

CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
CITY COMMISSION CHAMBERS, 405 W. 3RD St.
WEDNESDAY, NOVEMBER 16, 2022

A. CALL TO ORDER:

The meeting was called to order by Mayor Pro-Tem Hechler 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. Amanda Forrister, Mayor arrived after item C2
Hon. Rolf Hechler, Mayor Pro-Tem
Hon. Destiny Mitchell, Commissioner was absent
Hon. Merry Jo Fahl, Commissioner
Hon. Shelly Harrelson, 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 Pro-Tem Hechler called for fifteen seconds of silent meditation.

3. PLEDGE OF ALLEGIANCE:

Mayor Pro-Tem Hechler called for Commissioner Harrelson to lead the Pledge of Allegiance.

4. APPROVAL OF AGENDA:

Commissioner Fahl made a motion to remove item G4 from the agenda. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

C. PRESENTATIONS:

1. Presentation of City of Truth or Consequences Employee Service Anniversary Awards:

City Manager Swingle presented an Employee Service Anniversary Award to Denise Balko for 4 years of service with the City of Truth or Consequences

City Manager Swingle presented an Employee Service Anniversary Award to Jamie Sweeney for 6 years of service with the City of Truth or Consequences.

City Manager Swingle presented an Employee Service Anniversary Award to Sonya Renfro for 9 years of service with the City of Truth or Consequences.

City Manager Swingle presented an Employee Service Anniversary Award to Timothy Hanna for 15 year of service with the City of Truth or Consequences.

2. Proclamation naming Saturday, November 26, 2022 as Small Business Saturday. Mayor Pro-Tem Hechler

Mayor Pro-Tem Hechler presented the Proclamation naming Saturday, November 26, 2022 as Small Business Saturday.

D. PUBLIC COMMENT (3 Minute Rule Applies):

David Larcom addressed the Commission with comments related to:

- (1) He stated that he is staying at the Pelican Hotel as he is a snow-bird and Sid Bryan always gives him a complimentary room for the work that he does around the City. He has published 3 books. He is responsible for a lot of the murals in town. He is looking for more work in order to make the town look more like a resort village.

Robert Gunning addressed the Commission with comments related to:

- (1) He stated that he is here to ask what is going on with George Henson's property; he doesn't have a problem with him. He went on to say that there are many other properties in town that are full of garbage and such and the City hasn't done anything about it.

George Henson addressed the Commission with comments related to:

- (1) He started off by saying that he brought in pictures of the full dumpsters. He is looking for democracy and has been working on petitions. He's been working diligently to try and clean up as much as he can.

Celina Waller and Grace Legarreta addressed the Commission with comments related to:

- (1) They stated that they are a new company here in T or C, Apprendamos. They provide services for children birth to 3 with special needs and they also have a home visiting program called Carino. They will be having a grand opening in late December. They are hoping to get integrated within the community. Their services are free of charge.

E. REPORTS:

City Manager Swingle reported the following:

- Congratulations to our coach of the year, and Lady Tigers for winning the district volleyball.
- We received a letter thanking the Street Department for removing weeds, and cactus on sidewalks in the community.
- We have an aviation company back at the Airport flying. They love our site. Our dirt runway at the Airport is one of the longest, if not the longest, dirt runways in the entire country. The military is always wanting to use it.
- We still have vacancies on various city boards. We have multiple vacancies on the Golf Course Advisory Board. We have one vacancy on the Public Utility Advisory Board. We have one vacancy on the Library Board. We have one vacancy on the Recreation Advisory Board. We have two vacancies on the Impact Fee Advisory Board, and we have one vacancy on the Planning & Zoning Commission.
- Last week he attended an event with Ethos Communications and Broadband Zarr. Ethos was awarded an \$8million dollar contract to install high speed internet broadband fiber in T or C and Williamsburg. One of the comments that Broadband Zarr made is when this project is complete and all of Ethos projects are complete in Sierra County, we're going to have the most connected community in the entire state of New Mexico.
- We continue to have water leaks throughout the City. They are fully staffed, and they are really kicking the leaks out but we continue to have them. We make a repair, then the lines are breaching on either side of the repair. We are addressing the problems, and we're working with the state environment department on some emergency funding for Water and Wastewater projects that are real critical to us, and NMED has been fantastic to work with over the last 10 days or so by understanding the problem that we are experiencing here.
- Kudos to the Chamber of Commerce. Both of our bond questions passed quite significantly by 80% and 81% in the community. Our Chamber of Commerce did a fantastic job. He wanted to recognize Russ Binky and Gordon. The Chamber of Commerce is requesting donations for the advertising that was done.
- Unfortunately, Williamsburg has terminated the JPA contract for law enforcement, animal control, and animal shelter services. This will become effective on November 30, 2022 at midnight. On December 1, 2022 they will be transitioning to the Sheriff's Department and the County. There are still a number of issues in the air, and he has not received a response back from the Village,

but it's on compensation to the City for law enforcement services through the period of the contract. So far, the City has received \$2,500 for law enforcement services. We're trying to work this out with the Village by the end of the contract.

- The auditors were here last week and things went well. We did have a citizen's complaint; it's a pretty common annual complaint. They reported to the state auditor that we have one individual that is always paying more than what her bill is, and over time it's accumulated to several thousand dollars. It's a political issue. However, there's nothing wrong with it. Frankly, he himself overpays every bill by a few dollars. They looked at it, and of course there is no issue with it. The auditors will be back on site for 2 more days in the not so distant future. Our target is to have the audit completed on time with minimum findings, if any.
- The Lee Bell Johnson building is having some structural problems, and potentially environmental problems associated with the building. Later on the agenda we will be taking about the study that needs to be done through our engineers.
- They started doing the random drug testing on safety sensitive positions. We haven't done it in many, many years. We started it last week and we are glad that we can implement that tool into our Human Resource arsenal for productive employment through the City.
- We are going through a website design change right now. City Clerk Torres is taking the lead on that. Our website is dated, and we are working to ensure that we are ADA compliant, and that we've got a very user friendly, attractive, and appealing website that is functional as well. We plan to add a lot of forms to the new website to make it as community friendly as possible.

Mayor Forrister: When you talk about the agreement with the Village of Williamsburg, what are they going to do for animal shelter and animal services?

City Manager Swingle: I don't know?

Mayor Forrister: I don't think the County has that facility. What happens when the County Deputies are out in the County, and there is an emergency in Williamsburg?

City Manager Swingle: Those are all questions that we've discussed at the Police Department, and those are concerning, but effective, December 1st the City will have no jurisdiction in the Village of Williamsburg.

Mayor Forrister: It is my understanding that even if the City's Police Department wanted to help out in an emergency situation they would not be able to.

City Manager Swingle: It is no different than responding to a call in Albuquerque where they have no authority to respond to calls over there. The Village is an incorporated community so it would be the same. I'm not sure exactly what thought process occurred with the Village or with the County, but I'm sure that they are going to work it out. The County provides these services to Elephant Butte now, and I think this is going to be an extension of that. I think the Police Department is very concerned about the calls for service. They are only minutes away and they will be unable to respond.

Mayor Forrister: I think the citizens of Williamsburg should be very concerned about that.

City Attorney Rubin reported the following had no reports.

City Commission Reports:

Commissioner Harrelson reported the following:

- After this month we will be announcing our students of the month so the Elementary School will be providing those names, and she will go over that so if you know those children you can give them a pat on the back and say thank you to them for being responsible at school and being a good character.
- Our community was fantastic in supporting us through the volleyball season. We had tons of donations and there were lots of people who lent a hand. There was a lot of support from the community and the small businesses that are here in T or C so I want to thank everyone for that. The girls really appreciated that. I also appreciate the parents for everything that they did for our girls.

Commissioner Fahl reported the following:

- She thanked our Water Department because you can see the difference that they are making. I know that must be an overwhelming job, and I feel for what they have to go through, but they are doing a really great job.
- Williamsburg is concerned about the Cantrell Dam process. When Wilson & Company comes to talk about that, they would like to be present in order to learn more about it.

Mayor Pro-Tem Hechler reported the following:

- We are going to have a busy few weeks leading up to Christmas. The Truth or Consequences Fiesta Committee will be having a Jingle Bell Race the first weekend in December.
- They just did a Proclamation for Small Business Saturday, November 26, so he encourages everyone to support our local businesses.
- Old Fashioned Christmas is December 9, 2022.
- The Beach Walk will be on December 10, 2022 in Elephant Butte State Park.

Mayor Forrister reported the following:

- She apologized for being late as she had a meeting.
- Last year she got to turn on the lights for the Old Fashioned Christmas and she will not be here this year
- She stated that she agrees with Commissioner Harrelson in regards to the community coming together to show support for the girls volleyball team.
- She does want the Village of Williamsburg and the citizens to be aware that they should be very worried about any emergency situation that arises.

F. CONSENT CALENDAR:

- 1. City Commission Workshop Minutes, October 12, 2022**
- 2. City Commission Regular Minutes, October 12, 2022**
- 3. Acknowledge Library Advisory Board Minutes, October 31, 2022**
- 4. October 2022 Accounts Payable**

Commissioner Fahl moved to approve the Consent Calendar as submitted. Commission Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

G. ORDINANCES/RESOLUTIONS/ZONING

- 1. Discussion/Action: Resolution No. 16 22/Authorizing the Execution and Delivery of a Planning Grant Agreement between NMFA and the City for Sanitary Sewer Asset Management Plan:**

Traci Alvarez, Assistant City Manager: The City was awarded funds for 2020 Sewer Asset Management Plan. The plan has been completed and was approved by NMFA and then approved by the City Commission by Resolution 12 22/23 that adopted that plan on September 28, 2022. These are just the final steps that are required so that they can close that grant and submit the reimbursement of the plan.

Commissioner Fahl: I want to compliment Traci on the grant. It will be a great benefit to the City.

Mayor Forrister moved to approve Resolution No. 16 22/23 Authorizing the Execution and Delivery of a Planning Grant Agreement between NMFA and the City for Sanitary Sewer Asset Management Plan. Mayor Pro-Tem Hechler seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

- 2. Discussion/Action: Resolution No. 17 22/23 Budget Adjustment Request:**

City Manager Swingle reviewed the Budget Adjustment provided in the packet.

Mayor Forrister moved to approve Resolution No. 17 22/23 Budget Adjustment Resolution. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

3. Discussion/Action: Resolution No. 18 22/23 Property Abatement for 731 Wyona:

Traci Alvarez, Assistant City Manager: This property has been served with letters of violation over the last several years. It's been through the court process with the previous code enforcement, and nothing was ever done. Once we received a new Code Enforcement Officer, we started those processes all over again on various properties, and this is one of them. Jamie has gone through all of her violation letters, making contact with the property owner, and the Court. At this point in time, the City is requesting the resolution so that we can go in and abate that property.

Jamie Sweeney, Code Enforcement Officer: Initially I will go out and take pictures around the entire property. The person was sent a certified letter for litter, which he received back in August of last year. I was contacted again when the Electric Department notified her that the homeowner's litter was going into the City property, and they were unable to do their job. I give everyone 15 days. This property went longer than the 15 days, and I put it back into court. He didn't clean anything up. I did a criminal complaint, and submitted it to the Municipal Court. He plead not guilty, but once they went to trial, he changed his plea to guilty. The court explained that there were two options; they could turn it back to the City, and they can do the same process, or I can refile saying that they are not compliant, and they are in violation for a second time. It was very apparent when they went to court that he wasn't going to clean it, so I got with Traci.

The Commission reviewed a side by side photo of the accumulation of trash in the yard, and Code Enforcement Officer Sweeney stated that Mr. Henson is still bringing more stuff onto the property. There is no water or sewer at his place, and there hasn't been for 3 years now.

Traci Alvarez, Assistant City Manager: It is my understanding that he is not living at this property. The abatement means that the City, or someone that the City hires would go in and clean the property.

City Attorney Rubin explained the Resolution to the Commission.

Mayor Forrister asked Mr. Henson to clarify his address and whether or not he lives at the Wyona address.

George Henson: Stated that he does live at 731 Wyona.

Jamie Sweeney, Code Enforcement Officer: I have been to the property a total of 10 times since the start of it. Sometimes Mr. Henson is at the property when I am there, and sometimes I do not see him. I contacted Adult Protected Services (APS) to try and help him with some sanitary concerns, and Mr. Henson refused to let them into his house.

Commissioner Harrelson asked; when a citizen doesn't have the necessities that they need for survival (ie: water and sewer), what is the protocol in a safety concern like that?

Jamie Sweeney, Code Enforcement Officer: That it is a huge safety concern, and that is why I contacted APS. She even went to Olive Tree, and they told her that they can't do anything unless he is willing to receive the help they are offering.

Traci Alvarez, Assistant City Manager: It is a code violation to live in a dwelling without water and sewer services.

Mayor Forrister moved to approve Resolution No. 18 22/23 Property Abatement for 731 Wyona and to include the word junk into the resolution as noted by the City Attorney. Commissioner Fahl seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

4. Discussion/Action: Amendment to Resolution No. 68 21/22 City Park Rental Fees:

Item was removed from the agenda.

H. NEW BUSINESS:

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

City Manager Swingle reviewed the Purchase Requisitions over \$20,000 that was provided in the packet.

Commissioner Fahl moved to approve the Purchase Requisition over \$20,000. Mayor Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

2. Discussion/Action: Extension on Contract with Tech 45 Airport Management (Formerly Known as Tech 45 Enterprises):

Traci Alvarez, Assistant City Manager: The City is still waiting on a proposal request for information for Airport Management services or operation services. The contract will expire the end of December so we are requesting to extend that contract for another 6 months while we continue doing the draft and advertising for a request for information to see what kind of proposal we can go out for. The contract does give them the ability to terminate services within 30 days if needed.

Mayor Forrister moved to approve the Extension on Contract with Tech 45 Airport Management (Formerly Known as Tech 45 Enterprises). Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

3. Discussion/Action: Approval of WHPacific Contract Renewal:

Traci Alvarez, Assistant City Manager: The WHPacific currently have a contract with the City and they are the ones that are doing the drainage plan and design for the downtown area.

Mayor Forrister moved to approve the WHPacific Contract Renewal. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

4. Discussion/Action: Approval of Chief of Police Contract:

City Manager Swingle reviewed the Chief of Police Contract.

Commissioner Fahl moved to approve the Chief of Police Contract. Mayor Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

5. Discussion/Action: Approval of the US Department of the Interior Bureau of Land Management Right-of-Way Grant-Serial Number NMNM076517:

City Manager Swingle: This is an agreement to give the Street Department access to the Cuchillo Dam. It will be 80 feet by 2.56 miles so that they can perform maintenance as needed on the dam. This is a 30 year agreement, and there is no cost involved in this at all.

Mayor Forrister moved to approve the US Department of the Interior Bureau of Land Management Right-of-Way Grant-Serial Number NMNM076517. Commissioner Fahl seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

6. Discussion/Action: Approval of the US Department of the Interior Bureau of Land Management Right-of-Way Grant-Serial Number NMNM018561:

City Manager Swingle: This is an agreement with BLM for right-of-way access for a water line that runs from the airport to the trap club. It's the only source of water that the trap club has. This is a 10 year contract and we have to pay \$1,000 every 10 years.

Commissioner Fahl moved to approve the US Department of the Interior Bureau of Land Management Right-of-Way Grant-Serial Number NMNM018561. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

7. Discussion/Action: Adoption of Recommendation and Report from the Municipal Ordinance Jurisdiction Advisory Committee. City Manager Swingle

City Manager Swingle: We have been having meetings with the committee on whether we should dissolve the court or designate magistrate court as the court of authority over City ordinances. The committee has a final report that they've submitted and that report indicates that they should move forward with the endeavor.

City Attorney Rubin explained the Ordinance and the process to the commissioners.

Commissioner Harrelson moved to approve the report from the Municipal Ordinance Jurisdiction Advisory Committee and direct staff to move forward with drafting an ordinance. Commissioner Fahl seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

8. Discussion/Action: Library Board recommendation for the re-appointment of Teresa "Terie" Hafner:

City Clerk Torres: On October 31, 2022 the Library Advisory Board recommended the re-appointment of Member Teresa (Terie) Hafner to serve another 3 year term on the Library Advisory Board.

Mayor Pro-Tem Hechler made a motion to re-appoint Teresa (Terie) Hafner to serve another 3 year term on the Library Advisory Board. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

I. EXECUTIVE SESSION:

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

Commissioner Fahl made a motion to go into executive session at 10:54 a.m. to discuss Threatened & Pending Litigation (Ron Hoskins) pursuant to 10-15-1(H.7). Commissioner Harrelson seconded the motion. Roll call vote was taken by the Clerk-Treasurer. Motion carried unanimously.

Mayor Pro-Tem Hechler reconvened the meeting in open session at 11:01 a.m.

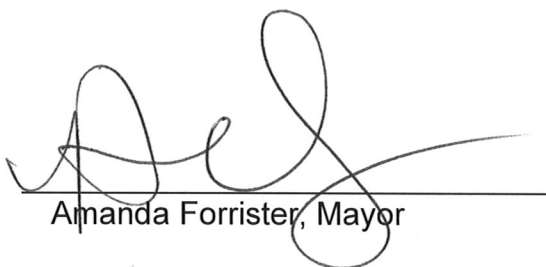
Mayor Forrister certified that only matters pertaining to Threatened & Pending Litigation (Ron Hoskins) pursuant to 10-15-1(H.7) was discussed in Executive Session.

No action was taken.

J. ADJOURNMENT:

Mayor Pro-Tem Hechler adjourned the meeting at 11:02 a.m.

Passed and Approved this 14th day of December, 2022.



Amanda Forrister, Mayor

ATTEST:



Angela A. Torres, CMC, City Clerk