

**CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
CITY COMMISSION CHAMBERS, 405 W. 3RD St.
WEDNESDAY, JUNE 22, 2022**

A. CALL TO ORDER:

The meeting was called to order by Mayor Amanda Forrister at 10:04 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. Merry Jo Fahl, Commissioner
Hon. Shelly Harrelson, Commissioner
Hon. Destiny Mitchell, Commissioner via telephone

Also Present: Bruce Swingle, City Manager
Angela A. Torres, City Clerk-Treasurer
Traci Alvarez, Assistant City Manager
Jay Rubin, City Attorney
Victor Rodriguez, Chief of Police
Carol Kirkpatrick, Finance Director
OJ Hechler, Community Services Director

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 Harrelson to lead the Pledge of Allegiance.

4. APPROVAL OF AGENDA:

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

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C. PRESENTATIONS:

1. Presentation of possible advertising and marketing projects for the city:

Joanie Griffin, Sunny 505 reviewed the New Mexico True Cooperative Advertising package with the Commission. (Complete copy attached hereto and made a part hereof).

2. Concerns related to the Municipal Court:

Judge Beatrice Sanders presented her concerns regarding matters of the Municipal Court.

D. PUBLIC COMMENT (3 Minute Rule Applies):

Claudia Jeffery addressed the Commission with comments related to:

- (1) She is with the Farmers Market, and she asked questions about the proposed park fees, mainly about the Business License and State CRS number that will now be required.

Rick Dumiak addressed the Commission with comments related to the Rotary Park debris box. (Complete copy attached hereto and made a part hereof).

Diane Gunning addressed the Commission with various comments. (Complete copy attached hereto and made a part hereof).

E. REPORTS:

City Manager Swingle reported the following:

- The mobile library museum was at our Library last week. They had a special exhibit on music in New Mexico. We had 135 visitors who visited the mobile museum. This is something that hadn't occurred in the past few years due to COVID.
- We submitted an application for \$54 million dollars in congressional direct spending, and we recently received word from Senator Heinrich's Office regarding that. He is sponsoring a minimum of two of our projects. One of them is \$2.6 million dollars for Electric Department Improvements which will most likely be for the southern transformer, and the underground feeder lines that Electric Department Director Easley has been concerned about for some time now. The other one is for \$1.6 million dollars for the replacement of waterlines, and improvements to the water system. There is one category that we could not access on the Federal site which was for the water resources. We did put in for some of our funding from that block, and until we have access to it, we won't know if we got it. A minimum of two will be going to the Senate Appropriations Committee for consideration.

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COMMENTS for the 22 June 2022 Truth or Consequences City Commission Meeting

REGARDING: 1) Municipal Court Clerk position cut FY 2023

2) Bias against Rick Dumiak serving on Planning and Zoning Commission

By Diane Gunning, 709 Wyona Street, Truth or Consequences, NM 87901

Good Morning Madam Mayor and Distinguished City Representatives,

At a recent Commission Meeting the City Lawyer made the valid point that Public Perception is a very important matter. It was also noted that misunderstandings and lack of information frequently fuel public perceptions.

So forgive me if I lack an understanding of all the behind the scene issues that have led to the loss of a Municipal Court Clerk for the Fiscal Year 2023. *- my only contact w/ Municipal Court is my husband & I were married there*

Judge Sanders gave a very convincing plea before the Commission recently for retaining her clerk at the court. *Since* The City plans to turn over the function of the Municipal Court to the County Magistrate Court anyway, and this *must* will be done at the end of Judge Sander's current term which I believe from what has been said will be in about a year and a half.

Why would it present the City any problem to continue the clerk position until the end of Judge Sander's term? It seems little to ask. The judge has served the city for 31 years. She deserves some respect.

I have listened over the last few Commission meetings about how strapped for funds the City is. We were treated to a twenty minute debate on whether to allow the high school swim team free use of the Public Pool, since we are so low on funds. So it would seem logical that the City would try to cut expenses wherever they can.

Yet later this morning you will hear how the City plans to increase the salaries of over 80% of the City employees for Fiscal Year 2023. This will cost the City over a half a million dollars!

1.)

In this room alone, right now, for just the employees that are named on the Addendum for Resulting Salary Range per Position, the salary increases will amount to \$44,917. The midpoint range of pay for a Court Clerk is \$35,961. The remaining Court Clerk, if I am reading the Addendum correctly, is taking a pay cut of \$2,061. The Judge is getting no salary increase and makes far less than I would have ever thought a judge makes as it is.

What kind of **Public Perception** does this give? What appreciation is shown for someone who has given their life's work to this City? Money is coming from someone's pocket and is going into the pocket of others.

The issue that was being discussed at the previous Commission meeting when the City Lawyer brought up Public Perception had to do with the suitability of Rick Dumiak to serve on the Planning and Zoning Commission. The reason given for this was that Rick had signed a survey that I had written and given to George Henson in order for George to get signatures of neighbors saying that they are not opposed to his found object art structures on his private property. George mistakenly turned this survey in as an attachment to an injunction he filed against the City when it had given him just a few days to clear items off the City owned dirt berm at the end of our dead end street.

The City Lawyer used the fact that Rick signed this survey to indicate that Rick would be against the City in this litigation. In reality, this is a pretense, and nothing is further from the truth.

Rick is 100% for the City and it is really the fact that he stood up at a Planning and Zoning meeting and pointed out that a request by a developer for a Summary Plat Amendment was against the City Ordinance Code. The Planning and Zoning Commission at this point had to postpone its decision while the developer moved to request a variance to the code at a later date.

There are four out of five open positions on the Planning and Zoning Commission at this time, yet the City is suggesting that of the five applicants only three should be selected at this time.

No offence to the other four applicants, but ^{Judges FROM their application forms} none of them can compare in qualifications to Rick. We have an art gallery owner, someone who is a good

listener, someone who is a property owner and lifelong Sierra County resident, someone who has remodeled their home. Rick is thoroughly familiar with the City Ordinance Codes and is dedicated to upholding them.

You can assume that if you are picked for Planning and Zoning and Rick is not, it is because **you are not familiar** with the codes. You stand to be easily swayed to the will of others. Since this is the likely outcome of today's proceedings, I adjure all of you selected to serve on the Commission to go online and read the City Ordinance Codes relating to Planning and Zoning and become an expert in them. Do your part to make sure the City stays on course.

Thank you,

A handwritten signature in blue ink, appearing to read "Diane Gunning".

Diane Gunning

Salary increases FY 2023 of those City employees at City Commission Meeting 22 June 2022 who are named on: Addendum – Resulting Salary Range per Position (City Manager salary not mentioned)

\$27,892

\$ 5,583

\$ 6,852

\$ 4,590

TOTAL: \$44,917

Court clerk position cut midpoint pay= \$35,961

Pay cut for Court Administration Aide= \$2,061

Judge pay salary increase: \$0.00 , is paid \$41,995 after 31 years on the job

TOTAL: \$38,022 savings to City

The salary increases in this room alone would more than pay for the clerk who is losing her job due to no funding for the coming Fiscal Year, and to prevent the remaining clerk from taking a pay cut.

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- We are still trying to solicit board members for our Airport Advisory Board, Golf Course Advisory Board, Lodgers Tax Advisory Board, Impact Fee Advisory Board, and we are working on appointments for the Planning & Zoning Board.

City Attorney Rubin had no reports.

City Commission Reports:

Commissioner Fahl reported the following:

- She gave kudos to City Manager Swingle and his staff for their efforts regarding the congressional direct spending. That's great news.
- She is excited that we are bringing a bond issue forward. That is going to be good for us to do things to support our infrastructure.
- She thanked the Subrecipients for getting all of their stuff turned in, and for all of their good work.
- She was impressed by the fuel sales we made out at the Airport.
- She asked City Manager Swingle to explain how the Solar Farm works, and what the benefit is.

City Manager Swingle explained that we purchase Solar Electricity from them. We can set up a presentation in the future to discuss that.

Commissioner Harrelson had no reports.

Mayor Pro-Tem Hechler reported the following:

- He has an open invitation from Spaceport America for the Mayor and Commissioners to attend the Spaceport America Cup today or tomorrow. It's a pretty exciting event.

Commissioner Mitchell had no reports.

Mayor Forrister had no reports.

F. CONSENT CALENDAR:

1. City Commission Regular Minutes, June 8, 2022
2. Subrecipient FY 21/22 4th Quarter Reports

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

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G. PUBLIC HEARINGS:

- 1. Public Hearing/Discussion/Action: Final Adoption of Ordinance No. 733 amending the code of ordinances of the City of Truth or Consequences by amending Sections 7-136 calling for an increase in the Municipal Gross Receipts Tax of one-eighth of one percent (0.125%):**

City Manager Swingle explained that we talked about the city growing revenues during the Commission Retreat. We haven't increased taxes or grown revenues in a very long time. The City's current tax rate is 1.6875% overall, and it is 8.5% including the State, and County's tax rate. The State is decreasing the tax rate by 0.125%, or one-eighth, effective July 1, 2022. The Commission has the authority to impose up to 2.05%. We need the revenue, so if the State is decreasing theirs by 0.125% then we need to increase our tax rate by 0.125% that way our taxes will remain flat. The caveat to that is the State's decrease takes effect on July 1, 2022, and that tax rate is going to go to 8.375%. If approved, our tax increase would not take effect until January 1, 2023. Taxation and Revenue and the Department of Finance have time requirements as far as when something can be imposed. We consider ourselves to be a tourism community, yet our tax rate is fairly low compared to most tourism communities. We are at 1.6875% right now, and Ruidoso is at 2.9375%, Cimarron is at 2.0675%, Taos Ski Valley is at 1.9% and some change, Red River is 1.9% and some change, Eagle Nest, Silver City and Los Lunas are all 1.8%. This increase would move us up to 1.8125% with a quarter percent increase. We need another number of mechanisms in place to grow more revenue. We are millions of dollars behind the curve as far as our infrastructure. The study was performed on our Water System, and at the time of the study it was approximately \$102 million we needed in improvements to that system. It is probably looking more like \$150 million with today's dollars. We are also trying to get the study coordinated for Wastewater. We need millions of dollars to address infrastructure needs overall. The bottom line is that we have not invested for many decades. Our General Fund revenue is about \$4.2 million dollars which is a very slim. A flat budget is typically \$6.2 million dollars which is not fluff, increased services, or being used for improvements to roads. That is literally maintenance on all of our properties, and our assets. We can't maintain it. We have to improve it and replace infrastructure, and we can't do that without building our revenue. This is a nice trade off that we are able to increase when the state is reducing their rate.

Commissioner Fahl stated that she thinks this is a good move for us to do. We are going to have to be very creative in finding revenues, and this is an easy step.

Mayor Forrister agreed.

City Attorney Rubin stated that we are still going to be below the statutory threshold with this proposed increase.

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Mayor Forrister opened the public hearing.

Proponents:

Rick Dumiak: He is definitely not in favor of a tax increase, but this is a no brainer, and we've got to do it. It is a wash, and it isn't really going to impact anyone. We are a tourist destination, and he would like to see the tourist part of that go off of our taxes with heads in beds. He lived in Florida Keys for years, and he was on the Tourist Development Council down there. That is where all of their money came from so he thinks this is a great idea.

Opponents:

Ariel Dougherty submitted comments of her opposition of Ordinance No. 733 to the Commission. (Complete copy attached hereto and made a part hereof).

Mayor Forrister closed the public hearing.

Commissioner Fahl made a motion to approve adoption of Ordinance No. 733 amending the code of ordinances of the City of Truth or Consequences by amending Sections 7-136 calling for an increase in the Municipal Gross Receipts Tax of one-eighth of one percent (0.125%). Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

2. Public Hearing/Public Input: Public input for the City of Truth or Consequences and Senior Center Infrastructure Capital Improvement Plan (ICIP):

Assistant City Manager Alvarez explained that the purpose of the public hearing is to receive suggestions from the public and the Commission on projects you would like to see listed on the City's and the SJOA's ICIP. Included in your packet you have last year's ICIP list that was submitted, and this is considered a draft for this year because they are not in any particular order for this year. She crossed out the ones that have either been funded in house, or the ones we received funding for on the city's list. SJOA also received funding for a couple of their projects, and SJOA Executive Director Crystal Walton made note of that on the bottom of her list. Also included in the packet is a list from each department of their priority projects, and what they would like to have on the ICIP. The red color coding is for items that either need to be combined with another departments because they both address the same thing, or ones that are already listed on the ICIP from last year. Once all of the suggestions are received from both the public and the Commission, she will make a list of the suggestions and take it to City Manager Swingle to determine which ones actually qualify as a potential ICIP projects, and which ones maybe need to be broken up into planning only, or planned design construct because we are looking for shovel ready type projects for our ICIP list. Once that is

G1: Opponent - Ariel Dougherty

Public Hearing on Final Adoption of Ordinance No 733
at Truth or Consequences City Commission Meeting June 22, 2022
from Ariel Dougherty, Caballo Road, T/C, NM

In OPPOSITION to passage of Ordinance No 773.

Greetings, Mayor and Commissioners I thank you for this opportunity to provide you written comments for this hearing.

As Commissioners you and those you have replaced over the past decade have balloned the city's annual budget from \$15 million to \$45 million dollars. This constantly escalating budget is your central problem.

For the following reasons I object to placing additional municipal gross receipt taxes on Truth or Consequences residents and, in particular, me. I oppose ordinance No 733 and urge you to reject it.

Foremost, this Commission and prior Commissions have entirely failed to take their fiscal responsibilities seriously and keep proper tabs on your budgets and allocations. Never once have I seen anyone of you question any of the above \$20,000 purchases. On today's agenda, Item I 3. you are blanketly asked to approve \$7,500,000 in contracts and estimated other annual expenses. If you were actually familiar with these items, I daresay you could easily trim \$180,000 out of this total.

What your unquestioning approvals of such requests above \$20,000 says to me that you have no regard for us in the public who you now turn to to pay for your excesses and inability to be fiscally responsible.

Two, your hired adviser on this matter compared our City to the tourist communities of Taos and Ruidoso that have higher municipal gross receipts tax rates above ours. The implication therefore was that TorC can "afford" to raise its rate. I say no. The median household income in Ruidoso is over twice that of residents of Truth or Consequences. In Taos the median income is almost one-third higher than TorC. So really what you want is your City residents to pay 1/3 more to twice as much of their modest incomes into the City for services. As Commissioners any tax rate hike shows your insensitivity of the hardship on the pocketbooks of your constituency.

Such hires, as this advisor, did they offer you other options? No, they were set on justifying the very outcome that you now propose by this Ordinance. How self-serving. You used tax-payer funds to get advice in one direction, with one objective. The advice was neither comprehensive nor wholistic. And surely obfiscates the public welfare.

As such, I contend you overstepped your oaths of office. In case you are not familiar with it I suggest you read the preamble to the Constitution. Right there it states, "promote the general Welfare". "Welfare" is actually capitalized. It is important, the central objective in your service.

I suggest you pay attention to citizen's welfare. I urge you vote no on this Ordinance.

Thank you.

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done we will put them in a draft order and bring those back to the Commission at the next meeting to review the order, rank the top 5, and ultimately approve them.

Crystal Walton, SJOA Executive Director explained that the number one item on the list is the replacement of the Senior Center front entrance. The secondary item is the remodeling of the Senior Center Restroom, and both of those may already potentially be funded because in the last Capital they were allotted a renovation amount. She is working with Traci right now to see what all of the expenses are going to cost for those items. They are working in priority by safety items, and then moving forward to the lesser of the ones. They are really focusing on getting the safety issues addressed with the renovation funding that they have coming up. The senior vans, and most of the vehicles they have are quite old, and they have had quite a few that have had breakdown after breakdown. Those vehicles are on the list to be replaced for the ones they currently have. The resurfacing of the parking lot is going to be something that they are definitely going to keep on the list. They have been trying to work on that for quite some time. They are still trying to get information on who actually owns the property so they can get permission to do so. The parking lot that is currently listed is owned by the city. It would not only benefit the SJOA, but also the Commission Chambers, Library, and Civic Center. They are currently working on getting that project funded. They have a wheelchair accessible vehicle listed because the ones they have right now are failing. They are working on getting funding for those as well. They have quotes for new windows, and she is hoping they will be able to get those with some of the renovation funds they currently have, but if not they will still have it on the list. Some of things they recently ran into is that we are looking at 3 years out on these projects before receiving the funds. The issue they ran into on the last billing cycle is that the quotes they had for the vehicles and some of the other items were underfunded. With the cost of vehicles right now, she's sure everyone could agree that there is a huge increase on vehicles alone, not including specialty vehicles that are specifically made to the standards that they need. They made end up having to place those items back in right now to ask for the additional funds to fund those projects.

Mayor Forrister opened the public hearing.

No public input was given.

Mayor Forrister closed the public hearing.

Commissioner Fahl asked that a pedestrian foot bridge over the Rio Grande be added to our ICIP list. That would be moving forward their trail development with no cost to the city.

Mayor Pro-Tem Hechler stated that the ICIP list doesn't identify any outside funding sources for the improvements listed. He feels like that would be helpful to kind of understand where we are going to try and get this money.

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City Manager Swingle stated that it is not part of the criteria when we enter projects into the ICIP. The most important thing is that it is listed in our ICIP to get funding. Even grants are looking to make sure that it is listed on our ICIP, and if it is not on the list you are likely to be rejected for not having it listed. There are endless funding sources for the items on this list.

Assistant City Manager Alvarez explained when she goes in to do the entry, each project that you see on here is probably a 3-5 page summary that she can actually print out. One of things they have to do for the entries is identify who the owner is, who is going to maintain the project, and who is overseeing the procurement. They also have to list what has been funded, who has funded it, and how much has been funded. They then break down potential funding sources. An example would be, for one project that is potentially \$1 million dollars, she can enter \$1 million for NMDOT, and \$1 million dollars through CDBG. That helps send it out to the different areas and the different funding sources.

No action was taken.

City Attorney Rubin suggested that item H4 and item I1 be presented next because he has to leave soon.

Mayor Pro-Tem Hechler made a motion to immediately hear items H4 and I1 as the City Attorney has other commitments. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

ORDINANCES/RESOLUTIONS/ZONING:

H4. Discussion/Action: Resolution No. 69 21/22 Expressing the Commission's intent to designate the Sierra County Magistrate Court to have jurisdiction over the City's Code of Ordinances:

City Manager Swingle stated that this item is on the agenda because they have had discussions about designating the Sierra County Magistrate Court to have jurisdiction over the City's Code of Ordinances. There have been a number of issues with our Municipal Court that is a concern. There is a process in place that is established with the state statute 35-14-1. The process is to basically abolish a court, move your cases, and have the court of record be the Magistrate Court. The first step of the process is this resolution specifying that we are going to do that, and then following the statute of setting the committee. There were some comments from the Judge about us doing this awfully early, but we don't know what the timeline of this is going to be. This may be a 6 month project, or a 12 month project. A lot of it is going to depend on the Supreme Court. This is the first step in moving toward designating the Sierra County Magistrate Court to have jurisdiction over the Code of Ordinances for the City of Truth or Consequences. The Police Department is already moving their cases to the Magistrate Court. Everything but Animal Control and Code Enforcement have moved at this time.

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Mayor Pro-Tem Hechler moved to approve Resolution No. 69 21/22 Expressing the Commission's intent to designate the Sierra County Magistrate Court to have jurisdiction over the City's Code of Ordinances with the effective date of July 1, 2022. Commissioner Fahl seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

New Business:

I1: Discussion/Action: Interview and Selection of board members to fill the 4 vacancies on the Planning & Zoning Commission.

The City Commission interviewed Rick Dumiak for the position of an appointed board member to serve on the Planning & Zoning Commission.

The City Commission interviewed Eduardo Alicea for the position of an appointed board member to serve on the Planning & Zoning Commission.

The City Commission interviewed Susan Buhler for the position of an appointed board member to serve on the Planning & Zoning Commission.

Applicants Esther Luchini and Robert Carey were not able to attend the meeting.

Mayor Pro-Tem Hechler made a motion to wait on making a decision on the Planning & Zoning Board until they interview Esther Luchini and Robert Carey. 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. 61 21/22 to submit a bond and question for Street, Water, and Wastewater Infrastructure:

City Manager Swingle explained that the resolution was reviewed at the last meeting. We inserted the dollar values that we will be requesting in a referendum. It would be \$1 million for the Street Department, and \$2 million for Water and Wastewater. You have the capacity to go up to \$4.2 million. This is a \$3 million dollar request. He thinks it's important for us not to go for the \$4.2 million at this time. \$3 million is important for the Street Department as well as Water and Wastewater to take care of some of their infrastructure issues. For example, the impact this will have on residents for a \$100,000 home we would be a \$100 a year increase in property taxes, and a \$150,000 home will have a \$150 increase in property taxes. We've got to start putting some real money into the infrastructure. We will continue to go out for grants, but our debt capacity for water and waste water is zero. In time with increases in our rates we can look at it again, but at least for the next year it is just not possible, so hopefully the property tax referendum and grants will be successful with our congressional direct spending. It is a combination

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of all mechanisms that are available to us that we need to a ploy, and this is one of them. Should this be approved today by the Commission, it will go to referendum to the public in November.

Mayor Forrister stated that she hopes that the public will understand what that money is going to, and understand the need for it.

Commissioner Fahl moved to approve Resolution No. 61 21/22 to submit a bond and question for Street, Water, and Wastewater Infrastructure. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

2. Discussion/Action: Resolution No. 67 21/22 Budget Adjustment Resolution:

Carol Kirkpatrick, Finance Director reviewed the Budget Adjustments provided in the packet.

Mayor Pro-Tem Hechler moved to approve Resolution No. 67 21/22 Budget Adjustment Resolution. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

3. Discussion/Action: Resolution No. 68 21/22 Approval of City Park Rental Fees:

OJ Hechler, Community Services Director thanked City Clerk Torres for her assistance with this resolution. She got us started with this, and then we fine-tuned it together. We put a lot of thought into this, and we did some research of what other Municipalities in New Mexico are charging. Our old rental agreement is so vague that it is open to interpretation. We've had turnover with the Park's Department, as well as in the Clerk's Office, and Lisa is doing a great job, but there is always questions on what we should be charging, so we tried to get it as specific as possible. He clarified if someone wants to go and use the park they do not have to pay any fees. This is for the purpose of reserving a shelter, certain uses of the parks, or the use electricity. He then reviewed the new changes to the park fee resolution. (*Resolution with said fees attached hereto and made a part hereof*). He further explained that we added additional items that people can rent such as bleachers, tables, and folding chairs. Commercial Event applications are for events that are going to create a lot of people and who will have vendors and things of that nature. For those types of events, the City Manager needs to be aware of when we are going to have a big commercial event so those applications will ultimately go through the Park's Director, and eventually go to the City Manager for approval.

RESOLUTION NO. 68 21/22

A RESOLUTION OF THE CITY OF TRUTH OR CONSEQUENCES CITY COMMISSION ADOPTING A RESOLUTION FOR FEES, DEPOSITS AND REGULATIONS FOR USE OF THE CITY PARKS.

WHEREAS, the City of Truth or Consequences operates and maintains various City Parks, Rodeo Arena, Sports Complex, Tennis Courts, etc., and;

WHEREAS, the City of Truth or Consequences operates and maintains the City Parks for the enjoyment of the public, and;

WHEREAS, the City Parks are sometimes used by the public for commercial or private purposes, and;

WHEREAS, the City of Truth or Consequences finds it necessary to collect fees, and deposits in order to cover operational costs, and to provide on-going maintenance of the City Parks:

The following are the fees and deposits the City will charge for use of the City Parks:

Those who wish to use a park on a first come, first serve basis are not required to pay a user fee. However, private and commercial events that are expected to bring in a large number of people will be required to pay user fees.

RALPH EDWARDS PARK:

Reserving a Park Shelter:
(Utilities Not Included)

Small Shelter - up to 2 hours: \$20.00
2 hours to 4 hours: \$30.00
4 hours to all day \$40.00
(Refundable Deposit) per rental: \$25.00

Large Shelter: up to 2 hours: \$25.00
2 hours to 4 hours: \$35.00
4 hours to all day: \$45.00
(Refundable Deposit) per rental: \$25.00

Reserving Gazebo:
(Utilities not included)

Up to 4 hours: \$30.00
4 hours to 8 hours: \$50.00
(Refundable Deposit) per rental: \$25.00

Use of Utilities:

Electricity: \$7 per outlet per day
\$50 per day south pedestals
Water Fees: \$10 single hose bib per day
\$25 per event (Multiple hose bibs)

Commercial Event Application: **Event Reservation: \$50.00**
Electricity: \$50.00 per event
Water Fees: \$10.00 per hose bib per day
(Refundable Deposit) per reservation: \$100.00
Does not include group shelters or Gazebo

- Set-up and tear-down will be the responsibility of the renter.
- **JUMPING BALLOONS ARE NOT PERMITTED AT RALPH EDWARDS PARK.**

FAMILY PARK:

Reserving a Park Shelter: **Small Shelter - up to 2 hours: \$20.00**
(Utilities not included) **2 hours to 4 hours: \$30.00**
 4 hours to all day \$40.00
 (Refundable Deposit) per rental: \$25.00

Large Shelter - up to 2 hours: \$25.00
 2 hours to 4 hours: \$35.00
 4 hours to all day \$45.00
 (Refundable Deposit) per rental: \$25.00

Use of Utilities: **Electricity: \$7 per outlet per day**

Commercial Event Application: **Event Reservation: \$50.00**
 Electricity: \$35.00 per event
 (Refundable Deposit) per reservation: \$100.00
 Does not include group shelters

- Set-up and tear-down will be the responsibility of the renter.
- Jumping balloons for commercial use require a Commercial Event Application, Business License, and proof of Liability Insurance.

HEALING WATERS PLAZA:

Reserving the Pergola: **Up to 2 hours: \$25.00**
(Utilities not included) **2 hours to 4 hours: \$35.00**
 4 hours to all day: \$45.00

Use of Utilities: **Electricity: \$7 per outlet per day**

Commercial Event Application: **Event Reservation: \$50.00 (Does not include pergola)**
 Electricity: \$50.00 per event
 (Refundable Deposit) per reservation: \$100.00

- Set-up and tear-down will be the responsibility of the renter.

EVELYN RENFRO PARK:

USE OF UTILITIES: Electricity: \$7 per outlet per day
Water Fees: \$10 single hose bib per day

LOUIS ARMIJO SPORTS COMPLEX :

Use of Field Lights: \$25.00 per day

Men/Women Sports Leagues: \$150.00 per team per season (includes Field Lights)

Youth League Teams: \$100.00 per team per season (includes Field Lights)

Guest Tournaments (Men/Women): \$200.00 (Up to 3 consecutive days)

Refundable Deposit: \$50.00 per event

Use of Conference Room: \$15.00 per hour up to 3 hours
\$50.00 over 3 hours
(Refundable Deposit) per rental \$25.00

- Adult Sports Leagues must submit By-Laws with application for season use.
- A season being: spring, summer, fall, winter (3-4 Months).
- All leagues must provide a season schedule at the time event is booked.
- Set-up and tear-down will be the responsibility of the renter.

ROTARY PARK:

Reserving a Park Shelter: Small Shelter - up to 2 hours: \$20.00
2 hours to 4 hours: \$30.00
4 hours to all day \$40.00
(Refundable Deposit) per rental: \$25.00

Large Shelter - up to 2 hours: \$25.00
2 hours to 4 hours: \$35.00
4 hours to all day \$45.00
(Refundable Deposit) per rental: \$25.00

Use of Utilities: Electricity: \$7 per outlet per day

Commercial Event Application: Event Reservation: \$50.00
Electricity: \$35.00 per event
(Refundable Deposit) per reservation: \$100.00
Does not include group shelters

- Set-up and tear-down will be the responsibility of the renter.

TENNIS COURTS:

Use of tennis court lights: \$10.00 per use (no later than 11 PM)
Reserving the tennis courts: two court enclosure- \$20.00 per day
(Refundable Deposit) per rental: \$25.00

RODEO ARENA:

Use of Arena Lights: \$25.00 per day

Use of Arena: \$100 per event
\$40 Local Youth Group

Refundable Deposit \$100.00 per event

PA System: \$25.00 per day (if available)

Additional Tractor Work: \$100.00 per day

Overnight use of stalls: \$10 per stall per night + \$25 single fee deposit

RV Hookup: \$20 per RV Hookup per day (electricity and water)

Liability Insurance Certificate: Renters may be required to submit a Certificate of Liability Insurance naming the City of Truth or Consequences as additional insured for a minimum of \$1,000,000 Per Occurrence. A Hold Harmless Agreement is required to be signed by all applicants.

Additional Items:

Bleachers: \$50.00 per set (includes delivery)

Folding Chairs: \$1.00 per chair

Tables: \$5.00 per table
(Refundable Deposit) per rental \$50.00

A Commercial Event Application: is for the use of a portion of a park for events that are expected to draw a large number of people due to their nature, interest, location, promotion, or any combination of similar influences that are to be held in a City Park. This includes but not necessarily limited to vendors, festivals, solicitations, or performances. Vendors selling goods on public property must have a City business license. **All Commercial Event Applications must be approved by the City Manager.**

The cleaning/damage deposit will be deposited in a City account, and will be refunded if the facility is cleaned after the event and the facility has been returned to prior condition to the satisfaction of the City. If the amount of deposit is greater than the cost of cleaning or damage, the difference will be refunded. If the cost of cleaning or damage is greater than the amount of deposit the renter will be charged accordingly.

Note: The City Manager or his/her designee may impose other use regulations as he/she may deem necessary as long as those regulations do not subvert the intent of this policy. Any complaints for public affray may affect your ability to use City Parks.

NOW THEREFORE, BE IT RESOLVED by the City of Truth or Consequences Governing Body, that the fees, deposits and regulations described herein are hereby enacted.

BE IT FURTHER RESOLVED that nothing in the Resolution shall prohibit the use or access of City Parks by the public at large for free.

PASSED, APPROVED AND ADOPTED this 22nd day of June, 2022.

CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO

By: _____
Amanda Forrister, Mayor

ATTEST:

Angela A. Torres, City Clerk-Treasurer

CITY COMMISSION JUNE 22, 2022 REGULAR MEETING MINUTES

Mayor Forrister asked Community Services Director Hechler to address Claudia Jeffery's question on how much it will now cost the Farmers Market.

OJ Hechler, Community Services Director explained that the Farmers Market will do a Commercial Events Application, and it will cost \$50 (*per week. They use it one day out of the week on a weekly basis*) for the reservation, and then there is the refundable deposit of \$100 which already have on file. If they are not going to have all of the electricity turned on then it would be \$7 per outlet. We have to look at it this way. We are taking that park away from anyone else who wants to reserve that park during the Farmers Market Season, and no one else can rent that park for a commercial event during that time. The Farmers Market usually shows up 7:30 a.m. to 8:00 a.m. If we don't have those shelters reserved to somebody else, the Farmers Market is welcome to use those shelters, but if they want to make sure that no one else uses the shelters during their event then they can rent the shelters.

Mayor Pro-Tem Hechler moved to approve Resolution No. 68 21/22, approval of City Park Rental Fees to take effect July 1, 2022. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

4. H4 was addressed prior to item H1.

5. Discussion/Action: Publication of Ordinance No. 734 to amend Ordinance No. 723 that was adopted on January 12, 2022 for the authorization of the execution and delivery of loan no. PPRF-5652, between the City of Truth or Consequences and the New Mexico Finance Authority for the purpose of purchasing a new electrical transformer:

City Manager Swingle explained that we had gone through the process of the approval for the loan for the north transformer and the substation. Everything had been approved and at some point in the discussion NMFA and USDA got into a bit of a dispute over which loan would be subordinate. They were trying to figure out if USDA would have first dibs at eating the money if we were to go bankrupt or if it would be NMFA, and it has taken 5 months to hash that out. We bought a transformer, and it is up and running. It is staff's recommendation to approve this amendment, and let's get the money for our transformer.

Mayor Pro-Tem Hechler moved to approve Publication of Ordinance No. 734 to amend Ordinance No. 723 that was adopted on January 12, 2022 for the authorization of the execution and delivery of loan no. PPRF-5652, between the City of Truth or Consequences and the New Mexico Finance Authority for the purpose of purchasing a new electrical transformer. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

I. NEW BUSINESS:

1. Item I1 was moved after item H2.

2. Discussion/Action: Approval of the Employee Salary Plan and Schedule:

City Manager Swingle stated that he thinks we have all had conversations with community members on the salary plan, and whether it is appropriate or not. The timing is not great. We are increasing GRT and we are asking for a bond. However, the timing is never great. We've kind of done the same thing with our employees as we have done with our infrastructure. We had a salary study done to determine what fair market value was for our employees and basically it is southern New Mexico. The analysis is in and you have a number of sheets in front of you which specify what that is. It will probably be \$560,000 in the General Fund and Enterprise Funds combined. We budgeted this amount in the preliminary budget. It is not revenue that we don't have. It was budgeted. We just took a ballpark guess of roughly 10% for the General Fund and for the Enterprise Funds to come up with the number. We had to put a place holder in the budget and 10% seemed like a reasonable number. However, the study could have come in with 40%. He reviewed the provided salary study with the Commission. He explained that the dollar value for the range has a starting step. Step one is the minimum. That is what someone would typically come in at. Then you have step increases for the first 5 years that are at 2%, and then from 6 years to 10 years it is at 2.5%. 11 years to 20 years is at 3%. This salary plan should never last more than probably 7 years. Within 5 to 7 years this needs to be revisited because the market is changing every day. All of the employees were plugged into where they were at in steps. The steps equate to years. We plugged everyone in up to step 9. Nobody went beyond step 9. You can have 30 years with the city and you never exceeded step 9. The step increase could be next year. This would be for July 1st if approved, and next year in July we would come and ask to go to step 2. You may have the funding to do that or you may not. That's why we don't want to use years, we want to use steps. The steps will be increased on a Commission approval basis. 89 employees will receive a salary increase which is almost 81% of the employees. 21% of the employees are currently at where they should be or above, and they did not see an increase, and they will not receive an increase until their years of service equates to the appropriate step. We are going to have to draft a policy that goes with this, and we will address some of these nuances in that policy. Some things like transfers will be added to the policy. For example, if you have 5 years on as a step 1 and that pays you \$28,000, and you take a position that is a step 2 at a starting point again, you are actually taking a salary loss to take that promotion. Those are the things that will be addressed in the policy.

Commissioner Fahl moved to approve the Employee Salary Plan and Schedule. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

CITY COMMISSION JUNE 22, 2022 REGULAR MEETING MINUTES

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

Carol Kirkpatrick, Finance Director reviewed the Purchase Requisitions over \$20,000 that were provided in the packet.

Mayor Pro-Tem Hechler moved to approve the Purchase Requisitions over \$20,000. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

4. Discussion/Action: Approval of Award and Contract with Energy 1, LLC for Ken James Senior Center HVAC Units:

Carol Kirkpatrick, Finance Director explained that an Invitation to bid was issued on April 22, 2022 for the HVAC Units at the Ken James Senior Center. The bids were due on June 1, 2022, and the city received one bid from Energy 1, LLC. The bid received is within the budgeted amount for this project.

Commissioner Fahl moved to approve the Award and Contract with Energy 1, LLC for Ken James Senior Center HVAC Units. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

5. Discussion/Action: Approval of Manana Contract Extension #1:

City Manager Swingle explained that this is a contract with Manana which is Paul Bustamante. Paul does the maintenance and grounds work at the Veterans Memorial Park. The contract is for \$900 a month. Paul has served in that capacity for quite a while. It is staff's recommendation that the Commission approve the 1 year extension.

Mayor Pro-Tem Hechler moved to approve the Manana Contract Extension #1. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

6. Discussion/Action: Approval of extension on Contract with Tech 45 Enterprises:

Carol Kirkpatrick, Finance Director explained that we are seeking a 6 month extension on the contract with Tech 45 Enterprises for the management services at the Airport. We are still in the process to try and get a request for proposal or request for information together so we can put this out for RFP.

Commissioner Fahl moved to approve the extension on Contract with Tech 45 Enterprises. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

7. Discussion/Action: Approval of Contract Amendment #6 Extension with Integrated Technologies Group:

Carol Kirkpatrick, Finance Director explained that we are seeking a 3 month extension on the contract with Integrated Technologies Group so we can continue having services. We have put an RFP out and we are evaluating that at this time, and hopefully we'll come back to award a recommendation, but we still need them to transition. They did not submit a proposal for RFP.

Mayor Pro-Tem Hechler moved to approve the Contract Amendment #6 Extension with Integrated Technologies Group. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

8. Discussion/Action: USDA Water System Improvements-Phase 1 Project-Legal Service Agreement:

Traci Alvarez, Assistant City Manager explained that this is a next step procedure in our Water System Improvements Phase 1 Project. A Bond Council Legal Services agreement is required for the USDA Water System Improvements-Phase 1 as defined on page 7 of the attached Letter of Conditions. The loan will be secured by a revenue bond with parity lien position in the amount of \$4,811,000.00. The bond will be fully registered as to both principal and interest in the name of the United States of America. Legal Services Fees are included in the funded amount for the project.

Commissioner Fahl moved to approve the USDA Water System Improvements-Phase 1 Project-Legal Service Agreement. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

9. Discussion/Action: Approval of MOU Agreement with the Truth or Consequences School District for a School Resource Officer:

Victor Rodriguez, Chief of Police explained that he had the pleasure of attending the school board meeting last Monday. They approved to solicit the City Police Department to provide the School Resource Officer services for them. They will assign somebody from the Police Department to serve as the School Resource Officer. Maybe if they are fully staffed next fiscal year they can come to the Commission to solicit for an actual position of the School Resource Officer.

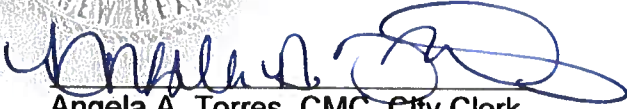
Mayor Pro-Tem Hechler moved to approve the Truth or Consequences School District for a School Resource Officer. Commissioner Fahl seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

CITY COMMISSION JUNE 22, 2022 REGULAR MEETING MINUTES

J. ADJOURNMENT:

Mayor Forrister adjourned the meeting at 2:06 p.m.

Passed and Approved this 13th day of July, 2022.


Amanda Forrister, Mayor
Angela A. Torres, CMC, City Clerk