

CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
CITY COMMISSION CHAMBERS, 405 W. 3RD St.
WEDNESDAY, FEBRUARY 23, 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 via teleconference

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 Forrister called for fifteen seconds of silent meditation.

3. PLEDGE OF ALLEGIANCE:

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

4. APPROVAL OF AGENDA:

Mayor Forrister asked that item H3 be removed from the agenda, and tabled until another time.

Commissioner Hechler moved to approve the agenda with the exception as noted. Commissioner Mitchell 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 and Sanitation Director Andy Alvarez presented an Employee Service Anniversary Award to Carmen Howell for 4 years of service with the City of Truth or Consequences.

City Manager Swingle and Chief of Police Victor Rodriguez presented an Employee Service Anniversary Award to Maribel Martinez for 7 years of service with the City of Truth or Consequences.

2. Recognition of those who donated to the Toyz for Kidz Event:

Denise Addie gave a certificate of appreciation to each Commissioner, City Manager, and Chief of Police Victor Rodriguez.

D. PUBLIC COMMENT (3 Minute Rule Applies)

Carol Borsello addressed the Commission with comments related to:

- (1) She commented on how frightening it is to take a walk in the community with animals running at large. She appreciates the new ordinance that was passed because maybe that will help address the problem.

E. REPORTS:

City Manager Swingle reported the following:

- We still have vacancies on various city boards. We have two vacancies for the Airport Advisory Board. We have five vacancies on the Golf Course Advisory Board. We have two vacancies on the Lodgers Tax Advisory Board. We have two vacancies on the Impact Fee Advisory Board, and we have two vacancies on the Planning & Zoning Commission. We are also seeking a city representative for the Sierra Vista Hospital Governing Board. Those vacancies are being advertised, and posted on the city website.
- Jamie Sweeney has been doing a fantastic job in Code Enforcement. We are actively working to address properties and blight in this community that are really substandard, and are either a public safety issue, blight for the neighbors in the community, or harming property values. Thus far Jamie has taken action on 105 properties. Out of the 105 properties, 56 are still in the voluntary letter/notification process. 22 have become compliant, and 27 have resulted in court violations, which no action has been taken on any of the 27 court cases. He received the same frustration from the prior Code Enforcement Officer, which overtime led to the condition of the community. We do not have an army of Code Enforcement

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Officers. We have one who has additional responsibilities on top of Code Enforcement.

- The Department of Homeland Security held a mobile COVID Vaccination Clinic across from City Hall yesterday, and it will continue until today. The vaccinations are the Pfizer vaccinations, and you can get your 1st, 2nd, or 3rd vaccination. They will be in Arrey on the 25th, in Winston on the 26th, and in Elephant Butte on the 27th.
- The city gave out 1,942 COVID rapid test kits. We still have plenty available, and they are free of charge.
- We completed the City Commission department tour on Friday. It went very well.
- He received feedback from the Commissioners on the retreat. We are now ready to start coordinating a date, and moving forward.
- He received some complaints about the Senior Joint Office on Aging (SJOA) not being fully open. They are not open due to the fact that they have to comply with the Governor mandates for Adult Care Facilities. They still however offer the grab and go meals Monday through Friday, from 10:30 a.m. to 1:00 p.m. Their home delivery meals are operational, and have been throughout the entire pandemic. The transportation department is operating Monday through Friday, 8:00 a.m. to 3:00 p.m. Their homemaking services are still operating, and they are also still running their senior transports to Las Cruces. However, you do have to have your vaccination for that service.
- Capital Outlay is a mixed outcome. We received \$213,000 for the next phase of Ralph Edwards Park. We requested \$300,000 for the gazebo. However, the bathrooms are of main importance. The SJOA received \$100,000 to pave the parking lot in the back of this building, as well as some funding for vehicles, and Sierra County received quite a bit of money to remodel the Fair Barn.

Commissioner Mitchell asked why the Code Enforcement process is taking so long through the Municipal Court.

City Manager Swingle explained that we have cases that are submitted to the courts, and Jamie is being asked to go back and check the properties in 30 days to see if there is any improvement, instead of it going through the court process. He feels that we need to give individuals a reasonable amount of time to do their cleanup, but once we get to that point, we really expect action from the courts to expedite that. If we have no teeth in our ordinances, nothing is going to get complied.

City Attorney Rubin reported the following:

- A couple of months ago he gave an update regarding Rotary Park. He is pleased to announce that the case has now been successfully completed. We now have title to the property, and he worked with the Bureau of Reclamation on this to protect their interest.

City Commission Reports:

Commissioner Fahl reported the following:

- She really appreciated the tour. The staff was wonderful, and she learned a lot.

Mayor Pro-Tem Hechler reported the following:

- He thanked City Manager Swingle and Assistant City Manager Alvarez for taking time out of their busy schedules to take the Commissioners on a citywide tour. He learned a lot, and we have a very professional and dedicated staff. Some people don't understand what it means to be an employee for a governmental agency, or entity. He knows that we have a lot of vacancies, and people look at the salaries, but he wants people to remember that there is also retirement and benefits associated with it. He wouldn't have the lifestyle he has today if it weren't for him being able to work for a governmental agency. He wishes that people would take a harder look at everything combined in a job when you work for someone like the city. One thing that became evident about touring the city is that everything is so spread out, and somewhere down the road whether it is this Commission or another, we need to figure out a way to consolidate our buildings, structures, and employees. We need to have a central location to work from. Maybe that can be one of the topics that are discussed during our planning retreat.
- The victims with these code violations are not the people who are cited. The victims are the neighbors, and the city for having to pay the money out of the tax payer's dollars to clean up the properties. We need to understand that we need to have some more decisive action, and the actions need to be quicker. Also, if there is any way we can put pressure on our courts, we need to do that.

City Manager Swingle thanked Mayor Pro-Tem Hechler for recognizing the staff. They get a lot of heat in the community for the services they offer, or lack of services, which may be due to the condition of some of the equipment or facilities. The staff are really good at what they do. They do the best with what they have, and they don't have a lot as you saw. They don't have enough funding, and they don't have the facilities or equipment to do that top notch job that we all expect, but they absolutely do the best with what they have.

City Manager Swingle also touched on the consolidation of facilities, stating that he agrees that we need to look at consolidation sometime in the future.

Commissioner Mitchell reported the following:

- She has received concerns regarding the animal issues in the community. She suggested that we do something to get the new animal ordinance out to the public so that the public is aware of the new changes, and they know that we are moving forward in a progressive way on the issues.
- Fiesta is coming along very well. They have a lot of volunteers, and great ideas. They came up with the preliminary budget, and they have their treasurer. They are also accepting donations to T or C Fiesta 2022 at the Bank of the Southwest.

They also have donation forms that are going out by the end of this week for business sponsorships, and personal sponsorships. There is a lot of energy and work going into this by the community, the Commission, and the city employees.

- She thought that the Commissioner tour was fantastic. She worked for the city for 20 years, and she had never been to the Airport until Friday. It was very interesting, and impressive to see inside all of the different departments, and to get to see the staff at work.

Commissioner Harrelson reported the following:

- She has not heard anything back from the Administration at the Municipal School Districts for the Community Schools Program. She briefly spoke to Superintendent Segura about the direction they are looking at, but she has not had a chance to meet with them because their monthly meeting was changed to next week.

Mayor Forrister congratulated her on her new grandbaby.

Mayor Forrister reported the following:

- She thanked Bruce, Traci, and Tammy for setting up the City Commission department tour, because she feels like that is very important for any new Commissioner who is coming in. She was only able to attend half of the tour, but she looks forward to touring the remaining departments with Commissioner Harrelson. It is amazing just how well the departments operate while running on empty. She was very impressed. As a Commission, they are the ones who make the decisions for the budgets, so getting to visit the departments to see what the needs are was very helpful. The departments do a lot with what they have. Staff is incredible here at the city. They work tirelessly to get the job done.
- We have tons of vacancies that we need filled, and people really need to look at more than just the salaries which will be supposed to be updated here in the near future.
- She feels like Facebook is a great way to get things out there including new ordinances.
- She attended the Farm Bureau meeting. They are going to hold Ag Day this year, and it will be the kickoff to Fiesta. It will be that Friday of Fiesta weekend. They are changing it up, which she really likes to see. The first half will be how it normally is with the 3rd 4th and 5th grade students attending here at the Fairgrounds. The second half of it will be open to the public and the community.
- She is also in favor of a one stop shop facility for the city, because a lot of their time was wasted on the tour having to commute from place to place.

F. CONSENT CALENDAR:

1. **City Commission Regular Minutes, February 9, 2022**
2. **Acknowledge Regular Planning & Zoning Commission Minutes, January 6, 2022**
3. **Take-home vehicle forms for the Police Department and Parks Department.**

Mayor Forrister explained that the take-home vehicle forms will now be added to the consent calendar, and it can be moved off of the calendar if we need to discuss it for any reason.

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

G. ORDINANCES/RESOLUTIONS/ZONING:

1. Discussion/Action: Resolution No. 48 21/22 Budget Adjustment Resolution:

Assistant City Manager Alvarez reviewed the Budget Adjustments provided in the packet.

Commissioner Mitchell moved to approve Resolution No. 48 21/22 Budget Adjustment Resolution. Mayor Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

2. Discussion/Action: Publication of Ordinance No. 728 authorizing the sale of Real Property (Section 33, Township 13 South, Range 4 West) Pursuant to Section 3-54-1 NMSA 1978; Sale of Real Property:

Assistant City Manager Alvarez explained that the city received an offer to purchase real property owned by the city. The proposed purchase price is \$64,600.00, which is equal to the appraised value. Pursuant to Section 3-54-1, the proposed agreement must be approved by ordinance. The property was advertised, and we received the full price of \$64,600.00 for the property.

Mayor Pro-Tem Hechler moved to approve Publication of Ordinance No. 728 authorizing the sale of Real Property (Section 33, Township 13 South, Range 4 West) Pursuant to Section 3-54-1 NMSA 1978; Sale of Real Property. Commissioner Fahl seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

3. Discussion/Action: Publication of Ordinance No. 729 authorizing the sale of Real Property (Section 35, Township 13 South, Range 4 West) Pursuant to Section 3-54-1 NMSA 1978; Sale of Real Property:

Assistant City Manager Alvarez explained that the property was advertised, and we only received one offer. The proposed purchase price is \$94,501.00, which is above appraised value of \$94,500.00. Pursuant to Section 3-54-1, the proposed agreement must be approved by ordinance. The property was donated to the city in 2016 by Cathie

and Marcia Burford, with the condition that in the event the property is sold, the city will memorialize the donation by using funds to purchase 3 benches to be installed at a city park bearing the names of Scott Burford, Michael Burford and Morry Burford.

Mayor Pro-Tem Hechler moved to approve Publication of Ordinance No. 729 authorizing the sale of Real Property (Section 35, Township 13 South, Range 4 West) Pursuant to Section 3-54-1 NMSA 1978; Sale of Real Property. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

H. NEW BUSINESS:

- 1. Discussion/Action: Approval of Task Order No. 111721 with Wilson and Company for Roadway & Drainage Improvements for Main Street District (MSD) Waterline Project 5192 CIF (Colonias Infrastructure Fund):**

Assistant City Manager Alvarez explained the city received funding for the Colonias Infrastructure Fund No. 5192-CIF for Flood Road & Drainage Improvements for MSD waterlines. This is for approval of the Task Order. We would like to procure Wilson & Company for this project. Once task order is approved, it will be added to the State Agreement, and then it will require approval from New Mexico Environment Department Construction Programs Bureau.

Commissioner Mitchell moved to approve the Task Order No. 111721 with Wilson and Company for Roadway & Drainage Improvements for Main Street District (MSD) Waterline Project 5192 CIF (Colonias Infrastructure Fund). Commissioner Fahl and Mayor Pro-Tem Hechler seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

- 2. Discussion/Action: Approval of Engineering Services Agreement with Wilson and Company for the Cantrell Dam Project WPF 5442 (Water Project Fund):**

Assistant City Manager Alvarez explained that the city has received an award letter for the Water Trust Board Project No. 5442, Cantrell Dam Flood Prevention Project and Design/Rehabilitation. This is to approve the contract with Wilson & Company for Engineering Services so we can get started on that.

Commissioner Fahl moved to approve the Engineering Services Agreement with Wilson and Company for the Cantrell Dam Project WPF 5442 (Water Project Fund). Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

3. Discussion/Action: Presentation and consideration of the MainStreet Truth or Consequences Branding Logo:

Item was tabled.

4. Discussion/Action: Accept recommendation from the Planning & Zoning Board to approve the Summary Plat Amendment at 1616 N. Riverside:

Assistant City Manager Alvarez explained that the application was submitted to the Planning & Zoning Board on February 17, 2022. The Planning & Zoning Board recommended approval of the Summary Plat Amendment. The applicant is wanting to combine his two parcels into one parcel for his development. He has a development agreement in place, and plans are being reviewed for a site-built home. There was one opponent, and one proponent who attended the meeting. The opponent was concerned about the fact that they were in an RV Dwelling right now, but that was approved, and they are allowed to be in the RV while they are developing the property.

Commissioner Mitchell moved to approve the recommendation from the Planning & Zoning Board to approve the Summary Plat Amendment at 1616 N. Riverside. Commissioner Fahl seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

5. Discussion/Action: Accept recommendation from the Planning & Zoning Board to approve the Summary Plat Amendment and Variance at 101 Austin:

Assistant City Manager Alvarez explained that the application was also submitted to the Planning & Zoning Commission on February 17, 2022. The Board recommended approval of the Summary Plat Amendment. There were no proponents, and only one opponent, but the opponent rescinded her disapproval once she realized she had the wrong property.

Commissioner Mitchell moved to approve the recommendation from the Planning & Zoning Board to approve the Summary Plat Amendment and Variance at 101 Austin. Mayor Pro-Tem Hechler seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

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

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

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

7. Discussion/Action: Review and approval of a new Promotions and Specialty Positions Policy for the Police Department:

Chief of Police Rodriguez explained that this policy is an update to the existing policy. The new policy eliminates a lot of the requirements that the old policy had, and it leaves it up to the Chief of Police to set their requirements based on what is occurring at the department at the time for each specific position that may lead to a promotion.

Commissioner Mitchell moved to approve the new Promotions and Specialty Positions Policy for the Police Department. Commissioner Fahl seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

8. Discussion/Action: Consideration of the appointment of a Governing Body Board Member to serve as a representative on the Jornada Resource Conservation & Development Council:

City Manager Swingle explained that we had a request to have a board member serve on the Jornada Resource Conservation & Development Council. Therefore, the Commissioners need to make a determination on whether or not they want to appoint a member, and if so, who they want to appoint.

Discussion ensued regarding who would like to serve on the board.

Mayor Forrister made a motion to appoint Commissioner Mitchell to serve as a member on the Jornada Resource Conservation & Development Council. Commissioner Hechler seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

I. EXECUTIVE SESSION:

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

Mayor Pro-Tem Hechler made a motion to go into executive session at 10:25 a.m. to discuss Purchase, Acquisition, or Disposal of Real Property (various properties) pursuant to 10-15-1(H.8). 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 11:03 a.m.

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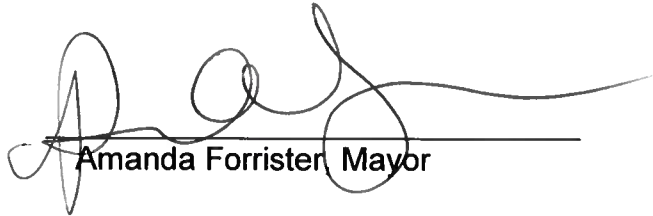
Mayor Pro-Tem Hechler certified that only matters pertaining to Purchase, Acquisition, or Disposal of Real Property (various properties) pursuant to 10-15-1(H.8) was discussed in Executive Session.

Mayor Pro-Tem Hechler made a motion to not accept the offer at 612 E. 2nd Street, and to accept the offer at 1308 Tin Street which is at the appraised value. The property at 612 E. 2nd will go back out for publication. Commissioner Mitchell seconded the motion. Motion carried unanimously.

J. ADJOURNMENT:

Commissioner Fahl moved to adjourn at 11:10 a.m. Commissioner Harrelson seconded the motion. Motion carried unanimously.

Passed and Approved this 9th day of March, 2022.



Amanda Forrister, Mayor



Angela A. Torres, CMC, City Clerk