

CITY COMMISSION MEETING MINUTES  
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO  
CITY COMMISSION CHAMBERS, 405 W. 3<sup>RD</sup> St.  
WEDNESDAY, DECEMBER 14, 2022

**A. CALL TO ORDER:**

The meeting was called to order by Mayor Amanda Forrister 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  
Hon. Rolf Hechler, Mayor Pro-Tem  
Hon. Destiny Mitchell, Commissioner  
Hon. Merry Jo Fahl, Commissioner  
Hon. Shelly Harrelson, Commissioner

Also Present: Bruce Swingle, City Manager  
Traci Alvarez, Assistant City Manager  
Jay Rubin, City Attorney  
Angela A. Torres, City Clerk-Treasurer  
Tammy Gardner, Executive Assistant

There being a quorum present, the Commission proceeded with the business at hand.

**2. SILENT MEDITATION:**

Mayor Forrister called for fifteen seconds of silent meditation.

**3. PLEDGE OF ALLEGIANCE:**

Mayor Forrister called for Commissioner Hechler to lead the Pledge of Allegiance.

**4. APPROVAL OF AGENDA:**

**Commissioner Fahl moved to approve the agenda as submitted. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

**C. PUBLIC HEARINGS (5 Minute Rule Applies)**

**1. Public Hearing/Discussion/Action: Public input concerning a request to install traffic control devices (stop signs) on Riverside at Arrowhead:**

City Manager Swingle: We received a request to install stop signs on Riverside to East and west bound traffic. We typically don't have a public hearing on this, but this in in a location that doesn't have a lot of drivers, so we thought we'd have a public hearing on it to see if there is any other feedback. We don't want to install traffic devices if there isn't a lot of will in the community to do so. I have been contacted by residents that are in support of it, and I would kind of like to hear if there is any community input today.

Mayor Forrister opened the public hearing.

**Opponents:**

Ron Pacourek: This has been brought up before to help slow people down on Riverside. He lives on Riverside, and he travels it 4-6 times a day. There is a stop sign on Charlies Lane which happens to be somebody's personal dragstrip, and they think that the stop sign is a Christmas tree at the drag strip, and there have been tire tracks there. He thought about taking pictures of it, but it would be too late. He has not caught them in the action. If you look where Arrowhead is, and you are heading west, there is a long stretch there, and that would be an opportunity for someone else to light their tires up and go. My experience is that I have not really seen many people speeding on east Riverside which turns into North Riverside. It is a 3 ½ mile stretch from Date Street to 3<sup>rd</sup> Street. Has anybody checked with the Police Department to find out how many speeding tickets they have given on that street? Like I said this has been brought up in the past and it did not go anywhere. They did not think it was a good idea to put another stop sign up, and we all know that sometimes stop signs are not even a suggestion in this community so I am not for putting a stop sign at east Arrowhead.

Ariel Dougherty comments attached hereto and made a part hereof.

**Proponents:**

There were no opponents.

Mayor Forrister closed the public hearing.

City Manager Swingle: A resident that lives a couple of feet from the intersection of Arrowhead and Riverside contacted me and asked to have it installed. I get requests like this all of time. Typically, it is speed bumps and things like that. Speed bumps are the last option that we go to. When we get those type of requests, we go out and look at it and then make a decision of whether or not this is something we want to move forward with and if it were, we would probably have another discussion in a Commission Meeting because just because one person may want it, it doesn't mean that everybody that lives in that area does. The individual who requested it lives west of that

Ariel Dougherty in Opposition

I question the necessity of such proposed stop signs on Riverside at Arrowhead. I drive this section of City streets almost daily. In 25 years I have never seen the need for these proposed stop signs.

Further, I want to know how such a proposal gets on to the Commission's agenda for a Public Hearing. Transparency of our city officials and the Commission's process to this point are mandatory. Whose request? Further, show the public a study or review that warrants installation of such traffic signage at this junction.

A much more dangerous road intersection is at Third in the turn off to Fourth, where Tingley comes up from the South:



Vehicles on Tingley heading North have a stop sign, the property on Third has a required cut down fence at its Northeast corner, yet THERE IS NO VISIBILITY from Tingley to any of the traffic

on Third that heads East. So vehicles on Tingley go way past the stop sign into the middle of Fourth Avenue to get any view. This creates HUGE danger for any vehicles turning off of Third, heading further East on Fourth. The Third Avenue cars have the right of way, but are headed into a collision with any vehicle that might have ventured way beyond the Tingley stop sign. I make this turn off of Third onto Fourth almost daily. On several occasions I have had to hit my breaks suddenly to avoid crashing into a wayward vehicle that has just ventured into the middle of Fourth to get a better view of Third Avenue traffic. Fix this dangerous intersection before you put stop sign on Riverside at Arrowhead.

I have a question now of the Commission as you discuss this matter, please disclose who or how this request for the proposed Riverside stop signs came about. Sunshine is in order, not an anonymous, hidden "request".

Last, do you have any questions of me in regards to my comments here?

intersection and she has children. She is concerned that cars are coming through there and there is no traffic control on Riverside coming around the curb from the Buhler's property, and when they are backing out of there driveway there is really no notice that there are cars there, and typically the cars have to stop when they are backing out into the last second when they have a chance to see so that is how it came about.

Commissioner Fahl: It was a dirt road where I live, and now it is paved. There are many blocks that don't have any stop signs and my son got hit by a car, and I don't know how he didn't die because they hit his wagon and struck his head, and it was very traumatic for all of us because they speed up on that stretch of the road, and there is a stop sign not too far from there so they don't get too much speed. That's a long stretch on Riverside, so I would be concerned about speeding, and there are young children on that road.

Mayor Pro-Tem Hechler: I don't like more regulation when it is not warranted. My wife and I drive along riverside all the time, and if there is any problem with us is that we are going too slow. Sure, there are problems everywhere, all over town from time to time, but we don't throw stop signs up everywhere. I like less regulation vs. more, and for me I would say unless there is a distinct reason for it, it is an unnecessary thing for us to do.

Commissioner Harrelson: I also use Riverside, and I agree with you about not putting things in that isn't necessarily needed, and if there isn't data that supports that then I would question why we put a stop sign there.

Commissioner Mitchell: I think that slowing down traffic there is probably something that needs to be done, but I don't know if a stop sign will necessarily fix the problem because the road is 3 miles long. I don't think it would serve the purpose that is needed, but I am not opposed to it.

Mayor Forrister: As Mr. Pacourek said, it's a suggestion a lot of the time, and on Riverside there is a stop sign and people ignore it a lot of the time anyway. Either way I'm not for or against it. It's whatever is in the city's best interest.

**Commissioner Fahl made a motion to not install traffic control devices (stop signs) on Riverside at Arrowhead. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

## **2. Public Hearing/Discussion/Action: Request for a Special Use Permit at 300 Osborne for the purpose of a Multi Animal Permit:**

Traci Alvarez, Assistant City Manager: A public hearing was held at the Planning & Zoning Meeting on October 11<sup>th</sup>. The applicant was applying for a Special Use Permit for 300 Osborne Lane to house 6 dogs. The applicant was present at that public hearing. We received the completed application and all animals have been licensed and

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vaccinated per the multi-animal use permit. Animal Control and Code Enforcement did complete a required site visit. There was a recommendation from the Planning & Zoning Board to deny the multi animal use permit. It was then brought to the City Commission. The applicant has made some changes to resolve some of the issues and concerns that were brought up at the meeting so the City Commission opted to hold a second public hearing. Code Enforcement Officer Jamie Sweeney did go out to check some of the changes.

Jamie Sweeney, Code Enforcement Officer: The applicant has a fairly larger fence than a normal one so it is definitely not a running at large issue, but they live in an area that can have a lot of walking or vehicle traffic. There is a church across the street and cattycorner there is some sort of mechanical business so that area has a lot of foot and vehicle traffic. The complaints from the neighbors mainly were for the barking and air quality because there were some senior citizens on oxygen that were in the area, so it was recommended that they put up some type of netting, like a blocker for the dogs, as well as anybody walking by not to be able to see into that property where the dogs are out. The applicant was very much aware that the barking was provoked when people are driving or walking by so they put up the mesh netting around the property, and since that has happened, Animal Control has informed me that they have not had any more animal complaint calls from that address when it comes to barking.

Mayor Forrister opened the public hearing.

### **Opponents:**

There were no opponents.

### **Proponents:**

There were no proponents.

Mayor Forrister closed the public hearing.

City Attorney Rubin: There was a public hearing at the Planning & Zoning level, and there were people who were opposed to it. You had a chance to read the minutes to see who was opposition. Were the people who were opponents notified today?

Assistant City Manager Alvarez: Yes. Everybody was re-notified of a second public hearing.

City Attorney Rubin: You can take that into account that the people who were opposed to it were aware of today's hearing and they are not here.

Mayor Forrister: I think that Code Enforcement Officer Sweeney summed that up as to the people who were complaining before, that they have made the changes. Correct?

Jamie Sweeney, Code Enforcement Officer: Yes, when it comes to the barking, I can only assume that it is because they rectified the situation to prevent the provoked barking, and they are no longer complaining about it.

City Manager Swingle: I do believe that the fix that they did was recommended by some of the opponents in the first public hearing.

Mayor Pro-Tem Hechler: If we decide to issue a permit, and that permit is issued for a year, what follow up is done in regards to that permit?

Jamie Sweeney, Code Enforcement Officer: After it is issued, I believe it is good for the year. It doesn't prevent us from going out there and following up on any other complaints or issuing citations. The permit is good for a year, and an inspection is done each year.

Assistant City Manager Alvarez: As the code reads, we would go back out to public hearing and start the whole application process each year for the renewal. We can also revoke a special use permit if we start getting numerous complaints after the permit is issued and that would be brought back to Planning & Zoning & the City Commission to revoke the Special Use Permit.

Commissioner Fahl: It appears that the owner was very diligent in trying to accommodate this neighbors' concerns and to ensure that he can still retain his pets.

**Commissioner Mitchell moved to approve the Special Use Permit at 300 Osborne for the purpose of a Multi Animal Permit. Commissioner Fahl seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

**3. Public Hearing/Discussion/Action: Special Use permit for 403 & 405 Magnolia St. for the purpose of a Community Center Recovery Meeting Place. Traci Alvarez, Assistant City Manager**

Traci Alvarez, Assistant City Manager: this also was originally held at the public hearing before the planning and zoning Commission on October 11th. Applicant was not able to attend that meeting. Planning and Zoning at that time recommended to deny the special use permit. We did receive some opposition, both at the planning and zoning meeting, and I do believe we have current opposition that we recorded for this public meeting as well. We brought it to the Commission on October 26th and you requested to go ahead and do a public hearing since the applicant was not available for the first public hearing. The applicant is present at this time. There are two lots and as you know the applicant is requesting to use one lot as a parking lot, and the other lot has a residence on it that they'd like to turn into a community center for recovery meetings.

Mayor Forrister opened the public hearing.

**Proponents:**

Ron Pacourek: I have many points here. First off, I am breaking my own anonymity by letting you know that I have well over 30 years of sobriety, and if I had not gotten a nudge from the judge, which is lacking in this community, and the po's, I would never have known there was such a thing as an AA recovery, so I am very grateful for that. I read the Planning & Zoning meeting minutes and one of the things that popped out at me is that Mr. Swingle had many questions to ask, and we're here to answer those questions. Having a recovery house for people is very beneficial to the community. One of the things you'll hear in meetings is being a productive member of society. I looked it up on Google of what that means and it says the legal system considers a person proactive if a person does not engage in criminal activity, or a person who has committed a crime and then never commits another crime. The main concern I read in the minutes was that traffic was an issue. There shouldn't be any issue of traffic. We go to a meeting, park our cars, go into the meeting hall, have our meeting, and get into our cars and leave. Nobody is driving around honking or being crazy so if we have a parking place for those cars to be, we're not taking up a lot of street area either. Having a place for us to meet is very beneficial for the community. We offer some help to whoever is having a problem. AA was started in 1935 and it has been going on for almost over 85 years and it's never organized. The former Chief of Police came to a meeting and he had no clue what was going on in here. The meetings used to be across from the police department. I wish they would come and ask, or talk to us about that. There are all different kinds of groups that have spun off from AA.

Kathy Adkins: I am a proponent of the Alano Club. This would be a great thing for the community, and it would be an improvement to the area, as well as an investment in which we are willing to put money into that area. The Alano Club is a place where we would hold meetings. We have 12 to 15 meetings in town, and they're spread out over four or five different places, and sometimes they move around because things change. My home group has been at 529 Broadway, which is right across from the Police Department. It's been at the previous DWI building, nursing home, and Veterans Home. It's been all over, and it's just that things change in the situation. Our meetings that we hold are usually at 7:30 in the morning, and the men's meditation meeting is at noon. We have a couple of 5:00 p.m. meetings, and some at 7:00 p.m. and 8:00 p.m. This would be similar to a church. We have 12 steps, 12 traditions, and we have a spiritual side of what we believe in, so I would like to have one place for meetings that could be guaranteed, and to let recovery grow. I understand that at the hospital their plan was to put in a 10-bed unit for detox, and it's fine if you detox them, but where do they go afterwards? They are all told to go to meetings, and if they have a direct place to go to, some place they can be safe, the Alano Club would be a no drugs, no alcohol area for them. I would guess, and this is just a guess, I would guess between close to 100 people within the city need it, and I hope that you'll let us help you with that neighborhood to improve it, and the community. I think it's well needed. Even if we don't get the Special Use Permit, we've been here forever so we'll just find another



place to go, but I heard from Bruce that you have a property in the city that you're looking to get rid of also, so if there's a better place for us to be then on Magnolia, please let me know. There won't be anybody living in the house, it'll just be for meetings only, and we're only 300 feet from the business zoning section. The most we have in a group at a time is around 10 people. She read the AA Preamble: *Alcoholics Anonymous is a fellowship of men and women who share their experience, strength and hope with each other that they may solve their common problem and help others to recover from alcoholism. The only requirement for membership is a desire to stop drinking. There are no dues or fees for AA membership; we are self-supporting through our own contributions. AA is not allied with any sect, denomination, politics, organization or institution; does not wish to engage in any controversy, neither endorses nor opposes any causes. Our primary purpose is to stay sober and help other alcoholics to achieve sobriety.*

Alan Gregory: I'm from Minnesota, and I love it down here. If it wasn't for this program, I wouldn't be able to stand in front of you right now. It's very important for me to have meetings. I still enjoy them, and it's very important for me to be able to do for other people, what other people have done for me. I am in favor of it. Thank you.

Diane Lombardo: I live a few blocks from there. This probably won't impact me at all, so I'm not going to even worry about the traffic, because Silver Street is called "silver speedway". If this was a group meeting for church, or for a cancer group, or anything else like that, which is considered a legitimate illness, would we even be having this conversation? I have many friends who are recovered alcoholics. It's a disease. They need to fight it, and they need help just like a cancer patients need doctors who can help them. Brain damaged patients need therapy that can help them. They need help. They need somebody to be there for them. They are there for each other because the rest of the world isn't, and I really am in favor of this.

Susan Lahr: I've been associated with AA since 1988. I got sober and immediately started attending meetings. I've attended meetings with all kinds of people. I've seen people getting sober at 14, and people at 70 get sober. It's a lifesaver, and I'm not sure what people think goes on at meetings, but we're not rowdy. We're not like a bar. We are there to not be in the bar. We have a standardized meeting, and it's the same all over the world. They used to meet at exactly the same time all over the world, but I believe that's changed somehow. The meetings are not only for us who have been in there for a long time, but it is primarily for us to help the ones who are just coming in, and breaking that chain, and getting sober. It's leading by example, and it does a lot of good. I know this town has a lot of problems with drugs and alcohol, so how anybody could be against a simple meeting with maybe a half an hour of socializing afterwards that helps people immensely, I don't understand, but I hope you'll consider the good.

Jim Neal: Ed and Kathy were very close friends of mine. I'm going to flip it around a little bit and I'm not so much trying to sell you on AA, but sell you on a piece of property that is in really bad shape. I'm sorry, but if I'm in this town, and I'm going by that property and it's the way it sits, that's not a good thing. I'm not even going to look for a home

around here, so I think that's one reason to take a look at this. If we're willing to try and improve this property, and try to improve this property, it's a win-win situation. AA is going to be what it is, and that's a reason to help addicts, people who want to change their lives.

Mayor Forrister: I agree with a lot of the things that you have just said, but I think our concern, and the concern of this Commission, and the Planning & Zoning board is the zone that it is in. I'd like to call on Ms. Alvarez to shed some light on what we're talking about.

Traci Alvarez, Assistant City Manager: I don't think that the reason for them is the type of meetings that are being held there. The question is that the location is the r3 zone, and the purpose of the r3 district is intended to accommodate multi-family dwelling units and accessory structures and usage. It's intended to maintain and protect high density residential development characteristics of apartments, townhouses, condos, manufactured homes, and subdivisions within the r3 district under special uses any community building public or private is required to go through a special use permit. and part of what they're looking for within the special use permit is under the findings and facts checklist. I don't think any of us are denying that type of meeting that they're holding isn't a well needed meeting, it's just the location of that meeting requires the public hearing.

**Opponents:**

Submission letter from Fidel and Alice Naranjo attached hereto and made a part hereof.

Orlando and Rhonda Griego: We've lived here just under 3 years, and we live right at 4th and Magnolia. The traffic down Magnolia is a speedway, and I'm not saying anything about recovery or anything, but I just don't feel this is the appropriate place to put a meeting or anything else. Any kind of meeting. I just don't want the increased traffic. The meetings, and all of that stuff I agree with 100%. I just don't think that this is the appropriate place for it because it is residential, not business, so we just would like to keep it as a residential home. It is not in the best shape. I mean from the outside it doesn't look all that great. We knew the lady who lived there before, and there are people who are interested in that property. It needs to be fixed up, but I don't think that having a recovery meeting there is the appropriate place for it. We're totally not against AA meetings. It's just the location that we're concerned about. There are other places here that they can find that is better than right there.

Mayor Pro-Tem Hechler: Would it make any difference to you folks if this property was substantially upgraded and improved?

Orlando and Rhonda Griego: I think it might be a detriment only to the fact that if we were to sell our property then they would say Oh, so and so meeting place is there and it would now be a business and not residential so I think it would lower our value.

**From:** Fidel and Alice Naranjo

**To:** [talvarez@torcnm.org](mailto:talvarez@torcnm.org)

**Date:** Monday December 5, 2022

**Atten:** Assistant City Manager, Traci Alvarez

**SUBJECT:** Special Use Permit for Lots 403/405

I sent an e-mail dated 10-1-22 to you with concerns of ours regarding the special use permit request for a Habitual Recovery meeting center and parking lot. In case we cannot make this "second" meeting on December 14 at 9am, I wanted to send another e-mail to make sure our concerns were voiced at the meeting. Again, I would appreciate our concerns to be addressed or considered at this upcoming meeting, our home in T or C is located at 413 Magnolia next door to the young man, Deon Ketchum, that has ADA needs and would be located next door to this potential Habitual Recover Center.

I spoke to him about what his concerns are and the main one is the following, emergency vehicles being blocked from accessing his home, medical or fire. And, his ADA Van not being able to be go out because his driveway is blocked. This not only can be detrimental to Deon's health and safety but I do not believe that T or C would want to be held liable for events that could occur (Medical, Fire etc.) and not be able to respond in a correct or timely manner because streets are blocked or driveways blocked.

**Reminder of 10-1-22 e-mail**

- 1) Increased traffic, even though a lot would be cleared for parking (City Lot) parking can flow over to the street parking and residents parking spaces.
- 2) Regarding the lot that has a residence, will the use ONLY be for a dedicated meeting center, evening only, day only or both? How many meetings? I can see how this issue in time can increase in the usage of the center.
- 3) Why has a residential area been chosen for this type of meetings? Being a part-time resident at T or C, we are aware of vacant land that could be purchased for these types of meetings that have or could have a building/mobile home adapted for meetings.
- 4) Does T or C have any vacant buildings that could be setup for meetings such as this Recovery Center? I am pretty sure I have seen vacant city buildings around town.

**5) I am concerned folks that enjoy visiting T or C would not want to invest in the T or C community once they hear (word of mouth), check public records, they could build on their residential lot and be notified later someone wants a Rehab Center Special Use Request okayed!**

**We enjoy visiting T or C quite often, and did acquire some vacant lots for the family to use and enjoy. Not sure we would have purchased these lots now or purchase any other property in the future.**

**Again, we would vote "NO" for the Special Use Permit to be passed. If this request is passed then it sets a precedence for the City of T or C City Commission to view all Special Use Requests in residential areas.**

**We strongly feel if this Habitual Recovery Center is needed then an investigation in an area besides residential would be more fitting and most of all less liable to the City of Truth or Consequences in the long run.**

**Sincerely,**

**Fidel and Alice Naranjo**

**505 672-1400, Cell 505 690-6367**

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Mayor Forrister: I'm going to go out on a limb and guess that you guys did not buy your house with the intention of it being next to a recovery center.

Orlando and Rhonda Griego: Absolutely. It was 100% when we bought it, and we absolutely love it.

Mayor Forrister closed the public hearing.

City Manager Swingle: Why did you leave from the place across from the Police Department?

Kathy Adkins, Applicant: Before we bought the property on Magnolia, we offered to buy that building because we had been there so long and we had been so stable. The gentleman who bought it re-did the front half of the building, and we had the second half of the building, and he had medical problems and we wanted to buy the building from him, but then he decided that his daughter was coming to town to take care of him and she was going to live in the back half of the building, and they were going to re-do it.

Mayor Forrister: Is this property being gifted to you guys?

Kathy Adkins, Applicant: We bought it in July. It was his legacy to live in T or C, and he unexpectedly passed away. He had left a certain amount of money set aside for the Alano Club so we have funds that are available.

Mayor Pro-Tem Hechler: I wholeheartedly agree with everything the proponents said, but the problem I have is that likability is not a consideration in this thing. We don't make our decisions here because we like somebody or we care for them or things like that. We have to make our decisions based upon what is best for the community, and what is best for everybody involved. Looking back at the Planning & Zoning Commission's findings and facts checklist under item # 2: **unreasonably increase the traffic in public streets**. I think we've had some testimony that it could do that. Item #4: **Deter the orderly and phased growth and development of the community**. People did not move to that community to be next to a center like this no matter how good the center is, and people may not move to that area in the future because the center is there and we have to keep that in mind. #5: **Unreasonably impair established property values within the surrounding area**. I don't know what will happen with that and if the property is enhanced that it will improve the property values or because of the fact that the property is it will deter from the property value. #7: **Constitute a spot zone and therefore adversely affect adjacent property values**. I think if you take all of the personalities out of it and you look at it from face value, it is a residential area and we have to honor it as a residential area. That is his opinion.

Mayor Forrister: Not just your view. I completely agree with you.

Commissioner Fahl: I think we all totally support the need. I think having a permanent place for that is a vital and importance to our community. Yes, Mayor Pro-Tem Hechler

is correct, but I know lots of places in town where they do bible studies every week, and to me this is the same.

Commissioner Mitchell: I agree with Commissioner Fahl. I'd put myself in the position if they were going to take the house next door to me and have meetings I wouldn't have a problem with it. They need a place now, and they need a place where they can permanently be in.

Mayor Forrister: I don't think that anybody is arguing that the need isn't there. I think what we are arguing is that it is zoned residential and we have people who came forward that will directly be affected by that, and that is her concern. The amount of people it affects is more than just the people who live across the street.

Commissioner Harrelson: As a person who has lived with an alcoholic or two, I understand completely where you are coming from and I do think that you need a place to stay and it needs to be a permanent place, but it goes back to, we as a Commission have to decide what's best for everyone, not just a certain group of people. Sometimes we have to make hard decisions and that is why we were put in these places. I do want you to have a permanent home and I want you to have some place, but the facts are about the zoning piece of it and that is separate from my feelings about the program so we need to keep that in mind. I know that there are lots of businesses that do yoga and all sorts of things out of their home, but that is out of their home. It is not set up as a business zoning and you have to keep that in mind. If you have your home and you invite people home for a BBQ that is different, or for a meeting, that is different than zoning it as a commercial building which also comes with a lot of different things like ADA compliance so thinking about that vs it being a home, you have to consider those types of things.

**Mayor Pro-Tem Hechler made a motion to deny the Special Use permit for 403 & 405 Magnolia St. for the purpose of a Community Center Recovery Meeting Place with considering the finding and facts checklist. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer.**

**Hon. Shelly Harrelson, Commissioner voted aye**

**Hon. Rolf Hechler, Mayor Pro-Tem voted aye**

**Hon. Amanda Forrister, Mayor voted aye**

**Hon. Destiny Mitchell, Commissioner nay**

**Hon. Merry Jo Fahl, Commissioner nay**

**Motion carried with a 3-2 vote.**

**D. PRESENTATIONS:**

**1. Presentation of City of Truth or Consequences Employee Service Anniversary Awards. City Manager Swingle and Department Supervisor**

City Manager Swingle and Golf Course Manager Rick Artman presented an Employee Service Anniversary Award to Elizabeth Stanley for 1 year of service with the City of Truth or Consequences.

City Manager Swingle and Pat O'Hanlon, Library Director presented an Employee Service Anniversary Award to Shay Yaw for 6 years of service with the City of Truth or Consequences.

City Manager Swingle presented an Employee Service Anniversary Award for Silke Kapela for 17 years of service with the City of Truth or Consequences. Silke could not be present at the meeting.

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

Kate Hall addressed the Commission with comments related to:

- Comments attached hereto and made a part hereof.

Diane Lombardo addressed the Commission with comments related to:

- She feels that the Commissioners should know the laws, understand them and obey them. It is called corruption if you do not obey the laws. The people of Truth or Consequences deserve better than this. The law for the number of dogs to be on a property is 4 and that has been from at least when John Mulcahy was Mayor, Priscilla Mullins was Chief of Police, Deb Peters was in Animal Control and I was the head of CAAT. We sat down and made sure that it was in there. It is disrespectful for the people of this town to ignore our laws.
- She thanked Chuck Wentworth and the City of Truth or Consequences who has always helped with our turtle ascension every New Year. We were going to cancel this year, but Chuck wrote a wonderful column in the Sentinel and we've had two volunteers step up and the ascension will go on.

**F. REPORTS:**

**City Manager Swingle reported the following:**

- He introduced and welcomed our new Chief of Police Luis Tavizon. He has had an awesome career in Law Enforcement and I think you all will really like and appreciate him.
- He introduced and welcomed our new Finance Director, Kristie Wilson. She is in week 2, day 3 with the city. Kristie has a very lengthy background in finances, and we have to hone that in on Government finances, but she is going to be an outstanding Finance Director for the city.

Mayor, City Commissioners, and City Managers,

*Mayor Pro Tem*

Good Morning! I am Kate Hall, Executive Director of MainStreet Truth or Consequences. I want to give you an organizational update. MainStreet has been very busy lately! Over the past two months, we have had four different events. The monthly Second Saturday Art Hop continues to bring people from out of town. Musicians both provided by businesses as well as 2 sponsored by the Sierra County Arts Council play along the sidewalks and the galleries and shops bustle with shoppers. We host this event every month and invite you to come out and join in the festivities.

Fall Fandango was the Halloween event. There were events on all four days bringing people downtown. Thousands of kiddos paraded around, getting candy from businesses and organizations. We added some entertainment in the Healing Waters Plaza, which the kids enjoyed. And partnered with the Litter Pickers Organization to help clean up as one of the events.

Small Business Saturday was a boost for our local businesses. MainStreet collaborated with the Chamber of Commerce to provide prizes for shoppers. Of the receipts turned in, which were not nearly all the day's receipts, we counted nearly \$7000 in sales. And our monthly shop small initiative continues to grow, month by month.

Old-Fashioned Christmas once again brought many families downtown to celebrate. The Lighting of the Christmas Tree was attended by hundreds of kids and families, and the Parade of Lights was a hit. This is a beloved event, and this year was no exception.

We are working with various businesses on the 12 Days of Christmas Virtual Sales Event. Last night was night number 3 and there are 9 more nights to go. In previous years, the businesses made over \$14,000 in sales. We are hoping to have at least the same amount this year. You can see this on Facebook on the 12 Days of Christmas Facebook page or the MainStreet Facebook Page.

We are gearing up for 2023 but wish to thank the City workers (OJ, Benny, and Sean) for all their help with our events and Mayor pro tem Hechler for kicking off Old-Fashioned Christmas with the tree lighting, and Commissioner Mitchell for organizing the Parade of Lights. We appreciate your help.

Thank you for your time!

*I was given this script...  
with minimal edits made by me*



## CITY COMMISSION DECEMBER 14, 2022 REGULAR MEETING MINUTES

- He gave kudos to the employees who were setting up the Christmas decorations. The Electric Department, Parks Department, Pool Staff, Police Department and Streets. They did a fantastic job. The team work was outstanding and all of the departments need to be commended for that cooperation back and forth.
- The Tree Lighting event was great. All of the folks did fantastic work that evening. Mayor Pro-Tem turned on the lights and gave a brief speech prior to the lighting. It went very well and it was very well attended. MainStreet did a fantastic job with the events downtown as well.
- His contract is expiring in May, and he wants the City to start advertising for the vacancy starting in January 2023, so you will have a few months to solicit applications and resumes, and do interviews, and also because there was an interest to have himself and the new Manager work together for a month or two to show them the ropes.
- Assistant City Manager Traci Alvarez worked with SCCOG in putting together an application requesting \$750,000 for a CDBG Grant which is specifically for smart water meters. We want to replace some of our older meters first, and this would accommodate about 981 meters and the housing for the meters. They were successful in that application and we were notified that they received the full \$750,000. Kudos to Traci and the SCCOG for that application.
- George Henson has filed an appeal for the Resolution that the Commission had passed in regard to his property and the appeal will be on the January agenda.
- The NMDOT will have a public meeting tonight at the Civic Center at 6:00 p.m. to discuss the roundabout project. They are not going to talk about the engineering of it or what we should do. That has all been decided. It's done. This meeting is to talk about how the construction is going to start in the very near future.
- Water leaks and our city infrastructure is an ongoing item that is discussed at our meetings. We have very old infrastructure and it is going to take us a very long time to get all of the funding and address all of the problems with our water system. We did an analysis of our water leaks from January 1<sup>st</sup> through October 31<sup>st</sup> of this year and the Water Department has repaired 416 water leaks. That is an extremely high number of water leaks for a community this size, and it is because of the dated infrastructure that we have. We need approximately \$20 million dollars to address these three areas that have the oldest infrastructure, and are experiencing these leaks. The Water Department will go out and repair a water leak and within a day or two, either side of that water leak is leaking within 1 ft. to 5 ft. from that water leak. We ask for patience from our public because it is taking time to get our funding realized. We are looking at all options available to us. The Water Department cannot sustain any more debt service so this is not something that we can just go get a loan on. If we could, we would have already done that. We have no more capacity in the Water or Wastewater Department for any additional debt service. We will start immediately when we do receive funding.
- We had a Wastewater consultant to do a tour and an inspection of the Wastewater Treatment Plant. We know we have a lot of issues with the plant. The equipment out there is antiquated. We tried to get the environment department to come down and assist us with a tour. They chose not to do that,

but they have a consultant that they hire every year to do this service for them. He came out and looked at a number of issues and we should have a report probably within another week of his findings. He is very excited about the direction that the new director is taking and is understanding of the issues that are occurring out at Waste Treatment Plant so we want to move forward with those recommendations as well, and they are going to be very costly over time.

- We completed our audit. We did have one glitch in our audit. One of the glitches is part of our audit is an audit that occurs at the Housing Authority. The Housing Authority is still going through their audit. We don't have draft narrative from the Housing Authority audit to incorporate into our audit and this may cause our audit to be submitted late. We are not late. It will be clearly articulated in the report as to why it is late. If it is late, they have until tomorrow to get the draft to our auditors to incorporate it into the report and get it to the state auditor within the timeline that we are required.
- We had a SVH board meeting last week at the hospital to discuss the finances and in October the hospital realized over \$5 million dollars in revenue. That is the highest amount of revenue that the hospital has ever generated in a single month. They've added new doctors to the staff at the hospital. These are not travelers. These are people who are dedicated and work for Sierra Vista Hospital. They also have a surgeon now that they will be unveiling the practice and protocols and how that is going to work out in the very near future. The staff there does an amazing job every day in this community.
- The legislative briefing is scheduled on January 10, 2023 from 12:00 p.m. until 2:30 p.m. in the Red Room. The South-Central Council of Governments (SCCOG) will take the lead in hosting the briefing to go over our ICIP list with our legislators. Typically, the Mayor and Mayor Pro-Tem attend those.
- We still have a number of vacancies on our boards. We have two vacancies on the Impact Fee Board, one vacancy on the Public Utility Advisory Board, one vacancy on the Library Advisory Board, one vacancy on the Recreational Advisory Board and one vacancy on the Planning & Zoning Commission. If you know of anyone who is interested, please have them contact our City Clerk for a one-page application.
- The Coffee Shop is now open at the hospital.

**City Attorney Rubin had no report.**

**City Commission Reports:**

**Commissioner Mitchell reported the following:**

- It was reported to her that there is a leak in front of the Middle School, and it is icing over.
- She was involved in the Old Fashioned Christmas Event. It was a really big success. She organized the parade. She thanked the Police Department. Especially Officer Blomquist who led the parade and got Santa everywhere he needed to go. She also thanked the Sheriff's Department, State Police, all of the Fire Departments, Sierra Vista Hospital, and the community members who

participated in the parade. She thanked the Streets Department and OJ for helping with the barricades and decorations. We had over 30 entries in the parade so it was a pretty good success.

- This weekend on Saturday is the jingle bell races at the Healing Waters Plaza. Registration starts at noon, and it will be a scavenger hunt foot race down town where you get a little sheet and you have to take a selfie at each place. There will be games inserted on the side to play. We have almost \$1500 in prizes for winners, and we are doing group categories and individual categories. This is our initial fundraiser to get us some money so we can start promoting Fiesta this year.

**Commissioner Harrelson reported the following:**

- She was in a classroom and in the classroom the teacher was doing a lesson on fact vs. opinion, and the kids really struggled with that. It was really interesting because it really pertains to what we are talking about these days. The kids really struggled with what was fact and what was opinion. They couldn't give a fact and they couldn't give an opinion. One of their friends said that blue is the best color and that was their best friend so they all agreed with that. The teacher was really frustrated and she said, you know, I'm going to have to go and re-visit this. We have been talking about it for the past two weeks, and I don't understand why they aren't getting it. The point of the story is that we as a community and as a Country, are really misleading everyone by not expressing facts. She wanted to give a shout out to the Sentinel for posting facts, and letting readers make their own opinions instead of driving some heat and making people feel very stressed out, and giving them the opinion, they want vs. having what the true facts are. It just happened to be ironic yesterday that it was being discussed in the classroom yesterday. I think we need to be really mindful of what fact is and what opinion is when we are reading blogs, or media of any kind. We can't stop the nonsense if we continue reading those and giving support to that.
- If you know a teacher out there, I want you to thank them for how hard they work. They have worked very hard this semester. We are closing down a semester for the school year, and the kids are happy, and aren't listening anymore because they are ready for Santa. It is very stressful. She got to see kids singing Christmas Carols in the hallway yesterday which was a wonderful thing, and it brings back why we are all here, and it is because we are trying to build a community for our youth.

Mayor Forrister thanked Commissioner Mitchell for being a teacher.

**Commissioner Fahl reported the following:**

- The Old Fashioned Christmas Event was great. She was sad that she couldn't get to the tree lighting because her 4-year-old grandson was walking too slow and she couldn't get there fast enough. People are still speeding down town during the event even though we have barricades. They need to be considerate of people. Those roads are closed. People are walking around. She wishes

people would pay attention to barricades and understand that they weren't just for the parade.

- A constituent made a comment to her that people speed down town. She knows that it is a NMDOT highway and we don't have any control, but in Ruidoso they have a mechanism for the down town area to slow traffic down, and they really try to control people's traffic. She asked City Manager Swingle if there is anything we can do to slow the traffic down.

City Manager Swingle: Your question is well taken. The traffic in the downtown area has always been a concern. We've reported to the NMDOT multiple times about vehicles going the wrong direction, but we will pass that on to them, but we want them to hear it from the public as well.

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

- He congratulated Commissioner Mitchell on the success of the parade.
- He gave kudos to a gentleman named Mike who picks up trash around town. He's been doing it for a few months now. He has picked up over a ton of trash on the interchange in the north end of town. He never says a word to anybody. He goes out there and picks it up, and the highway department picks up the trash bags from him. He wanted to give a shout out to him and those people who are out in the community who do those wonderful things for our community.
- Old Fashioned Christmas was a great event this year. This was the 14<sup>th</sup> year that MainStreet has put this thing on. It seems like it gets bigger and better every year, and he is so glad that this Commission saw that we needed to support MainStreet because you can see the benefits from it, and hopefully we continue to do so.
- He wished the City Staff a Merry Christmas. We have had a wonderful year with a lot of good things happening. He is really proud of the work that the City Manager and our City crews have done. He is looking forward to next year. I think we have over \$60 million dollars in projects next year. This community is going to be torn up, so please be patient with us, and understand that this is progress, and these are good things for our community. Just look at all of the GRT that is going to come to this community as a result of all these jobs and all of these things that are going on.

City Manager Swingle: At our first meeting in January, we will go over the accomplishments for 2022. Last year we did it in the end of December because we had outgoing Commissioners and we wanted them to hear all of the accomplishments. This has been an impressive year for the city and the staff under all of the circumstances that we've had.

**Mayor Forrister reported the following:**

- She didn't have the opportunity to go to the Old Fashioned Christmas Event. She had a pre-planned event she had to go to. She got to light the tree last year because Sandy was out of town, and so she got to pass the buck this year to

Mayor Pro-Tem and he got to handle it this year. She heard it was a very good event and she gave kudos to everyone who was involved.

**G. CONSENT CALENDAR:**

- 1. City Commission Regular Minutes, November 16, 2022**
- 2. Acknowledge Regular Lodgers Tax Advisory Board Minutes, September 26, 2022**
- 3. November 2022 Accounts Payable**
- 4. Take Home Vehicle Forms for Various Departments**

Commissioner Mitchell made a motion to approve the Consent Calendar as presented. Commissioner Fahl seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

**H. ORDINANCES/RESOLUTIONS/ZONING:**

- 1. Discussion/Action: Resolution No. 19 22/23 Budget Adjustment Request:**

City Manager Swingle reviewed Budget Adjustments provided in the packet.

Commissioner Mitchell made a motion to approve the Consent Calendar as presented. Commissioner Fahl seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

- 2. Discussion/Action: Resolution No. 20 22/23 Adopting fees pertaining to animal licensing and permits:**

City Clerk Torres: When we recently amended the Animal Ordinance, we removed all fees from the ordinance, and replaced it with the wording that states "fee set by resolution." The resolution provided in your packet mainly covers various animal licenses and permits. The other fees mentioned in the animal ordinance are listed in our current animal shelter resolution. None of the fees listed in the resolution have changed. These are the fees that we have charged for years, for these services.

Mayor Pro-Tem Hechler made a motion to approve Resolution No. 20 22/23 Adopting fees pertaining to animal licensing and permits. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

- 3. Discussion/Action: Publication of Ordinance No. 742 amending the City of Truth or Consequences Municipal Code of Ordinances, by adding a new section designating the Sierra County Magistrate Court as the Court having jurisdiction over Municipal Ordinances and Repealing Sections 2-371 through 2-380:**

City Manager Swingle: On the June 22<sup>nd</sup> meeting, the Commissioners met to pass the initial Resolution to start the process of exploring the possibility of closing the Municipal Court and transitioning our cases to Magistrate Court, and designating Magistrate Court as the court of record for Municipal Ordinances. We've gone through that process. You've made the appointments of the committee. The committee met and had a public hearing on the matter. You complied with that, and the committee met and approved a final report with the decision of the desire to close the Municipal Court. Those things have all happened, and this is the next step. The ordinance has to be approved by the city. That and the report has will go to the Supreme Court if approved, and that is the final step for us, and they will make the decision on the actual closure of the court, and designating Magistrate Court as the court of record for us. This is a request to publish the Ordinance and have it before you as a public hearing and a decision next month.

**Commissioner Fahl made a motion to approve Publication of Ordinance No. 742 amending the City of Truth or Consequences Municipal Code of Ordinances, by adding a new section designating the Sierra County Magistrate Court as the Court having jurisdiction over Municipal Ordinances and Repealing Sections 2-371 through 2-380. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

**I. NEW BUSINESS:**

**1. Discussion/Update: Cantrell Dam Update.**

City Manager Swingle: This was placed on the agenda at the request of Commissioner Fahl. Glenn is the engineer on staff with Wilson & Company that is taking the lead on this project. He was giving update on the findings thus far. It's still in the preliminary status. He is here to answer any questions that the Commission has.

Glen Selover, Wilson & Co. presented the design and analysis report process with the Commission. (Complete copy attached hereto and made a part hereof).

**Mayor Forrister made a motion to move item 17 after item 11 so that the Village of Williamsburg can be present during discussion. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

**(7) Discussion/Action: Approval of MOU between the Village of Williamsburg and the City of T or C for Animal Control and Shelter Services:**

City Manager Swingle: This is for a MOU with the Village of Williamsburg to provide Animal Control and Animal Shelter services. Historically, the city provided this service free to the Village, and it was part of the JPA for our Law Enforcement services. They terminated the JPA, and currently they have no animal services support from the city

until we have an agreement. Right now, we're looking at the agreements with the County and with Elephant Butte as well. Elephant Butte pays \$1,100 dollars a month and \$50 per animal control call. The \$1,100 a month goes to the Animal Shelter. The \$50 goes to Animal Control. That equates to about \$16,200. The County pays \$3,000 per month for the shelter, and \$30 per call, for Animal Control. These numbers were established in 2013. The city's budget at the time was \$141,972. That is what we were paying for animal control, and we didn't have a shelter at the time. We had a Vet that actually took care of that for us, and we paid the Vet. Those numbers haven't increased once, and yet the calls for service, the number of animals definitely increases. This current fiscal year we're spending \$410,000 and some change for the Shelter, and for Animal Control services. That's a significant increase from what we initially had in 2013 so we've got to increase our cost to operate the shelter. You have two options listed here. One is based on the percentage of use, and the other one is based on the population of your community. If we were to build a shelter today, we works build that shelter based on the population. The population would dictate with a reasonable degree of certainty, the number of animals that were likely to incline. That's not my numbers, those are just numbers that are out there in the industry, so that's how we would define a shelter and build a shelter. He then reviewed the two options available for the Village of Williamsburg. Complete copy attached hereto and made a part hereof. If you look at the percentage of use option, this would have to be evaluated every year, and it would take substantial time and cost from the city to address this so if you are looking at this option, I would encourage you to add about a 5% administrative cost to the total number to ensure that the city is truly being compensated for its expenses. Neither of these options charge Williamsburg or any other entity more than what it is costing the city to provide animal services. The Village would prefer to pay on a per call basis. That number is very hard to articulate on a per call basis. Particularly when you have the animal in the shelter and the animal is in the shelter for an extended period of time. The city providing the service to these other entities streamlines the process for them. Any issues that come up are directed to the city from the Municipality. They get to kind of wash their hands of the responsibility of providing the service. They also get to wash their hands of once the animal is taken and it is in our hands, it is on us. We pay the cost of keeping that animal, vet services, food, and all of the cost associated. No animal leaves our shelter today that is not fixed. That is a huge improvement over what we've done historically, but that costs money to do so there is definitely cost involved. I know that going from paying nothing to paying \$18,000 to \$22,000 seems like a lot, but try running your own animal control program and shelter. It is very expensive. There is an efficiency in services when one entity is providing the service to everyone. There is value to everybody. It is a reduced rate, but everyone's rates have been the same since 2013 except for Williamsburg. Williamsburg hasn't paid anything.

Deb Stubblefield, Mayor of Village of Williamsburg: The previous JPA's that the Village of Williamsburg had with the City of T or C, Animal Control was not free. It was included in the Law Enforcement part of the JPA. It did state in the Animal Control portion. In last fiscal year we provided the amount of the Law Enforcement Protection Funds and an additional \$10,000. The year before that we had sat down with the City Manager and the Chief to negotiate because our GRT had dropped off. The Village is on a very small

budget annually. Our annual budget is approximately \$250,000. The reason for the termination of the JPA this fiscal year was because it was proposed by City Manager Swingle to the Village that it would be \$171,000 starting next year. There is no way we could do that. Even with the Law Enforcement Protection Funds going up, the Village couldn't handle that amount so we were forced to look at other options for our Law Enforcement. Granted, you all have the Animal Control and the Animal Shelter, and we need ACO services, so I would just ask that you consider our size. We've had some questions regarding the shelter about the procedure when people drop off animals up there because there are a number of people that live in the County outside the Village limits and when they drop off an animal they give their P.O. Box of Williamsburg, but they are not residents of the Village and that doesn't fall on us. Using a physical address would be a better system. We've requested information from the shelter regarding those animals and a monthly spreadsheet so that we can see. We have minimal calls for both Law Enforcement and Animal Control every year. In case you all are not aware, in our Mona Street project that we just completed, Truth or Consequences and the previous Mayor, Manager, and Commissioners were aware that Truth or Consequences received a brand-new water line on Mona that is your asset. It doesn't belong to the Village. It was \$191,000, and that has yet to be mitigated, or brought up, or discussed in any way. We have mentioned it a couple of times, and tried to figure out how we could get it mitigated, but as of today nothing has happened.

Mayor Pro-Tem Hechler: What about the funds that are in arrears, are you going to catch up on your contract?

Deb Stubblefield, Mayor of Village of Williamsburg: We have the prorated invoice that we were sent by the city. We have no intention of not paying. We have always paid, and we did pay the 1<sup>st</sup> quarter, and the 2<sup>nd</sup> quarter is prorated. During that time, for the last 4 months that we had the JPA in affect the Village received little or no patrols, and no citations came through our court for anything. Everything that is done out there is very minimal. It is not like there is an Officer patrolling there every day.

The Commission reviewed the options and felt that the population option was the best option for the MOU.

**Commissioner Mitchell made a motion to accept the MOU between the Village of Williamsburg and the City of T or C for Animal Control and Shelter Services with based on a rate that is based on population. Commissioner Fahl seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

## **2. Discussion/Action: Approval of FY23 State Grants-in-Aid to Public Library Grant Agreement:**

Assistant City Manager Alvarez: This is for a FY23 State Grants-in-Aid to Public Library Grant Agreement. The state aid program is intended to supplement and encourage local



efforts in providing local library services. The amount of grant allocation is \$15,382.08, and that includes the shares for our eligible library branch.

**Commissioner Fahl made a motion to approve the FY23 State Grants-in-Aid to Public Library Grant Agreement. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

**3. Discussion/Action: Approve and Accept the State of NM DFA Capital Appropriation Grant Agreement 22-G3024:**

City Manager Swingle: The city was honored by our legislative delegation and we received a Capital Appropriation of \$213,000 for the Ralph Edward Park. This is for the gazebo and the grounds of the facility which OJ wants to spend the balance that is left on the East Restroom so both of them would have been updated when this is done. We are months behind schedule. Typically, we have these agreements by July or August, and they just came out. We are really excited about this. The gazebo design is awesome and I think we will be able to get it up and running before park season so that is fantastic.

**Commissioner Fahl made a motion to approve and accept the State of NM DFA Capital Appropriation Grant Agreement 22-G3024. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

**4. Discussion/Action: Approve and Accept the State of NM Aging and Long Term Capital Appropriation Grant Agreement A22G2017:**

Assistant City Manager Alvarez: Much like the previous item, these next two items are late Capital Appropriation Grant Agreements. This particular one is for \$100,000 for the SJOA Ken James Senior Center, and it is to re-surface the parking lot. This will be the parking lot that we also park in for our Commission Meetings. The \$100,000 is a reimbursement grant. We are the fiscal agents so we will pay upfront. The city will also benefit from parking lot improvements and our Street Department will do a lot of the work, and this will cover costs of materials.

**Commissioner Fahl made a motion to approve and accept the State of NM Aging and Long Term Capital Appropriation Grant Agreement A22G2017. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

**5. Discussion/Action: Approve and Accept the State of NM Aging and Long Term Capital Appropriation Grant Agreement A22G2018:**

Assistant City Manager Alvarez: SJOA Ken James Senior Center has received a Capital Appropriation in the amount of \$84,000.00 to purchase and equip passenger vehicles for the Ken James Senior Center. They are doing a little bit of juggling on these. They have two grant agreements that are going to expire the end of June, and unfortunately vehicles are not readily available so we are kind of moving some of these funds around for what they are appropriated. We are hoping to get all of these monies expended for vehicles. The terminology just may change a little bit.

**Commissioner Mitchell made a motion to approve and accept the State of NM Aging and Long Term Capital Appropriation Grant Agreement A22G2018. Commissioner Fahl seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

**6. Discussion/Action: Approval of Municipal Golf Course Residential Building Lease Agreement:**

City Manager Swingle: This agreement is for our new Chief to allow him to have housing in the interim until he can get his place purchased, located, and get moved in. The agreement is for 12 months, although he is planning to be out in April or May, but the logistics of working with the supply chain right now may take a little longer. The property valued at \$500 a month. He will not pay that. He will stay there for free. However, he will be taxed on that \$500 per month. He is responsible for the utilities and the benefit the city is getting out of it is the security of the Golf Course, and the responsibilities identified with what he would do.

**Commissioner Fahl made a motion to approve the Municipal Golf Course Residential Building Lease Agreement. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

**Item 17 was moved after item 11.**

**8. Discussion/Action: Agreement between the City of Truth or Consequences ("City") and Sierra Vista Hospital for Medical Services:**

City Manager Swingle: This agreement has been a long time coming. It is basically for prisoners that the Police Department incarcerate, and before they can get them to the jail, the jail may request that they have a medical clearance if they have been involved in certain events or when they do their diagnostic at the jail and they have extremely high blood pressure. A lot of people suffer from "incarceritis" when they go to jail. They get antsy and a little nervous when they get arrested so their blood pressure goes up. They give them time, and if it doesn't go down, they want a medical clearance from a doctor stating that the individual can be incarcerated. We currently owe the hospital

about \$330,000, and from the beginning of time to date we have not paid them, and they've been adamant about trying to get the money. I thought we had it all worked out with the previous CEO at the hospital, but unfortunately, he left and we started the process again with the new CEO. I think we have a very good agreement. This agreement is going to be kind of the catalyst for all of the other entities. We are going to get a reduced rate of 50% of their cost for future medical services. We only want to be responsible for that evaluation of making that determination, but depending on the individual, it may require some additional testing and diagnostic work because the doctor's licenses are on the hook here, and their malpractice insurance. They can't just automatically say yeah, the individual looks fine to me. They may have to provide prescriptions for somebody who has been without drugs for a period of time. There are a lot of scenarios coming in. We are going to be paying the whole amount that we owe at about 50% as well. They are really working with us and all of the entities to put this baby to bed.

**Commissioner Fahl made a motion to approve the Agreement between the City of Truth or Consequences ("City") and Sierra Vista Hospital for Medical Services. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

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

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

**Mayor Pro-Tem Hechler made a motion to approve the Purchase Requisitions over \$20,000 as presented. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

**10. Discussion/Action: Review, Approve and/or Allocate Funds for Sierra County Historical Society (Geronimo Springs Museum) Application.**

Tammy Gardner, Executive Assistant reviewed the Sierra County Historical Society (Geronimo Springs Museum) Lodgers Tax Application provided in the packet, and stated that the requested amount was \$3,000, but only \$2,301.98 was approved by the Lodgers Tax Advisory Board.

**Mayor Pro-Tem Hechler moved to approve and allocate Funds to Sierra County Historical Society (Geronimo Springs Museum) in the amount of \$2,301.98. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer.**

**Hon. Amanda Forrister, Mayor voted aye  
Hon. Destiny Mitchell, Commissioner voted aye**

**Hon. Shelly Harrelson, Commissioner voted aye**  
**Hon. Merry Jo Fahl, Commissioner abstained**  
**Hon. Rolf Hechler, Mayor Pro-Tem voted aye**

**Motioned carried with a 4-0 vote. 1 abstention.**

**11. Discussion/Action: Review, Approve and/or Allocate Funds for Sierra County Historical Society (Geronimo Springs Museum) Application.**

Tammy Gardner, Executive Assistant reviewed the Sierra County Historical Society (Geronimo Springs Museum) Lodgers Tax Application provided in the packet, and stated that the requested amount was \$3,062, but only \$2,750 was approved by the Lodgers Tax Advisory Board.

**Commissioner Mitchell moved to approve and allocate Funds to Sierra County Historical Society (Geronimo Springs Museum) in the amount of \$2,750. Mayor Pro-Tem Hechler seconded the motion. Roll call was taken by the Clerk-Treasurer.**

**Hon. Merry Jo Fahl, Commissioner abstained**  
**Hon. Rolf Hechler, Mayor Pro-Tem voted aye**  
**Hon. Amanda Forrister, Mayor voted aye**  
**Hon. Destiny Mitchell, Commissioner voted aye**  
**Hon. Shelly Harrelson, Commissioner voted aye**

**Motioned carried with a 4-0 vote. 1 abstention.**

**12. Discussion/Action: Review, Approve and/or Allocate Funds for Sierra County Rock and Gem Society (SCRAGS).**

Tammy Gardner, Executive Assistant reviewed the Sierra County Rock and Gem Society (SCRAGS) Lodgers Tax Application provided in the packet, and stated that the requested amount was \$18,766, but only \$5,750 was approved by the Lodgers Tax Advisory Board.

**Commissioner Fahl moved to approve and allocate Funds to Sierra County Rock and Gem Society (SCRAGS) in the amount of \$5,750. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried**

**J. EXECUTIVE SESSION:**

1. Purchase, Acquisition, or Disposal of Real Property (Sale of Real Property) pursuant to 10-15-1(H.8).
2. Threatened & Pending Litigation (*George Henson*) pursuant to 10-15-1(H.7).
3. Threatened & Pending Litigation (*Ariel Daugherty*) pursuant to 10-15-1(H.7).

Mayor Pro-Tem Hechler made a motion to go into executive session at 1:14 p.m. to discuss Purchase, Acquisition, or Disposal of Real Property (Sale of Real Property) pursuant to 10-15-1(H.8), Threatened & Pending Litigation (*George Henson*) pursuant to 10-15-1(H.7), and Threatened & Pending Litigation (*Ariel Daugherty*) pursuant to 10-15-1(H.7). Commissioner Mitchell seconded the motion. Roll call vote was taken by the Clerk-Treasurer. Motion carried unanimously.

Mayor Forrister reconvened the meeting in open session at 1:36 p.m.

Mayor Pro-Tem Hechler certified that only matters pertaining to Purchase, Acquisition, or Disposal of Real Property (Sale of Real Property) pursuant to 10-15-1(H.8), Threatened & Pending Litigation (*George Henson*) pursuant to 10-15-1(H.7), and Threatened & Pending Litigation (*Ariel Daugherty*) pursuant to 10-15-1(H.7) was discussed in Executive Session.

**K. RETURN TO REGULAR SESSION; ACTION (if any)**

1. Purchase, Acquisition, or Disposal of Real Property (*Sale of Real Property*) pursuant to 10-15-1(H.8):

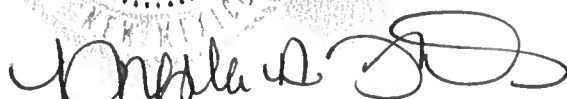
No action was taken.

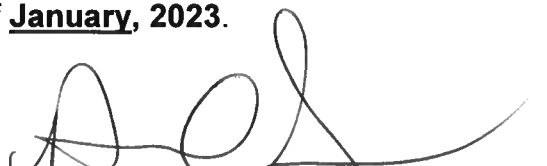
**L. ADJOURNMENT:**

Mayor Forrister adjourned the meeting at 1:37 p.m.

Passed and Approved this 11<sup>th</sup> day of January, 2023.



  
Angela A. Torres, CMC, City Clerk

  
Amanda Forrister, Mayor