

CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
CITY COMMISSION CHAMBERS, 405 W. 3RD St.
WEDNESDAY, MAY 10, 2023

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. Merry Jo Fahl, Commissioner
Hon. Shelly Harrelson, Commissioner
Hon. Destiny Mitchell, Commissioner was absent

Also Present: Angie Gonzales, City Manager
Bruce Swingle, City Manager
Traci Alvarez, Assistant City Manager
Jay Rubin, City Attorney
Angela A. Torres, City Clerk-Treasurer
Kristie Wilson, Finance 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. Asked that

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 Hechler 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 Gonzales presented an Employee Service Anniversary Award to Jameson Whitley for 1 year of service with the City of Truth or Consequences.

City Manager Gonzales presented an Employee Service Anniversary Award to Traci Alvarez for 10 years of service with the City of Truth or Consequences.

City Manager Gonzales presented an Employee Service Anniversary Award to Margaret Reed for 2 years of service with the City of Truth or Consequences.

City Manager Gonzales presented an Employee Service Anniversary Award to Angela Torres for 13 years of service with the City of Truth or Consequences.

City Manager Gonzales presented an Employee Service Anniversary Award to David Johnson for 15 years of service with the City of Truth or Consequences.

City Manager Gonzales presented an Employee Service Anniversary Award to William Michael Johnson for 4 years of service with the City of Truth or Consequences.

City Manager Gonzales presented an Employee Service Anniversary Award to Andres Alvarez for 17 years of service with the City of Truth or Consequences.

Mayor Forrister presented an Employee Service Anniversary Award to Bruce Swingle for 2 years of service with the City of Truth or Consequences.

2. Proclamation naming Saturday, May 6, 2023 as Miss Fiesta (Aubrie Carter) Day:

Mayor Forrister presented a Proclamation naming Saturday, May 6, 2023 as Miss Fiesta (Aubrie Carter) Day to Ms. Aubrie Carter.

3. Issuance of certificates to the 2023 Miss Fiesta Royal Court Winners:

Mayor Forrister issued certificates to Alie Montoya for earning the prestigious title of 1st Runner up and Miss Congeniality; Aubrie Carter for earning the prestigious title of Miss Fiesta; and to Jazlyn Cates for earning the prestigious title of 2nd Runner up.

4. May 2023 Motorcycle Awareness Month Proclamation:

Mayor Forrister read aloud the May 2023 Motorcycle Awareness Month Proclamation.

D. PUBLIC COMMENT (3 Minute Rule Applies):

Andrea Freeman addressed the Commission with comments related to:

- She is against the vacation of New School Road. She and several other people use the road as a short cut for access to gas, banking, the hardware store, etc. She requests that there be a consideration to pave Kopra Street since it is being used to avoid Date Street.

Randy Ashbaugh addressed the Commission with comments related to:

- He is against the vacation of New School Road. He explained that he agrees with Andrea Freemans comments regarding paving over Kopra Street.

City Attorney Rubin pointed out that we will have a public hearing regarding the vacation of the New School Rd and that he suggests that people wait until the public hearing portion of the agenda for the meeting to discuss the vacation of the road.

E. REPORTS:

City Manager Gonzales reported the following:

- We have 2 vacancies on the Impact Fee Advisory Board, 1 on the Library Advisory Board, 2 people of the Recreation Advisory Board, and Planning and Zoning Board.
- She spoke with Arnie Castaneda (Water/Wastewater Dept Head). They have 10 water leaks and they fixed 2.
- Well number 6 repair is moving forward they are waiting on some supplies.
- She wanted to thank everyone for respecting the water schedule that is in effect. The water tank is holding steady.
- She is asking everyone be patient and be safe on NM DOT project the roundabouts.

City Attorney Rubin reported the following:

- Back on January 11th 2023 they adopted and approved an Ordinance which designates Sierra County Magistrate Court as a Court having jurisdiction over a Municipal Ordinances and also appealed the Municipal Court Ordinance themselves and was notified on April 28th that the Supreme Court has adopted and approved our Ordinance. He states that the process actually goes back to a year ago when the City Commission first adopted a resolution where they didn't designate the Magistrate Court as our Jurisdiction, they had 7 committee members, the committee had to meet and publicize a Public Hearing and it came back to Commission and then Commission took action after the publication process and then submitted everything to the Supreme Court.

Commissioner Fahl had questions regarding the process on when the Municipal Court closes.

City Attorney Rubin followed with an answer saying that it is effective as the day of the expiration of the term of honorable Beatrice Garcia Sanders, so we have to wait until that term is over.

City Commission Reports:

Commissioner Fahl had no reports.

Commissioner Harrelson reported the following:

- The schools are wrapping up their last final couple of weeks of school and field day is going on. She suggests that as many people as possible should be attending the Commission meetings as well as the School Board Meetings to be more involved.

Mayor Pro-Tem Hechler reported the following:

- He wanted to give a quick report on Fiesta, he wanted to give a shout out the sponsors, especially SDR and Virgin Galactic those two sponsors gave us the line share of our revenues to do things that we needed to do this year and were very supportive of the community and that we need to support them. They had other great sponsors as well most of which came from this community with one acceptance and that was from Albuquerque and that was the Electrician Union we had up there. There were bands for all three days which was something we didn't have last year so Friday night was a very busy night. Saturday was busy almost all day long, there were spinoffs including rodeos and additional concerts. There were lots of tournaments including volleyball, softball, Cornhole. This year there was shade provided for people viewing the bands. There were 50 parade entries and over 40 vendors. Fiesta committee is still sending out thanks and cleaning up what needs to be cleaned up and will start the planning process for next year's Fiesta that following Saturday. He also includes a thank you to the community for their support.

Mayor Forrister reported the following:

- She attended the school board meeting and also wanted to encourage people to attend these meetings in our community. She shows appreciation for the teachers in our community and Commissioner Harrelson for everything that she does as well as Commissioner Mitchell.
- Regards to Fiesta she got lots of compliments on the bathrooms at the Ralph Edwards Park so she wanted to thank the city for getting those done. She also wanted to thank the Commissioners on what they do for Fiesta such as Commissioner Mitchell and Mayor Pro-Tem Hechler.

F. CONSENT CALENDAR:

1. **City Commission Regular Minutes, April 12, 2023**
2. **City Commission Regular Minutes, April 26, 2023**
3. **April 2023 Accounts Payable**
4. **Subrecipient FY 22/23 3rd Quarter Reports**

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

G. PUBLIC HEARINGS:

1. **Discussion/Action: Final Adoption of Ordinance No. 749 Implementing the City's Affordable Housing Plan:**

City Manager Gonzales: This is an ordinance adding a new Article to Chapter 4, titled the affordable housing ordinance to be codified as Section 4-501.

City Attorney Rubin: When I was reviewing the ordinance, I was trying to see how I can help the Commission out, and as to what advice I can be giving here. The ordinance is fairly lengthy, and I wouldn't expect you'd be able to go through it and understand all of the legal issues that are contained there. In your packet, there is a letter that I wrote to Mr. Carmona. I had gone through the ordinance on my own, and I was trying to identify all of the different requirements that the ordinance was going to impose on the city and the City Commission. Mr. Carmona's response to my letter is also included in the packet. My only concern is that it appears that there is a lot that we need to do, and my question is if the city is in any position to do that. Mr. Carmona is ready to address that question.

Justin Carmona, MFA Community Relations Manager: This ordinance allows the city to furnish donations to developers for the purpose of developing more housing in the city, and that allows you to lower the cost of actually building the housing if you donate land,

buildings, or funds to them directly. Without this ordinance, legally the city cannot donate to developers because of the anti-donation clause of the New Mexico Constitution. In terms of requirements, generally the requirements are as minimal as they can be under the law. The state legislature put a lot of requirements in when they made the Affordable Housing Act, and it's up to us at MFA to come up with how those requirements are reflected in reality. We try to minimize the number of things that we require on your end as much as possible, but there are still a number of things that are required. Overall, it is a partnership. This isn't just on you. This is on us as well at MFA. My position exists, just to help you through this one ordinance and process.

Mayor Forrister: What are you doing right now that we don't have this, and what is going to change?

Justin Carmona, MFA Community Relations Manager: Right now it is pretty much all on developers if they want to come in and get funding from us. We provide financing to developers so right now it is all on developers to come and say that they want to develop in Truth or Consequences, and then we work with them on that. This will provide what we call gap financing which is basically a couple million dollars which will make the projects more feasible. It is actually more likely that if you pass this ordinance, more housing will be developed in the city because it allows you to donate to them.

Commissioner Fahl: I think that we in our community, understand that we don't have enough affordable housing, and this is a great program, but my concern is the amount of staff time this is going to take and who is going to dedicate to that. An RFP process is an arduous process. It says in here "*the city can otherwise identify a qualifying grantee*" so how does that work?

Justin Carmona, MFA Community Relations Manager: That is a great point. The title of that section is a little misleading. You don't actually have to go through the RFP process. If a developer comes to you and say that they want to build a "100 unit" housing development in the middle of your city, they can just work with you directly. You don't have to actually solicit an RFP. You can just work with them and say, "Ok, we can donate land to you, we can give you funds for that" and you don't actually have to go through the entire RFP process.

Commissioner Fahl: How does that not violate the procurement process?

Justin Carmona, MFA Community Relations Manager: We are trying to change the wording on that right now. It is just not an RFP process. It is either/or. It is either an RFP process or you can just identify them through some other means, basically they can just come to you directly or you can engage them in saying "you are building this development, and we have these funds that we want to offer you" and you don't have to go through the RFP process.

Mayor Pro-Tem Hechler: My questions are the same as Commissioner Fahl's. Do we have enough administration within the city to handle this? City Manager Gonzales, how

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do you look at this? Do you hire a new position? Do you give this to someone else? How do we administrate this?

City Manager Gonzales: What I think this is... is when a contractor comes to us wanting (*for example*) to build a 100 unit affordable housing development. We can tell the contractor that they have to follow the guidelines, and work with MFA, rather than us doing it.

Justin Carmona, MFA Community Relations Manager: Yes, that is right. So basically, you would hand them a form that we made which is an application checklist, which has all of the documents that they need to give to you, and it is on them to provide it to us. You would review the documents, and then we review them as well here at MFA. Then after that whole process, you would go through the process of writing and signing a contract to give the donation to them.

City Manager Gonzales: Can you define donation?

Justin Carmona, MFA Community Relations Manager: So donations can include a number of things. The most common donation is land that the city owns or have access to. It could also be buildings or infrastructure. You can actually pay for infrastructure projects directly. You can also donate funds or reduce or abate fees that the city normally imposes upon buildings. Impact fees are the most common. That is what donations mean.

Mayor Forrister: What is the benefit of us signing this?

Assistant City Manager Alvarez: I think that the opportunity to develop in the city at any time is always a good thing. If you look at our demographics in the city, I don't think that we are talking about 5 to 20 applications coming in a year. We might see one every few years, so I do feel it is something that I can potentially take on in the Planning & Zoning Department. Mr. Carmona, how many municipalities have adopted an affordable housing plan?

Justin Carmona, MFA Community Relations Manager: I believe it is around 30 across the state. I know that there are 37 local governments which include counties and municipalities. There are less than 100 cities across the state, so about 1/3 of them have adopted this.

City Attorney Rubin: I hope that we adopt this, and I certainly hope that it works out, but if it turns out that it is a big problem, you can terminate it.

Mayor Pro-Tem Hechler: If we approve this ordinance, then we are just approving the frame work for it. It is there in front of us in case we need it, but we still have to have approved individual projects, so I think we are safe in doing that if we decide to do so.

Mayor Forrister opened the public hearing.

Proponents:

Andrea Freeman: She doesn't understand if this is for apartment complexes or single family residences? I would be in favor of apartment complexes, but I would be deadly against single family residences. We went through this before in 2005, and we had low income housing come in, and then we had massive foreclosures, and it hurt our community and our market.

Mayor Forrister: So, you are on the fence. You are a proponent and opponent, I guess?

Opponents:

There were no opponents.

Mayor Forrister closed the public hearing.

Mayor Pro-Tem Hechler moved to approve Final Adoption of Ordinance No. 749 Implementing the City's Affordable Housing Plan. Commission Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

2. Public Hearing/Discussion/Action: Request to Vacate a Section of New School Road:

Assistant City Manager Alvarez: The T or C Municipal School district submitted an application to request that the City of T or C vacate a Section of New School Road from the baseball field to past the student parking lot. That location is identified in the attached map in your packet. We notified all property owners within a 300 ft. radius. We also reached out to all of our utility departments, and overall, the electric department didn't have any issues, although there is a main transformer that would require some access. It is not owned by the city. It is owned by Tristate. The concern from our water and wastewater department was that they have some main water lines running along the golf course side of the campus so there would be some easements where some of those lines are placed that they would need to have access to. They would also need full access to the lines and valves on a 24hr basis, in case of any type of emergency. He also does not necessarily support the request for vacation. Our street department had some questions and concerns regarding the traffic flow, as well as road maintenance pertaining to the vacation. We also had NMDOT reach out to us as well with concerns on traffic flow, and the fact that they are doing the roundabouts and if the traffic begins to flow down to Barton, we are only going to direct that traffic issue that we were having at New School Road, down to the Barton area. The fire department submitted a letter of their concern as well.

City Attorney Rubin: I believe that this was not addressed by the Planning & Zoning Commission so I believe that we would have to go through the Battershell process here.

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Assistant City Manager: That is correct. The Planning & Zoning Commission did not have a meeting in May.

City Clerk Torres swore in all parties who spoke during the public hearing.

Mayor Forrister opened the public hearing.

Proponents:

Alfred Aguirre, T or C Schools Director of Safety and Security: A while back we had asked Chief Tavizon to walk our campuses and provide us with any recommendations on how to improve safety at our schools. He brought up the idea of vacating the roads, and that is why we are here. We briefly talked about installing areas where we could vacate the road and make it a more secure campus. There was an incident where Border Patrol had initiated an investigation and it led to our student parking lot at the high school. It was a pursuit which Border Patrol had terminated and the vehicle ended up in our parking lot. Border Patrol was still looking for the vehicle and ended up finding the vehicle in our parking lot by the wellness center. Our Dean of Students Mr. Wolf was the one who identified that Border Patrol was in our parking lot so he went over there with our security officer and started asking questions. They informed him that there were 5 subjects that were not in the vehicle. They were searching, so we initiated a secure place/shelter on campus until we could determine if they were a threat or not. That lasted about 15 minutes or so and they determined that they were not on campus. I happened to come across one of them which could have very easily fit in. He was a younger male around 18 or 19 years old who actually looked like a student, but in talking to him I figured out that he was not. That was an eye opener and it solidified, but the recommendation that Chief Tavizon had provided was to do this. I think we need it, not so much to keep students in, but to keep people out. I think that it will make our campus a lot safer.

Nichole Burgin, T or C Schools Superintendent: We have had to go into at least shelter in places due to the same reason with chases through town and with Border Patrol. Another purpose of it is because we do have shared staff at the high school and we have students crossing those streets every day, and going back and forth, and we are having to navigate the traffic with that.

Commissioner Harrelson: You also had a plan B at the school meeting where you proposed this. I believe plan B was to put a bridge between the two schools. Can you speak a little about that?

Alfred Aguirre, T or C Schools Director of Safety and Security: Our plan B would be to secure TCMS and HSHS separately which would mean fencing off TCMS and HSHS separately.

Mayor Forrister: We have heard more opponents than proponents, and that is mainly because of the new roundabouts that we have gotten, and they are worried that traffic

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would now be diverted away from that. There were also safety access concerns so what are your thoughts on that, and how would you accommodate that?

Alfred Aguirre, T or C Schools Director of Safety and Security: I think that the roundabouts are great, and I think that they are going to work. They are still going to be utilized if were to close campus. What I foresee in the future is for school road by the main entrance to the staff parking lot, there would be a security building in that location to screen people in which means that visitors, parents, and contractors would have to go through that security shack and come in. They would of course, exit the same way and go through the roundabout onto their destinations. I was with the New Mexico State Police for 20 years, and I was stationed here in T or C for about 10 years, and in my 10 years here, I have investigated several crashes and I have worked with our local responders and law enforcement. I cannot recall one single time where we had to shut down a road and utilize school road and Pershing to divert traffic, so I don't think that will be an issue.

Nichole Burgin, T or C Schools Superintendent: In a pre-meeting that we had with everybody when these concerns were raised, Police Chief Tavizon mentioned an alternate route that might be more appropriate instead of going through a school zone.

Mayor Pro-Tem Hechler: If you have a guard shack. How is that administered? Do the students get a pass? Will everyone get a pass? How would that work?

Alfred Aguirre, T or C Schools Director of Safety and Security: I think it would be more so for the initial screening. Of course that security officer who will have a position there at that location will hopefully be knowledgeable of all of our students. Someone who they identify not being familiar with the schools would be screened.

Mayor Pro-Tem Hechler: Wouldn't that create a bottleneck?

Alfred Aguirre, T or C Schools Director of Safety and Security: In the morning, both entrances would be open. There would be a security officer in place, and it would just be a quick initial screening.

Nichole Burgin, T or C Schools Superintendent: Student entry would come from the opposite direction. We would have everybody else coming through the front and students would enter into the back where their parking lot is.

Alfred Aguirre, T or C Schools Director of Safety and Security: We have a software in place for all of our schools called Raptor. When a visitor, contractor, or parent goes to the school and needs to go to a classroom or such, they would have to go to the front desk where they will be asked for identification. That identification will be ran through Raptor which runs through the New Mexico sex offender registry, and if we have any names that are already pre-set to flag anyone who isn't supposed to be there it will alert for that as well. As it stands now, everyone will need to report to the front desk and check in and they will be issued a badge. For the initial process, it will require an ID that

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has a barcode, so once it has been scanned, if you go in a second time and you forgot your ID, you would just need to enter a partial first name or last name and it will bring it up and you would just select which one it is. It includes their picture so you will be able to identify them.

Mayor Forrister: I go to the elementary school a lot, and they are very secure. Everything has to filter to the front desk and there is a fencing around it so the security there is definitely far better than that of the middle school where you can kind of enter anywhere and it is not filtered through that front desk. The need for security at the middle school and high school is very high. What would be the disadvantage other than kids going in between the two schools, and separating them and doing your plan B? What do you guys not like for your plan B?

Nichole Burgin, T or C Schools Superintendent: I think that having it all creates a community feel and that is why everyone had leaned toward that when we discussed it in the board meeting. We like the fact that it is a shared campus and when we look at having them in their own fencing, we have to look at how the students and teachers would get back and forth to each school. Right now we don't have enough classrooms and we are looking at how we can re-arrange every space that we have to accommodate choir, and band and JROTC. Those are the classes that we share with the high school. As far as emergency access, in that scenario, people would be given remote access in and out as needed.

Chief of Police Tavizon: I was asked to go and do an assessment of the school for security purposes and doing so I did recognize that the school is wide open to any kind of threat that may or may not come in. They could come in from any direction, off the interstate, or through the desert. It is wide open. I had assessed that the most efficient way to secure that would be to vacate the road and secure both campuses so they can move back and forth freely. I believe that the plan was to leave it open on both ends. They would have a gate on both sides to come in. Plan B was also brought up as well to fence the individual schools. That would be less efficient, but it would still work to create that security that we needed. Mr. Aguirre did bring up the fact that there has been several incidences where Border Patrol has come across with different individuals coming through. I also think that in the day in age that we are dealing with now with the active shooters, they was the campus is now, it would be a nightmare for first responders to respond with a wide open campus. It would be a nightmare to not only keep the parents out, and to try to isolate the incident, but it would also be difficult to recognize that it is a crime scene if something were to happen.

Commissioner Harrelson: So you are saying that it would be more efficient for you as an officer to have one campus vs two separate campuses.

Chief of Police Tavizon: Yes ma'am. We do have other diversionary roads, and the roundabouts would still have access to the businesses in that area.

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Mayor Pro-Tem Hechler: One of the main reasons why NMDOT decided to build the roundabouts was because of the traffic backup on New School Road. As we all recall, the busses would be backed up 14-15 busses deep, and taking the chance to get across that intersection because nobody wanted to wait so I'm thinking that we are creating that again by putting a bottleneck guard station of some sort there at the schools. We are trying to avoid that. I think it would be in our best interest to get the roundabouts finished first, and see how they flow, and see what the issues are with that and see how it goes before we jump into something like this and complicate the issue before we are even done with it.

City Manager Swingle: NMDOT was not excited about this concept because they are pouring in millions of dollars into the roundabout project, and if this is approved, in their mind, it defeats the all of their research and 8 years of work that they put together on this. They were adamant about it. The concern that I have is when will they come back and do another project if the Commission does something like this before they are even done with this current project. We have to think about the ramifications that it may have long term on the city.

Opponents:

Mayor Pro Tem Hechler read a letter submitted by Fire Chief Tooley. (Complete copy attached hereto and made a part hereof).

Andrea Freeman: She is against the vacation of New School Road. She and several other people use the road as a short cut for access to gas, banking, the hardware store, etc. She requests that there be a consideration to pave Kopra Street since it is being used to avoid Date Street.

Virginia Holbrook: I oppose it because I use that road to go from the hardware store to home on Spruce, so it is a way to avoid getting on Date because roundabouts are nuts. I think that other people also do the same thing. I find that there aren't enough roads back that way and that is a concern. I really don't want the road to close.

Jared Bartoo: I want to agree with all of the previous opponents. My kids will be attending the schools on that road so I have a vested interest in the security. I commend these fine people for coming up with a plan, but I don't think that closing the road is the one to use because I was actively involved in building the ram proof gate at the Spaceport, and if you are going to get through something, a security guard in a little building with some chain link is not going to stop a high speed vehicle. I have a towing company in town and we are always moving in the snow, and having to deal with traffic and the state highway was closed 6 months ago in that snow storm and the state police diverted probably 30 to 40 semi's just that was so the Fire Department makes a good point, and forcing people through the old Furr's parking lot is unfair to that private property owner because they had to loop them around and get them stacked up. Also with them taking away the shoulders on North Date with the roundabout project, there

will be less parking now so you will be stacking trucks all the way up to Foxworth and around.

Willie Culver: The concern is safety. You have to have an alternative route. If they want to secure campus, do like the elementary and fence it off at both sides. Who owns the actual property that the street is established on?

Assistant City Manager Alvarez: It is a designated city street. They are asking the city to vacate that property so that is why we are here.

Mayor Forrister closed the public hearing.

Mayor Pro-Tem Hechler: I don't think that this is something that we should do right now. There are a lot of things to work out. There is a lot of traffic that would go through there and I think it would be contrary to the good of this community to do so.

Commissioner Fahl: I think that most of us here have raised our children through that school or we are raising grandchildren. Nobody doesn't want our kids to be safe, but I don't believe that connecting those two together is really going to solve a lot of the safety issues. I feel that something should be done, but I don't believe that vacating the street would be right, and our job is to look out for our constituents and that is not an advantage to them.

Commissioner Harrelson: Looking at the map, it seems that Randy Ashbaugh has opportunity to create a road right there so I think you should communicate with him to get him to cut a road from Walmart to the back side of the golf course to bypass that area and that would be something that you could propose to the city. That is where I would think the first step would be.

Mayor Pro-Tem Hechler made a motion to deny the Request to Vacate a Section of New School Road. Commissioner Fahl seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

H. ORDINANCES/RESOLUTIONS/ZONING:

- 1. Discussion/Action: Publication of Ordinance No. 752 Amending the City of Truth or Consequences Code of Ordinances, by Amending Section 14-96 of the Code Pertaining to Waste Water Connection Fees:**

Arnie Castaneda, Water/Wastewater Director: Staff is requesting publication of Ordinance No. 752 amending the City of Truth or Consequences Code of Ordinances, by Amending Section 14-96 of the Code Pertaining to Waste Water Connection Fees. The current fees do not reflect the financial amount that we use to connect wastewater service to our public. I did some research and looked at other communities similar to Truth or Consequences and the proposed new fees align more with the rest of the state,

and they align more with what we actually use as far as parts, and labor to connect the wastewater service.

Assistant City Manager Alvarez: Our water and wastewater tap fees were not addressed during the study. I want to say that these fees were established in 2007 or 2008. We have had many developers who have come in and are astonished at how inexpensive our fees are.

City Manager Swingle: If they hired a private sector to do this it would be 3 times the cost. There is absolutely no profit in here. I still don't think that this captures the total cost to the city, but it is still an improvement.

Commissioner Fahl moved to approve publication of Ordinance No. 752 Amending the City of Truth or Consequences Code of Ordinances, by Amending Section 14-96 of the Code Pertaining to Waste Water Connection Fees. Mayor Pro-Tem Hechler seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

2. Discussion/Action: Publication of Ordinance No. 753 Amending the City of Truth or Consequences Code of Ordinances, by Amending Section 14-95 of the Code Pertaining to Water Connection Fees:

Arnie Castaneda, Water/Wastewater Director: Staff is requesting publication of Ordinance No. 753 Amending the City of Truth or Consequences Code of Ordinances, by Amending Section 14-95 of the Code Pertaining to Water Connection Fees. We did the same process on this ordinance as well.

Mayor Pro-Tem Hechler moved to approve publication of Ordinance No. 753 Amending the City of Truth or Consequences Code of Ordinances, by Amending Section 14-95 of the Code Pertaining to Water Connection Fees. Commission Fahl seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

3. Discussion/Action: Publication of Ordinance No. 754 Authorizing the issuance of the City of T or C Joint Utility System Improvements Revenue Bonds.

Chris Muirhead, Modrall Sperling: This is just the next step in the process for the USDA bond financing. This is the \$5,487,000 loan. The key thing about this is that it would be a pledge of your water system net revenues so it is after you pay your operation and maintenance expenses. It is a 40 year term with an interest rate of 2.125% per annum. You can also pre-pay at any point. This is just an interdiction. We will go through any detail you like when it comes back for final adoption. This is to re-pay the interim financing that USDA is now requiring for this project, and move that forward. This

pledge is not a general obligation. Thank you to the Clerk and Mayor for coming in early and signing those documents. We are lined up to close that transaction next Friday and that money will be available for your projects.

Commissioner Fahl moved to approve Publication of Ordinance No. 754 Authorizing the issuance of the City of T or C Joint Utility System Improvements Revenue Bonds. Mayor Pro-Tem Hechler seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

4. Discussion/Action: Resolution No. 42 22/23 Budget Adjustment Request. Kristie Wilson, Finance Director

Kristie Wilson, Finance Director reviewed the Budget Adjustments provided in the packet.

Commissioner Fahl moved to approve Resolution No. 42 22/23 Budget Adjustment Resolution. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

5. Discussion/Action: Publication of Ordinance No. 755 an Ordinance authorizing the lease of real property to Gravity Pad Towers' LLC (Water tank site on 2nd Street) pursuant to section 3-54-1 NMSA 1978.

City Manager Swingle: This is a request for publication for publication of Ordinance No. 755 an Ordinance authorizing the lease of real property to Gravity Pad Towers' LLC on the water tank site on 2nd Street. There are two towers connected to that tank so another ordinance will come in the future. This is just for one of the towers. As soon as Verizon initiates their work, we will process the second tower. This is a 99 year lease for access to this tower, they are going to pay the city \$80,000, as well as \$80,000 for the next one when it is approved in time.

Mayor Pro-Tem Hechler moved to approve publication of Ordinance No. 755 an Ordinance authorizing the lease of real property to Gravity Pad Towers' LLC (Water tank site on 2nd Street) pursuant to section 3-54-1 NMSA 1978. Commission Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

I. NEW BUSINESS:

1. Discussion/Action: Approval to close the PD Confidential Bank Account:

City Manager Gonzales: This is a request to close the obsolete PD Confidential bank account. This account has not been used in several years. That money came from the general fund so it will go back to the general fund when we close this account.

Commissioner Fahl moved to approve the closure of the PD Confidential Bank Account. Mayor Pro-Tem Hechler seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

2. Discussion/Action: Approval of the CDBG Professional Services Agreement for Grant Administration Services:

Assistant City Manager Alvarez: The city has entered into a grant agreement with the NM CDBG Program for the water meter replacement, and part of the grant funding is allocated to Grant Administration Services. Staff wishes to enter into an agreement with South Central Council of Government for these services for oversight of the grant. This is for \$22,500.

Mayor Pro-Tem Hechler moved to approve the CDBG Professional Services Agreement for Grant Administration Services. Commission Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

3. Discussion/Action: Proposal to Conduct a Comprehensive Water and Wastewater Cost of Service and Rate Design Study:

Assistant City Manager Alvarez: We are requesting approval to enter into an agreement to have a water and wastewater cost of service and rate design study done. The city had this done a few years back through RCAC which was mandated by USDA. This is the same company that is doing our solid waste study so they would be reviewing our current status of both the water and the wastewater revenue and their expenses. They will also review our infrastructure needs and make sure that the rates that we have are, or are not, maintaining what is needed to proceed forward. The cost for this is \$41,660.

Commissioner Fahl moved to approve the proposal to conduct a Comprehensive Water and Wastewater Cost of Service and Rate Design Study. Commission Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

4. Discussion/Action: Approve and Accept a Grant of Right of Way Easement for Public Road and Utility Easement.

Assistant City Manager Alvarez: Ashbaugh Construction Co. would like to grant a right of way easement for public road and utility easement of a strip of land (noted as a shaded area on Exhibit A) to the City of Truth or Consequences.

Mayor Pro-Tem Hechler moved to approve and accept a Grant of Right of Way Easement for Public Road and Utility Easement. Commission Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

5. Discussion/Action: Memorandum of Agreement between NMDOT and the City of T or C.

Assistant City Manager Alvarez: The City Commission approved Resolution 30 22/23 on February 8, 2023 approving support of a Fourth Leg to the proposed Intersection/Roundabout at Date Street, and NM 181 of the New Mexico Department of Transportation (NMDOT) I-25 Business Loop for the purpose of servicing future development. This is the required MOA for the design of the proposed project.

Commissioner Fahl moved to approve the Memorandum of Agreement between NMDOT and the City of T or C. Commission Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

6. Discussion/Action: Approve Economic Development Department Grant Appropriation Agreement.

Assistant City Manager Alvarez: At the last meeting I brought to you that economic development wanted to take back a portion of the funding that was allocated to the city for the Foch Street project so they can reallocate it. This is the agreement for the first \$600,000 that they are giving back to the city, and then they have also indicated that they will be giving us another \$400,000 plus additional funding if there is a shortfall, this next fiscal year.

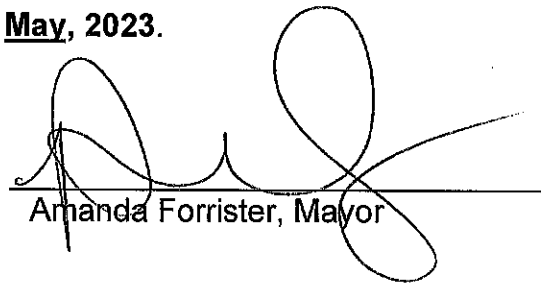
Mayor Pro-Tem Hechler moved to approve the Economic Development Department Grant Appropriation Agreement. Commission Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

J. ADJOURNMENT:

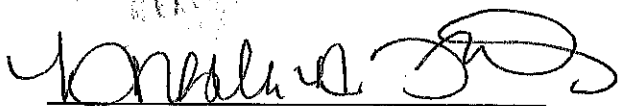
CITY COMMISSION MAY 10, 2023 REGULAR MEETING MINUTES

Mayor Forrister adjourned the meeting at 10:55 a.m.

Passed and Approved this 24th day of May, 2023.



Amanda Forrister, Mayor



Angela A. Torres, CMC, City Clerk

TRUTH OR CONSEQUENCES
FIRE
DEPARTMENT

May 10th, 2023

City Commissioners,

The Truth or Consequences Fire Department is against the vacation of New School Road that is being proposed by the Truth or Consequences Municipal School District.

The concerns are:

1. Fire Department access to Foxworth Galbraith and the businesses along new school road for evacuation & attack routes for the fire department apparatus.
2. New School Road is our Hazmat approach route from the west for fuel spills, propane leaks and other hazardous material along north Date Street.
3. The Truth or Consequences Fire Department has designated New School Road as an important "Evacuation Route" for the areas of north Date Street. (See attached map)
4. Late Friday night we had a bad wreck on north Date Street and north bound traffic had to go through Pershing and New School Road to the north.

By vacating New School Road, you will put a burden on all public safety. If the school district has security issues, they can secure their campuses by other means without closing this vital roadway.

If you have any questions, please contact me at (575) 740-1640 or e-mail chief@torcfire.com.

Paul Tooley,



Truth or Consequences Fire Chief



VOLUNTEERS
BACKBONE OF America