
CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
CITY COMMISSION CHAMBERS, 405 W. 3RD St.
WEDNESDAY, JUNE 9, 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.

3. PLEDGE OF ALLEGIANCE:

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

4. APPROVAL OF AGENDA:

Mayor Pro-Tem Forrister asked that item G2 be removed from the agenda.

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

C. PRESENTATIONS (10 Minutes):

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

Mayor Whitehead and her fellow Commissioners presented Proclamation's to the Hot Springs High School Varsity Boys Basketball team, Coaches, and Managers for their win at the 2021 3-A Boys Basketball State Championship.

Varsity Boys Basketball Team:

#00 Gabe Rojas
#2 Cameron Zamora
#4 Jonithan Flores
#10 Victor Munoz
#11 Aljon Pinili
#14 Dominic Padilla
#15 Verrels Lukman
#20 Nathan Salcido
#22 Randin Gossett
#23 Sammy Regalado
#24 Isaac Munoz
#30 Ruben Garcia
#32 Ethan Flores
#33 Gavin McClintock
#35 Colton Montoya

Managers:

Aubrie Carter
Juan Garcia

Coaches:

Sean NesSmith
Jake Morales
Phillip Zuni
Mike Potia
Derek Bean

D. PUBLIC COMMENT (3 Minute Rule Applies):

Ron Pacourek addressed the Commission with comments related to:

- (1) His concerns of non-enforcement of motorized boats speeding down the river and causing wakes.
- (2) He invited everyone to attend the Public Utility Advisory Board Workshop on Monday, June 14, 2021 at 5:30 p.m. in the City Commission Chambers.

LaRena Miller addressed the Commission with comments related to:

- (1) The Geronimo Trails Visitor Center visitors and operations at the center.

Ariel Dougherty addressed the Commission with comments related to:

- (1) Ralph Edwards Park, and the location of the Farmers Market. (Complete copy attached hereto and made a part hereof).

Susan Crow virtually addressed the Commission with comments related to:

- (1) The removal of her analog electric meter. (Complete copy attached hereto and made a part hereof).

Majie Powie virtually addressed the Commission with comments related to:

- (1) She thanked everyone for supporting the Animal Action team over the past several years.

Linda DeMarino virtually addressed the Commission with comments related to:

- (1) Her upcoming presentation for a grant from the New Mexico Economic Development Department.

Ron Fenn addressed the Commission with comments related to:

- (1) The removal of Susan Crow's analog electric meter.
- (2) His thoughts on the Electric Department.

E. CONSENT CALENDAR:

- 1. City Commission Regular Minutes, May 26, 2021**
- 2. Accounts Payable, May 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.

F. ORDINANCES/RESOLUTIONS/ZONING:

- 1. Discussion/Action: Resolution No. 48 20/21 amending the designated signatory authority for the Colonias Infrastructure Fund Project No. 4927-CIF; Water Infrastructure Project, T or C Municipal Water System PER from New Mexico Finance Authority (NMFA):**

Traci Alvarez, Community Development Director explained that items F1-F5 are for previous resolutions that were approved and adopted by the Commission. We designated our previous City Manager as the signatory authority. These 5 resolutions are re-designating the signatory authority to our new City Manager Bruce Swingle, and herself as a second signatory authority. There is a slight change to each resolution in the last paragraph where it designates City Manager Bruce Swingle as the city

Greetings, Commissioners.

I bring a very sad and deeply distressing view to you today. My heart is sick with the dessimation of Ralph Edwards Park. In a very awkward layout—barely functional—you have allowed automobiles to have the best and anchor spot along the Rio Grande. You have shrunk the park area to highlight parking, thereby ruining one of the City's best assets. 40% of water pollution is auto runoff.

There exists no good or viable reason to have allowed cars to take such a prime and essential spot within the park which should be reserved for people. Chains and fencing both along the river's edge and the walkway make the park unappealing and oppressive.

That the Bountiful Alliance and its Farmer's Market—many members who are not citizens of our fair city—insist on holding their Saturday gathering at Ralph Edwards Park is a problem. In my opinion they should move to Healing Waters Plaza a more centralized downtown spot where they can join in with the Broadway and Main Street shops to foster local commerce. If they complain about lack of shade at the Healing Waters, the City should re-evaluate the decision it made to put in palm trees there instead of recommended native shade trees. Well placed poles with stretched canvas would be a solution to beat off the summer sun and could be taken down at other times of the year.

For years the vendors of Bountiful Alliance drove onto the park's grass to unload and load their goods. Why hadn't the Bountiful Alliance provided a handful of carts for such a process and kept cars off the grass? This is still an option to keep vender cars at a distance.

Longer term, if the City wants more parking around Ralph Edwards Park the City Yard and Electric Department with its transformers, eyesores for sure, should be removed away from the Park and this residential area. The core buildings on these lots are ideal for a community recreational activities that you have never adequately provided since taking away these pursuits from the Lee Belle Johnson Center.

Please, I urge the Commission to put a plan into effect immediately to remove this parking from adjacent to the River and work toward removing all city work facilities from this residential and park area. Let's put these ideas into the next Comprehensive plan—now three years behind schedule—and begin the effort to make them a reality. And give Ralph Edwards Park a fuller, better reality fitting of our City and its people.

Susan Crow Public Comment – June 9, 2021

On Friday June 4th, the city sent out overwhelming force to remove the analog meter from my home and install an advanced metering digital device without my consent or authorization. Does it take four utility trucks carrying six employees, the deputy police chief and our mayor to trespass and violate my civil and constitutional rights?

I have a contract with the city and utility department that allows myself and every T/C utility customer to keep our safe analog meters with no fees of any kind as long as we provide a photo email record of usage on a monthly basis.

Our city spent 1 million dollars replacing the most reliable, accurate, durable and economical "analog" meters ever produced. Instead of putting that money toward a new MAIN transformer, which we are in desperate need of since we have only one of two transformers working to power the city's electricity and also need to replace the rusted out transformers on electric poles throughout the city.

IN addition to mismanaging our funds by purchasing these meters, they did no due diligence investigating the violation of forcing these meters on an unwilling public. Violating FCC rules installing radio antennas on every home turning your house into a relay station, violating PURPA, the Public Utility Regulatory Policies Act, Section 111(d) "It is reasonable for people not to be forced to accept a smart meter in order to meter activities for which they have no desire to participate and do not want to accept the risks involved with smart metering. The data collection aspect of these meters violates the Congressional Research Service's report titled "Smart meter data; Privacy & Cybersecurity of 2012, the White house report of 2014 titled "Big Data: Seizing Opportunities, Preserving Values", which references a document called "A Privacy-Aware Architecture for Demand Response Systems", which specifically requires "CONSENT" to collect data. Supreme Court Rulings have persistently safeguarded our Fourth Amendment rights to privacy. Payton v. NY; MN v. Carter; Silverman v. US and Memphis Light, Gas & Water v Craft.

I am demanding my analog meter be returned in accordance with the above rulings.

representative on behalf of the related documents. On each resolution, instead of it saying on behalf of the related documents, it will state on behalf of the actual fund that is noted in the resolution.

Commissioner Luna made a motion to approve Resolution No. 48 20/21 amending the designated signatory authority for the Colonias Infrastructure Fund Project No. 4927-CIF; Water Infrastructure Project, T or C Municipal Water System PER from New Mexico Finance Authority (NMFA) with the changes mentioned by Community Development Director Alvarez. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

- 2. Discussion/Action: Resolution No. 49 20/21 amending the designated signatory authority for the Water Trust Board Project No. 5089-WPF; Water Storage, Conveyance and Delivery Project - Booster Station Improvements from New Mexico Finance Authority (NMFA):**

Mayor Pro-Tem Forrister made a motion to approve Resolution No. 49 20/21 amending the designated signatory authority for the Water Trust Board Project No. 5089-WPF; Water Storage, Conveyance and Delivery Project - Booster Station Improvements from New Mexico Finance Authority (NMFA) with the changes mentioned by Community Development Director Alvarez. Commissioner Luna seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

- 3. Discussion/Action: Resolution No. 50 20/21 amending the designated signatory authority for the New Mexico Finance Authority Drinking Water State Revolving Loan Fund Water Infrastructure Improvements Project:**

Mayor Pro-Tem Forrister made a motion to approve Resolution No. 50 20/21 amending the designated signatory authority for the New Mexico Finance Authority Drinking Water State Revolving Loan Fund Water Infrastructure Improvements Project with the changes mentioned by Community Development Director Alvarez. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

- 4. Discussion/Action: Resolution No. 51 20/21 amending the designated signatory authority for the Colonias Infrastructure Fund Project No. 5192-CIF; Roads/Drainage Infrastructure, Road & Drainage Improvements for MSD Waterlines from New Mexico Finance Authority (NMFA):**

Commissioner Luna made a motion to approve Resolution No. 51 20/21 amending the designated signatory authority for the Colonias Infrastructure Fund Project No. 5192-CIF; Roads/Drainage Infrastructure, Road & Drainage Improvements for

MSD Waterlines from New Mexico Finance Authority (NMFA) with the changes mentioned by Community Development Director Alvarez. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

- 5. Discussion/Action: Resolution No. 52 20/21 amending the designated signatory authority for the New Mexico Environmental Department Constructions Program Bureau Clean Water State Revolving Loan Fund Funding offer; Vacuum Sanitary Sewer System Rehabilitation:**

Commissioner Baca made a motion to approve Resolution No. 52 20/21 amending the designated signatory authority for the New Mexico Environmental Department Constructions Program Bureau Clean Water State Revolving Loan Fund Funding offer; Vacuum Sanitary Sewer System Rehabilitation with the changes mentioned by Community Development Director Alvarez. Commissioner Aragon seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

- 6. Discussion/Action: Resolution No. 53 20/21 Budget Adjustment Request:**

Carol Kirkpatrick, Finance Director explained that we are requesting approval on the Resolution No. 53 20/21 Budget Adjustment. The explanation goes along with item G1. We are requesting to close out our Local Government Investment Pool (LGIP) and what we have to do for budget purposes is change it from one cash account to another cash account.

Commissioner Luna made a motion to approve No. 53 20/21 Budget Adjustment Request as noted by Finance Director Kirkpatrick. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

G. NEW BUSINESS:

- 1. Discussion/Action: Authorization to withdraw balance amount of Investment NM Local Government Investment Pool (LGIP):**

Carol Kirkpatrick, Finance Director explained that this goes along with the Budget Adjustment Resolution we just approved. It is to close out the Local Government Investment Pool (LGIP) for the Electric Department in the amount of \$565,256.37 plus whatever interest was earned in May. This is to go into their operating account to finish their year end expenditures.

Commissioner Luna made a motion to approve the authorization to withdraw the balance amount of Investment NM Local Government Investment Pool (LGIP). Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

2. Discussion/Action: Letter withdrawing USDA Rural Development Application CF Grant Program Electrical Transformer Project:

Item was removed from the agenda.

3. Discussion/Action: Approval of Final FY 2020-2021 Audit Contract:

Carol Kirkpatrick, Finance Director explained that the draft was brought before you in March to give you a heads up that this was coming. We have an annual contract that we approve with any auditor that we are going with. We have used this auditing firm before under an RFP, and we are allowed to use them for up to 6 years.

Mayor Pro-Tem Forrister made a motion to approve the final FY 2020-2021 Audit Contract. Commissioner Luna seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

4. Discussion/Action: Sierra County Recreation and Tourism Advisory Board annual request for FY 2021/2022 funds:

City Manager Swingle explained that this is a request from the Sierra County Recreation and Tourism Advisory Board to use Lodgers Tax funding. This has been an annual request and the request is for \$17,000 which is consistent with last year's contract. The projects that will take place will be the tourism website, maintenance and updates in the system which will be \$13,000. The maintenance contract for statewide distribution Truth or Consequences tourism related brochures are \$1,000. The update and reprint of the I-brochure is \$3,000 for a total of \$17,000. Thus far they have had 158,820 visits in the last 12 months. It is a very used site, and it is not only productive for Truth or Consequences, but for the entire community to continue this agreement.

Commissioner Luna asked that we make special notation that these are Lodger's Tax dollars and not General Fund or Enterprise dollars. The funds are only created and used as available. Heads on beds allows for those funds to be spent to bring more heads on beds to self-generate that fund.

Commissioner Luna made a motion to approve the Sierra County Recreation and Tourism Advisory Board annual request for FY 2021/2022 funds. Commissioner Aragon seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

5. Discussion/Action: Approval of agreement to store Sierra County PPE at the Truth or Consequences Fire Department:

City Manager Swingle explained, since the beginning of the pandemic, the County Emergency Management has been soliciting Personal Protective Equipment (PPE) at the Truth or Consequences Fire Department for the community, the hospital, Ben Archer, the Local Governments, Emergency Service (EMS), and the schools. The total number as of today is probably around 300,000 pieces of Personal Protective Equipment (PPE). We have been able to store the Personal Protective Equipment (PPE). However, we never found a clean pristine location that was secure to store the Personal Protective Equipment (PPE) so our Fire Chief Paul Tooley extended an invitation to move it into the Truth or Consequences Fire Department. They have a room over there specifically for Personal Protective Equipment (PPE). The County entered into an agreement to ensure that they still have access to the PPE, and that they are able to track it. Staff's recommendation is to support this agreement with the County for the overall benefit of the community. There is an additional component that needs to be added to this agreement which is the City of Truth or Consequences contact person's name and mailing address. Fire Chief Paul Tooley is the contact person for the City since he is in possession of the PPE.

Commissioner Baca made a motion to approve the agreement to store Sierra County PPE at the Truth or Consequences Fire Department and to add the language mentioned by City Manager Swingle. Commissioner Aragon seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

6. Discussion/Action: Approval to amend and negotiate Airport Management contract:

City Manager Swingle explained that this is a 3 month extension of the Airport Management contract which will be from July 1, 2021 to September 30, 2021. As of right now we do not have a Procurement Officer so we need an extension on this to give us time to hire a Procurement Officer and get the RFP out for a long term contract. This contract gives a little bit more latitude to work with this individual. There have been a number of changes specifically out at Spaceport. Things are getting very busy and we just need a little latitude to negotiate the contract with the individual. The cost is \$3,500 per month and in negotiations, the fee could never go beyond the \$3,500 mark. It could possibly be less.

Commissioner Luna has a concern with the fact that the contract includes the \$3,500 a month plus the individual's use of the Phippen Hangar at no charge, and there is no monetary inclusion for that use within the contract. She would like that taken care of if it is an issue because it may be a loss in revenue to the Airport should someone wish to

rent the Pippen Hangar. She would also like the utilities for the Pippen Hanger to be included in the contract.

Commissioner Luna made a motion for the approval to amend and negotiate the Airport Management contract. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

7. Discussion/Action: Approval of FY 2021/2022 allocations for Subrecipient applications:

City Manager Swingle explained when we had a workshop with the Commissioners reviewing the budget and the preliminary reviews, it was uncertain as to what the Commission's direction was. We didn't cover all of the non-profits and the subrecipient grants so we wanted to bring this before you so we could make sure that we were all on the same page, and Carol knows exactly what to include in the budget.

The Commission and staff reviewed the following allocations:

Companion Animal Action Team (CAAT)	\$1,500.00
Domestic Abuse Intervention Center (DAIC)	\$2,500.00
Matthew 25 Food Pantry	\$5,000.00
Sierra Joint Office on Aging (SJOA) *	\$47,000.00
The Club of Sierra County	\$10,000.00

LODGERS TAX FUND / O&M

Geronimo Springs Museum	\$7,500.00
Geronimo Trail Scenic Byway, Inc.	\$5,000.00
MainStreet Truth or Consequences	\$45,000.00

Commissioner Luna made a motion to approve the FY 2021/2022 allocations listed above. Mayor Pro-Tem Forrister and Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

H. REPORTS:

City Manager Swingle reported the following:

- He had a meeting with the New Mexico Department of Transportation and the engineers about the roundabouts. That project is moving forward quite well. The timeline is for FY 22/23 and ideally the RFP will go out in August and the project will probably start in October and it will more than likely take a year and a half for the phase 1 and phase 2 which is for all 3 roundabouts. The total cost of the project is \$16 million dollars. Our portion of the fee for repairing and moving

water and wastewater lines is \$751,688. They will need that money before March of next year. That is very doable with some of the COVID relief funding that we are expecting any time now. He knows that there will a lot of community concerns and involvement about the roundabouts, and the bottom line is that they looked at a lot of different options to address all of the problems and none of the other options addressed all of the issues that we were experiencing in that area. The roundabouts will resolve traffic safety issues, both turning onto and off of Date Street, making inappropriate U-turns, traffic and pedestrian access in that area, and it will address a lot of drainage issues in the area that have been problematic over time. It is also an economic opportunity because the project will take about a year and half and those workers will be moving here for the time frame of the project and spending money here in our community.

- The Chief of Police selection process has gone very well. We have an extremely talented candidate that we have not yet extended an offer to. We are currently doing a background investigation to ensure that we are doing our due diligence on behalf of the city. The projected start date for the new Chief of Police is the beginning of July.
- We had a significant event that occurred on Friday. You heard in public comment some comments about it, and he thinks it's very important to know that the city has made a lot of mistakes over the years with some of the utilities, and some of the processes. However, we are correcting those mistakes. The one thing that we are going to stand on is we are going to do the right thing for the overall city and this community. We will be replacing meters as needed and appropriate. You've given the latitude to the residents that if they do not want an AMI meter, they have the ability to pay a \$50 trip and meter reading fee. Otherwise, we are going to update equipment as necessary. In the case presented today, these antics are costing the tax payers of this community a tremendous amount of money. This is turning into a circus when the departments are going out there and trying to do their job. The criticism that our employees are taking and the bullying that goes on at these sites is ridiculous. If you don't like the policies then they need to discuss that with the policy makers. For these people to belittle, and bully the well-meaning intentions of staff of this organization is inexcusable. Why was a Police Officer there? What reasonable person wouldn't send a Police Officer under those circumstances? He hopes something like that does not happen in the future, but if there are barriers, we will address those barriers as lawfully as humanly possible to ensure that the ordinances of the city are maintained. We will do what we have to do based on what we have in place. He commends the Commission for giving the option of the fee. The meter we are speaking about in this case was a digital meter, and not an AMI meter.
- We are still asking residents to conserve as much electricity as possible between the hours of 12:00 p.m. through 8:00 p.m. because we received some bad news with respect of the company that is coming to do the work. They have been detoured, and they are currently in Colorado doing an emergency repair very similar to ours. Bo is doing is due diligence to try and get a new company to come in and do the repairs to the transformer. Some of our bigger consumers like the schools are not currently in school so they are willing to shut down their

HVAC systems for a week and a half or so until things can get stabilized and we can get the work done that needs to be done.

- We received some more kudos on staff. We had a party on Kopra who wanted to thank the Streets Department for repairing the 4th street arroyo between Foch and Ivy.
- In regards to raises that were committed to individuals. For example, the individuals in the Electric Department (in that past) were compensated when the individuals went to a higher level of certification. He doesn't know if there was written guidance on that, or it was just a practice that the city followed. That has recently been removed from the budget to conserve money. So at this point he would like to know the Commissions direction on whether or not we need to have this on the next agenda to reinstate those raises or to keep it removed from the budget. He doesn't know if there are other entities we promised raises to if they attained a certification level or what the circumstances were.

Mayor Pro-Tem Forrister stated that they had previously asked for a pay grid, and until they get something like that they have to keep our raises on hold.

City Manager Swingle stated that he will bring a financial layout to the next City Commission meeting.

City Attorney Rubin reported the following:

- He reported on the Hot Springs Land Development hearing scheduled for this afternoon.

City Commission Reports:

Commissioner Aragon reported the following:

- He met with the new County Emergency Management Coordinator Ryan Williams.
- He also commended City Manager Swingle for all of his hard work.
- The comment regarding the river has come up several times, so he feels that a meeting with the State Parks may help.

Commissioner Baca reported the following:

- He thanked all of the city employees for all of their hard work. We appreciate everything you do.

Commissioner Luna reported the following:

- We need 487 signatures for hospital district petition in order for it to be a question on the November ballot. There are currently less than 200 signatures that have been obtained. That will allow a hospital district electable board of 5 people to take over what almost 20 people do right now. The petition as are at the Sentinel Office the City of Elephant Butte, village of Williamsburg, and several offices ay the City of Truth or Consequences.

CITY COMMISSION JUNE 9, 2021 REGULAR MEETING MINUTES

- She asked that the direction of City Boards be added to the next City Commission agenda.

Mayor Pro-Tem Forrister reported the following:

- As far as the public comment in regards to the river, the city doesn't have any jurisdiction there, so she doesn't believe that is something we can address.
- She reported that Denise Addie is selling bricks so they can create a 911 Memorial. We will be the only city in the State of New Mexico that will have a 911 Memorial.

Mayor Whitehead reported the following:

- She was onsite on the change out of Ms. Crows meter and she was appalled of the actions of the adults. She feels that our city staff were bullied when they were just trying to do their job. If the public is not happy with city staff they should contact the City Manager or the Commissioners. Please do not harass our employees.

I. ADJOURNMENT:

Mayor Pro-Tem Forrister moved to adjourn at 10:41 a.m. Commissioner Baca seconded the motion. Motion carried unanimously.

Passed and Approved this 26th day of June, 2021.



Angela A. Torres, CMC, City Clerk

Sandra Whitehead, Mayor