items of tangible personal property, services and construction on behalf of the City of Truth or Consequences in the amount of Twenty Thousand Dollars (\$20,000) or less.
- The City Commission retains authority to enter into contracts for budgeted items of tangible personal property, services and construction on behalf of the City of Truth or Consequences in excess of Twenty Thousand Dollars (\$20,000).
- The City Commission retains the authority to enter into contracts, for unbudgeted items of tangible personal property, services and construction.
- All procurements shall be made pursuant to the City's Purchasing Regulations and New Mexico Procurement Code NMSA 1978 Sections 13-1-28 et. seq., and the City's Certified Purchasing Officer must sign off on all contracts to confirm conformance with the Procurement Code.
- The City Manager is authorized to approve internal budget adjustments within a department fund.
- The authority to enter into legal settlement agreements for amounts of Ten Thousand Dollars (\$10,000) or less is delegated to the City Manager. Any contract or settlement agreement entered into pursuant to this resolution shall be presented to the City Commission at its next regular meeting after the date of execution by the City Manager.
- The City Commission retains the authority to enter into legal settlement agreements in excess of the City Manager's Authority.
- The authority to pay insurance deductibles for amounts of Twenty-Five Thousand Dollars (\$25,000) or less is delegated to the City Manager.
- The City Manager may prepare and submit applications for grants, though the determination whether to execute a grant agreement rests solely within the discretion of the City Commission.
- The City Commission retains the authority to enter in Memoranda of Understanding, Memoranda of Agreement and Joint Powers Agreements.
- All Contracts, Memoranda of Understanding, Memoranda of Agreement and Joint Powers Agreements must be submitted to legal counsel for review.

Commissioner Luna moved to approve Resolution No. 46 20/21 pertaining to City Manager Authorities. Commissioner Aragon seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

5. Discussion/Action: Resolution No. 47 20/21 amending the designated signatory authority for the USDA Rural Development Funding Application and related documentation:

Traci Alvarez, Community Development Director explained that the Commission previously approved Resolution No. 31 18/19 which gave signatory authority to previous City Manager Morris Madrid for our current USDA Water Line application which is still in process. This new resolution is only amending signatory authority for future approved applications and related documentation.

Commissioner Luna moved to approve Resolution No. 47 20/21 amending the designated signatory authority for the USDA Rural Development Funding Application and related documentation. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

6. Discussion/Action: Publication of Ordinance 718 amending the City of Truth or Consequences Municipal Code of Ordinances, by amending Section 4-87 of the code pertaining to the Electrical Code:

City Attorney Rubin explained that there was a typo on the agenda that stated this proposed ordinance is amending section 4-487 of the electrical city code of ordinances. The section is 4-87 of the electrical code, and he sees no problem with us moving forward with this because the body of the ordinance does reference electrical code 4-87. There was a comment stated that we need a public hearing on this, and we will have one during a future meeting if this is approved for publication.

Bo Easley, Electric Department Director explained that this proposed ordinance is amending section 4-87 of the electrical code to include the language that states that the city follows the PNM Distribution Construction Standards Handbook, and the PNM Meter Standards Handbook. Back in 1986 this was brought into the Electric Department, and we have been following it since that time. However, it is not included in our current ordinance, so we would like to have it included and make it formal.

City Manager Swingle asked if we could get a copy of the standards so we can have it for public review.

City Clerk Torres stated that she will add it to the website if the ordinance is approved.

Commissioner Luna moved to approve publication of Ordinance 718 amending the City of Truth or Consequences Municipal Code of Ordinances, by amending Section 4-87 of the code pertaining to the Electrical Code. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

H. NEW BUSINESS:

1. Discussion/Action: Update to Policy and Procedures for Section 155 (L), Taser Conductive Electrical Weapon (CEW):

Erica Baker, Deputy Police Chief explained that they purchased new Tasers. They are a newer version from the ones they currently have, and they have different functions from the older Tasers. She went through their CEW Policy, and there were a lot of changes they needed to update to be up to date with what they will be carrying on the street. She wanted to get the policy updated before they started using the new Tasers so they can make sure they are covered. The previous policy was very vague so she went into a little bit more detail. They are no longer calling them conductive electrical weapons. They are now calling them conductive energy weapons, therefore that is a change she had to make. She also added; *an incapacitating a non-lethal weapon used for subduing a person by administering an electrical shock for the purpose of Neuro Muscular Incapacitation (NMI) of the suspect's muscle functions.* Jaffee Bloomquist is going to be the Taser instructor for our new Tasers, and she is a Taser instructor for our old Tasers. *Deployment* is a new section that she added that was not in our old policy. She then reviewed pages 5-8 of the CEW (Taser) Policy. (Complete copy attached hereto and made a part hereof).

Mayor Pro-Tem Forrister made a motion to approve the update to the policy and procedures for Section 155 (L), Taser Conductive Electrical Weapon (CEW). Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

2. Discussion/Action: Approve New Mexico Department of Homeland Security and Emergency Management Disaster Assistance Program Grant Agreements for Projects 1, 4, & 8:

Traci Alvarez, Community Development Director explained that this is to approve our Homeland Security and Emergency Management Disaster Assistance Agreements for the flood that we were subject to last year. This is only 3 of our project worksheets that have gone through the process. Project 1 is for our Police Station and Civic Center, for an eligible reimbursement total project cost of \$6,248. Project 4 is for our Sports Complex that was also damaged during the flood. The total cost damage on that is \$142,000, and we are eligible for \$106,500. Our 3rd Project is for our Wastewater Treatment Plant, and the total project cost on that was \$34,000, and we are eligible for \$25,500. This is a request to approve the grant agreements that were sent over by the Department of Homeland Security.

Mayor Pro-Tem Forrister made a motion to approve the New Mexico Department of Homeland Security and Emergency Management Disaster Assistance Program Grant Agreements for Projects 1, 4, & 8. Commissioner Luna seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

2. The CEW is used at the discretion of the CEW Operator and within the realm of its effectiveness and department policy and procedure.
 3. The dart contacts are not to be aimed at the head, neck or genital area.
 4. Officers should not use the CEW on a young (under 15 YOA) person, frail persons, persons with low body mass, or a pregnant person.
 5. Environmental factors should be taken into consideration such as use around flammables, water, or persons that are standing on stairs, balconies, etc.
- ii. *Authorized Personnel:*
1. Personnel who have been trained on the use of the CEW and who are authorized to use the device readily available during working hours.
 2. Personnel will be responsible to maintain a charge on the batteries of the CEW at all times prior to their shift, and should do a 5 second spark test to ensure the CEW device is functioning properly.
- iii. *Reporting the Use of the Taser:*
1. Except for training and qualification purposes, all discharges of the CEW are documented in accordance with the Use of Force policy.
- iv. *Required Medical Aid:*
1. In any case where the darts contact a subject's head, neck or genital area, the subject is transported to the Emergency Room for medical treatment. Only medical personnel may remove the CEW darts in these cases, and a release for jail is required.
 2. In all other cases where the CEW darts are imbedded in the skin, the CEW operator removes the darts and medical treatment is provided at the scene.
- v. *After-Action Records:*
1. The CEW Instructor maintains the CEW Computer Program.
 2. When a CEW is fired, the officer the CEW is assigned to makes it available to the instructor upon request.
 3. The CEW Instructor downloads information related to the incident directly from the CEW to the CEW Computer Program, once a month or as needed.
 4. All expended cartridges up to including darts, and wires will be placed into evidence.
- vi. *Inspections:*
1. To maintain control, a record is kept by the CEW Instructor of all the CEW and related equipment and who they are assigned to.
 2. Only Authorized and assigned CEW, dart cartridges, and equipment may be used by Department personnel.
 3. Any damaged or malfunctioning unit will be removed from service and reported to a CEW Instructor.
 4. Any CEW batteries that are at 20%, and expired or defective cartridges will be turned into the CEW Instructor immediately
 5. The CEW will not be left in a vehicle when not in use, or in hot or cold weather.
- N. *Impact weapons:*
- i. The department authorizes the carrying and use of the (straight or expandable baton) as the only striking weapon for officers.

- ii. All other forms of striking or punching weapons are prohibited for carrying or use, including but not limited to: saps, blackjacks, slapjacks, nunchaku and similar sticks, and brass knuckles.
- iii. Officers who carry the (baton) shall be trained in its use.
- iv. The weapon may be used in quelling confrontations involving physical violence where higher levels of force are unnecessary or inappropriate, and lesser levels are inappropriate or ineffective.
- v. The (baton) should not be used to strike handcuffed individuals or to threaten or intimidate people.
- vi. In evaluating the reasonable application of force, officers must consider their own age, size, strength, and skill level with department weapons, state of health, and the number of officers opposing the number of suspects.
- vii. *Training:*
 - 1. Officers are trained on the straight or expandable baton when they attend the basic academy.

b. *Less-lethal impact munitions:*

- 1. The less-lethal impact munition ("Bean Bag" 12-gauge round) is to be used on suspects if the following exists:
 - A. Armed with a deadly weapon and/or possesses the ability to inflict great bodily harm. (Careful consideration must be given to distance, cover and the type of threat).
 - B. Fleeing to avoid being served with an arrest warrant and/or is arrested and the individual poses a serious threat to the public safety.
 - C. Armed and needs to be restrained for their safety.
- 2. A refresher course will be required at least once every two years.

3. Discussion/Update: Main Street Foch Street Renovation Project:

Traci Alvarez, Community Development Director gave an update on the Main Street Foch Street Renovation Project. She explained that MainStreet T or C obtained some funding for Great Blocks on Main Street for the 100% design and renovations. The City Commission reviewed the design aspects, and they voted and approved the final design. The design was complete, and MainStreet T or C was able to obtain funding through two funding sources. These are the grant agreements, and they have already been executed due to a timeline that we had. One was executed prior to Mr. Madrid's departure, and the other one should have been executed, but was not, and they needed that right away so we could secure the funding. The total funding awarded for the construction of that project is \$1.2 million dollars. She also explained that the city does not apply for this funding, this is funding that went through MainStreet T or C.

4. Discussion/Action: Public Utility Advisory Board recommendation of amended meter reading fee for Non-AMI customers:

Commissioner Luna stated that they unanimously approved the \$50 meter reader trip fee. She came up with that fee as a means of a compromise. With all intents and purposes, it looked like all the appeals that were before them were all going to be denied. They were going to make these people have an AMI Meter or no electricity, and it was her hope and desire by creating that \$50 fee they would meet in the middle, and the customer would pay for that opportunity to keep their meter, and be able to sleep at night, and be comfortable with what they believe, and it not cause a hardship on the City of Truth or Consequences. This has caused nothing but strife and heartache for our Utility Office, and Meter Readers. We have heard about it time and time again, and she doesn't know if there is any compromising at this point. We have a Public Utility Advisory Board that is an advisory board. They make recommendations to us, and we specifically made a determination and decision, and we don't need to go backwards. We are going forward. She appreciates what the Public Utility Advisory Board did, but she doesn't care to revisit this matter. This Commission made a decision, and chose to make a compromise to offer anyone an option who didn't want an AMI Meter to pay the \$50 fee, and have a different service. The residents are not trained to read their own meter, and that is not their job. She doesn't think that they are going to get ahead by going backwards. Robert's Rules of Order explains that you cannot bring an issue back to the table unless you were one of votes that were against the matter brought forth.

Commissioner Aragon stated that a lot of what Commissioner Luna stated is facts, but he thinks that we need to look at the entire scenario of the situation. The Public Utility Advisory Board is our advisory board, and he feels that we need to listen to them at times. Laws get changed, and fees go up all of the time, so he feels like we need to revisit this item.

City Attorney Rubin stated that he agrees with Commissioner Luna, and the point was when we had this issue come up in January that was in response to the fact that we had 3 written appeals that came before the City Commission. After hearing the testimony and reviewing the information provided, the Commission came up with a decision. The procedure for an appeal is to first file an appeal before you can have the option to pay the fee, and keep your digital meter. He agreed with Commissioner Luna when she said it is too late, and the reason being is because he brought forth an Order of Appeals which was adopted by our Commission. When that Order was adopted by the Commission, the three contestants had 30 days to file their claim or lawsuit with District Court, and they did not do that, so it is too late at this point. The issue of how many people who were going to pay to keep their AMI meters only came up when those three contestants filed an appeal, and that was a compromise that the Commission reached. In the absence of an appeal, we don't even get to the issue of how much someone can pay to keep the AMI Meter because it is not brought before you. An appeal has not been filed where we have to consider whether or not we are going to give someone an option on the fee. The issue of someone paying \$50 or anything at all would have to go through the process of them filing an appeal, and then there has to be a determination of whether the appeal was timely filed. The ordinance says that it has to be filed in a reasonable period of time, and in most cases the appeal now would not be reasonably filed because the AMI Meters have already been installed.

Commissioner Luna stated that the action for the AMI appeals on the approved January 27, 2021 minutes state that they set the \$50 per month trip charge for those who do not wish to have the AMI Meters installed, and that would cover the city manually reading the meters, and would set the precedence and process for anyone who does not wish to have an AMI Meter. The motion was for anyone. It was not the appeal process. It was to set the precedence, so if the appeal is a part of it that needs to be clarified, but Commissioner Aragon seconded the motion, and the Public Utility Advisory Board voted that there was no option to opt-out.

Commissioner Luna made a motion not to take action on this item and to move onto the next item on the agenda. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer.

**Hon. Paul Baca, Commissioner voted aye
Hon. Sandra Whitehead, Mayor voted aye
Hon. Frances Luna, Commissioner voted aye
Hon. Randall Aragon, Commissioner voted nay
Hon. Amanda Forrister, Mayor Pro-Tem voted aye**

Motion carried with a 4-1 vote.

5. Discussion/Action: Approve subcontract agreement between Children, Youth, and Families Division (CYFD) and the City of Truth or Consequences for the Juvenile Justice Advisory Council (JJAC):

City Manager Swingle explained that this is a contract that we've had for a number of years. We are the subcontractor and fiscal agents for funds in the amount of a little bit above \$321,000 to go to the CLUB for the Juvenile Justice Advisory Council (JJAC). The nice thing about this grant is that we can receive monthly reimbursement from the state on this. The grant is designed to improve the Juvenile Justice System, and decrease incidents of juvenile delinquency in the community. Staff's recommendation is to approve the subcontract.

Mayor Pro-Tem Forrister made a motion to approve the subcontract agreement between Children, Youth, and Families Division (CYFD) and the City of Truth or Consequences for the Juvenile Justice Advisory Council (JJAC). Commissioner Aragon seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

6. Discussion/Action: Extension of contract between the City of Truth or Consequences and RLC Services, LLC, DBA: Lynn's Landscape:

OJ Hechler, Director of Community Services explained that we entered into a contract last year with Lynn's Landscape. They are a local contractor for general landscape services. The contract can be renewed for up to 3 years with the same terms and conditions. We are asking to extend the contract through May 14, 2022. Projects that Lynn's Landscape provided for the city under this contract last year included the fence at the Louis Armijo Sports Complex Softball Field. They also assisted with the Ralph Edwards Park project, and they assisted a couple of other departments as well. The city benefits by extending this contract because it is available to all City of Truth or Consequences departments, and city owned locations.

Commissioner Aragon made a motion to approve the extension of contract between the City of Truth or Consequences and RLC Services, LLC, DBA: Lynn's Landscape. Commissioner Luna seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

7. Discussion/Action: Jay Rubin Professional Services Agreement.

City Manager Swingle explained that our contract for legal services expires in June, and we have to go out for procurement, and that will not be accomplished between now and the end of June, so we are asking to extend the professional services contract through September 30, 2021. That will give us enough time to execute the procurement

process, and then at a future meeting the professional services agreement will be brought before the Commission.

Commissioner Luna made a motion to extend the professional services agreement with Jay Rubin. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

8. Discussion/Action: Coppler Law Firm Professional Services Agreement:

City Manager Swingle stated that we want to do the same thing with the Coppler Law Firm Professional Services Agreement. We want to extend their contract until September 30, 2021.

Commissioner Luna made a motion to extend the professional services agreement with Coppler Law Firm. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

9. Discussion/Update: Pole Replacement Project Update:

Bo Easley, Electric Department Director gave an update to the electric pole replacement projects. He explained that "Bohannon Huston" are in the final stages, and they are approximately 95% done with completion. He then gave updates to each project location.

I. REPORTS:

City Manager Swingle reported the following:

- He attended the Sierra Vista Governing Board meeting, and he is pleased to announce that our new CEO is doing a fantastic job. Financially the hospital is in very good shape. We are in such a different place than where we were a couple of years ago. In the meeting they talked about getting an ad into the paper that will probably be in the form of a letter from the board to the community recognizing what Sierra Vista Hospital did during the crisis of the pandemic. We didn't have a lot of assistance from the Department of Health. For the most part they are not in Sierra County, they are in Socorro County. Sierra Vista Hospital really stepped up to the plate and did an outstanding job with testing and vaccinations. They are the reason why we are Turquoise today.
- We have received a total of 9 applications for the Chief of Police position. We have a selection committee which consists of himself, Assistant District Attorney Virginia Hicks, New Mexico State Police Captain Rob Algire, and former Commissioner Rolf Hechler. The committee has weeded through the applications, and they chose 4 applicants to interview. The 4 applicants have been sent a series of questions to define what their experience and roles are in a

command level type leadership, and to determine what the mission is, and what we are trying to accomplish. We are getting the responses back now, and we will do virtual interviews next week.

- The Streets Department has been out at Cantrell Dam moving dirt, and getting the dam ready for monsoon season. We certainly don't have the funding, and we have not received any state or federal funding to do any repairs or mitigation, but the Streets Department is doing an outstanding job moving several tons of dirt to insure that the community is safer during monsoon season.
- He is working with some individuals to find some funding in the neighborhood of \$36 million dollars for our critical infrastructure. We have submitted the information that they need to make a decision, and to move it through the process for consideration.
- He received a fantastic email this morning from a lady in the community commending and congratulating the Electric Department. She had some tree issues with her electric lines, and the Electric Department was there very quickly, and took care of the issue. She was more than pleased with the professionalism they had.
- We've been exploring the options of funding for the transformer at the substation, so with the other project he mentioned, we are trying to generate some revenue for the city that is not a loan. However, we are looking at a loan through NMFA as a plan B if we have to go that route. We will start the process to get the paperwork moving so you will have something to look at, and make a decision.
- We received a correspondence from a resident, and this has gone too far. We had a discussion a few minutes ago on the AMI fees, and the letter basically states: To the recipients receiving this document; Traci Alvarez, a woman acting as a City Manager, Bo Easley, a man acting as the Electric Utility Director, Jaime Rubin, a man acting as the City Attorney, Amanda Forrister, a woman acting as Mayor Pro-Tem, Frances Luna, a woman acting as a Commissioner... it goes on to include all of the Commissioners. This nonsense has to stop. You cannot rationalize with irrational people. We have important business to do in the City of Truth or Consequences. We have budget shortfalls, we have deteriorating infrastructure in the Electric, Water, and Wastewater Department. Poverty is a significant issue here, and we have substance abuse and behavioral issues here. We also have a shrinking population in this community. We do not have time for this nonsense. If the public knew the drain that these people are creating on this organization. The cost that is involved, and all of the antics that are going on, they would be outraged. We are done. If they have an IPRA request we'll respond to them. We will not indulge in this behavior any further. The Commission has graciously offered an out for those who do not want an AMI meter, and that is fine. However, there is a cost attached to that because there is a cost to the city to go out and read those meters. We're done, and we're going to deal with these individuals in a professional manner, and we're not going to engage in the antics. He has already talked to the leadership of the departments about it, and we are going to have more discussions on it. We are going to provide the service that we are required to provide, and we're going to get laser focused on the issues addressed in this community.

City Attorney Rubin had no report.

City Commission Reports:

Commissioner Aragon reported the following:

- He explained that his reasoning for wanting to discuss the amended meter reading fee was because he had heard that there could be litigation if we didn't lower the rate. He agrees with Commissioner Luna that it is over, but that was his only concern on the item.

Commissioner Luna reported the following:

- Spaceport had a launch on Saturday. How exciting was that. There have been so many who never believed it would happen, and she was disappointed when she watched the Albuquerque Channel's report it, and one of the reporters from Channel 4 said "I was one of the ones who said, I'd believe it when I saw it, so I guess I need to snap out of it and finally believe it." How negative is that? This has been happening in our back yard for years. We have been waiting decades for this. When she was 16 years old she had her very first meeting with Gary Whitehead, and at the meeting they talked about Spaceport America. Maybe at that time she was a little bit skeptical, but it is so exciting. Truth or Consequences is having a housing shortfall right now. There are not enough houses on the market for people interested in buying them, and by god if that wasn't happening before Saturday, it will now and it is only going to get better. How exiting for Sierra County, Truth or Consequences, and New Mexico. We are fixing to be booming, so we need to get our acts together, and get laser focused, and make the improvements that we need because we are fixing to be the shining star in America.

City Manager Swingle responded by saying, several months ago the community was working on some activities for the first flight and watch parties. Spaceport is receiving some funding to accommodate those. He doesn't recall who the representative from the city was, but whoever it was needs to get ready. It's going to be very restricted on who can go out to the Spaceport and watch it. They are creating watch parties in various jurisdictions like Las Cruces and hopefully we'll have them here. We have to be prepared for that, because we are not going to have a lot of notice once this happens, so we better be prepared now.

Commissioner Luna responded by saying that the school purchased a big inflatable screen that you can project things on, and they can put it on the football field and maybe have a watch party there.

- Commissioner Luna also reported that Linda DeMarino and Gina Kelley were working on a new lodger's tax packet, and we were shown a logo in executive session which proprietary issues were a concern, so that's why it came through in executive session. It is her understanding that the lodger's tax packet that will

be presented in the future will require that they use the logo to say paid for in part by T or C Lodger's Tax, not the City Seal. We have a City Seal, and the New Mexico True is branded, and all of their money is branded with the New Mexico True logo. That logo does not replace the State Seal. If they want to work harmoniously together, and we put them on everything, that can be considered, but she doesn't think that we should just drop the City Seal to replace it with a logo that is supposed to represent all of us. It's a beautiful creation, but she doesn't feel that it should replace our City Seal, and it should come before the Commission for approval. She would also like to have an update on that process from MainStreet T or C, because it is her understanding that they are ordering signage with that logo, and moving forward. She doesn't know if it is the appropriate time for that.

Commissioner Baca reported the following:

- He thanked City Manager Swingle for all of the hard work he has done since he has been here. He has had a lot of fires to put out. He also thanked all of the city workers for all of the hard work they do to make the city run as smoothly as possible.

Mayor Pro-Tem Forrister reported the following:

- She agrees with Commissioner Baca. She has received a call from City Manager Swingle every week. She thanked him for keeping the Commissioners updated.
- If you got onto Facebook after the big boom from the Spaceport launch, there were so many people who didn't know what was going on. So she feels that we let the ball drop with not informing the public. She also feels that the watch parties will be very awesome.

Mayor Whitehead reported the following:

- She congratulated the 2021 Hot Spring High School graduates. This was an awkward year and a half for everyone, but they got through it. The momentum is there, and she looks forward to a new type of school year for Sierra County starting in August which will be quite different.
- She congratulated all the students who won championships. It's really wonderful when we can do these proclamations and honor these students every year.
- She thanked Spaceport, Virgin Galactic, and all of those who communicated in the launch.
- She thanked our city staff for all that they do. Sometimes we catch all of the heated comments by the public, but remember that we need to keep our chin up and our heads held high and continue to do what we do because there are only a handful of people who feel that we are not doing the right thing.
- The lake is coming up so go and enjoy our lake and mountains, and have a Happy Memorial Day.

J. EXECUTIVE SESSION:

- 1. Threatened & Pending Litigation (Hot Springs Land Development) pursuant to 10-15-1(H.7) and Threatened & Pending Litigation (Erica Baker & Michael Lanford) pursuant to 10-15-1(H.7).**

Commissioner Luna made a motion to go into executive session at 10:57 a.m. to discuss Threatened & Pending Litigation (Hot Springs Land Development) pursuant to 10-15-1(H.7) and Threatened & Pending Litigation (Erica Baker & Michael Lanford) 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 noted that she will recuse herself on the Threatened & Pending Litigation (Erica Baker & Michael Lanford) pursuant to 10-15-1(H.7) item because Michael Lanford is her son in-law.

Mayor Whitehead reconvened the meeting in open session at 11:32 a.m.

Commissioner Luna certified that only matters pertaining to Threatened & Pending Litigation (Hot Springs Land Development) and (Erica Baker & Michael Lanford) pursuant to 10-15-1(H.7) was discussed in Executive Session and no action was taken.


K. ADJOURNMENT:

Mayor Whitehead moved to adjourn at 11:34 a.m. Mayor Pro-Tem Forrister seconded the motion. Motion carried unanimously.

Passed and Approved this 9th day of June, 2021.


Sandra Whitehead, Mayor

ATTEST:


Angela A. Torres, CMC, City Clerk