

CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
CITY COMMISSION CHAMBERS, 405 W. 3RD St.
WEDNESDAY, NOVEMBER 15, 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. Destiny Mitchell, Commissioner
Hon. Merry Jo Fahl, Commissioner
Hon. Shelly Harrelson, Commissioner

Also Present: Angie Gonzales, City Manager
Traci Alvarez, Assistant City Manager
Jay Rubin, City Attorney
Angela A. Torres, City Clerk-Treasurer
Kristie Wilson, Finance Director
Luis Tavizon, Chief of Police
Arnie Castaneda, Water/Wastewater 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. The Commission asked that everyone keep the families of Susan Curry, Eliana Aubin, and LaRena Miller in your thoughts and prayers.

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 with item I1 to move after C2. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

C. PRESENTATIONS:

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

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

City Manager Gonzales presented an Employee Service Anniversary Award to Timothy Hanna for 6 years of service with the City of Truth or Consequences.

City Manager Gonzales and Librarian Pat O'Hanlon presented an Employee Service Anniversary Award to Denise Balko for 5 years of service with the City of Truth or Consequences.

City Manager Gonzales presented an Employee Service Anniversary Award on behalf of Jamie Sweeney for 7 years of service with the City of Truth or Consequences.

City Manager Gonzales presented an Employee Service Anniversary Award on behalf of Buster Smith for 1 year of service with the City of Truth or Consequences. Buster previously served 25 years with the City of Truth or Consequences.

City Manager Gonzales and Chief Tavizon presented an Employee Service Anniversary Award to Deanna Knull for 1 year of service with the City of Truth or Consequences.

City Manager Gonzales presented an Employee Service Anniversary Award to Chief Tavizon for 1 year of service with the City of Truth or Consequences.

City Manager Gonzales presented an Employee Service Anniversary Award to Leslie Romero for 1 year of service with the City of Truth or Consequences.

Chief Tavizon presented an Employee Service Anniversary Award on behalf of Jude Vega for 4 years of service with the City of Truth or Consequences.

2. Proclamation naming Saturday, November 25, 2023 as Small Business Saturday.

Mayor Forrister presented the Proclamation naming Saturday, November 25, 2023 as Small Business Saturday.

New Business item I1 was moved after item C2.

I1. NEW BUSINESS: Discussion/Update: Water Update.

Arnie Castaneda, Water/Wastewater Director gave an update on the water operations. (Presentation attached hereto and made a part hereof).

D. PUBLIC COMMENT (3 Minute Rule Applies):

Cathy Mears Martin addressed the Commission with comments related to:

- She is here on behalf of MainStreet T or C. She thanked the city for presenting a Proclamation for Small Business Saturday. Saturday, November 25th is Small Business Saturday. MainStreet T or C and the local businesses are asking people to shop local first, so before doing any of your holiday shopping online or in other places, please support our local businesses. They have been doing a stellar job over the rest of the year and shop local first. They will be running giveaways on the day, and they will also be doing a fun little scavenger hunt.
- The Halloween event went really well. They wanted to thank all of the local businesses for participating. Everybody took part, as well as the Police Department and the Streets Department. They made sure that it was a very safe event.
- The Recycled Art Show closing event will be tonight from 6-7 pm. There are still a few items available. They've had over half of the items already sold. They are raising money for students for two scholarships that are a part of the Bountiful Alliance Recycling Committee. They really appreciate all of the support for that as well.
- The Here's Your Sign project unveiling was on Saturday at the Art Hop at the Black Cat Books and Coffee Shop and the Rebel Roadrunner. MainStreet will be doing a couple of things on social media to raise more awareness.
- The Old-Fashioned Christmas Event will be held on December 8th. They have requested that Main and Broadway be closed. They are working with the Streets Department and the Police Department to ensure safety for everybody on that day. They are looking for volunteers. They want to get things like carolers, hay rides, and vendors set up at Healing Waters Plaza. They will also have a window display competition for local businesses, and this year they would like for a student to do the tree lighting, and there will be

a competition for them to create a card about T or C and winter in T or C. They would like to print the top 3 or 5 that are submitted.

David Turpen addressed the Commission with comments related to:

- He is in support of a new Police Department Facility. The Armory is a bigger and more secure location for the evidence. As you all know we have a horrible problem with a revolving door, and we don't need to add to that revolving door.
- He is a local contractor here in town. He is an electrician, and he butts heads with Bo Easley a lot on things. One thing is majorly is on infrastructure here. He had a customer last week who had an electric line that comes up out of the arroyo on Grape Street into his property. You can actually stand and touch the line that comes in off of the power grid. It should not be the customers responsibility to replace or fix that infrastructure. No matter what upgrades the customer does, they did not move their existing power, so it should not be their responsibility. He called Bo, and he got very defensive. It should not be up to the citizens of the city to fix the infrastructure in the city. That line was unsafe, so it should be on the city's dime, not the customers dime.

Robert Waylon addressed the Commission with comments related to:

- He is in support of the repurposing of the Armory for the Police Department. We are in high hopes of our city growing. There is a lot of construction and a lot of things going on right now so we should have a respectable place for the officers to serve our community, and we need somewhere for the evidence to go. It is a great location, and he thinks that the city has a great strategy on how to finance things and how much cheaper it will be. He thinks there is great leadership there, and it is a great plan, and a great strategy that the Chief already has. He is stepping up to the plate with a plan. We fully support it, and he knows that there are lots of other people out there in the community who support it.
- He is a Main Instructor at the Palomas Springs Nursing Home, so whatever funding you can give the water department to keep the water on, please do whatever you have to do, because he has to look the residents in the face when they don't have any water, and he has to figure out how to get them water. They are playing with our money in Santa Fe, so let's get them to shell some out to us.

Kathleen Sloan addressed the Commission with comments related to:

- She had a question about Mr. Castaneda's presentation. In 2020 when the flood happened, an emergency was declared, and we made a claim for emergency funding, so why were the \$2 million headworks not replaced using emergency funding. We cut back 4 or 5 times on the downtown water project, and Cook Street was \$2 million of that budget, and it sounds like, from all the problems that they had at Cook Street, that what would have benefited and prevented system wide problems at Cook Steet, if we had taken care of it by

replacing the pumps and valves. Who is making the decision to cut what, when we have to cut back because the price has changed. That sounds like that was not good decision making. We hear about these problems after the fact, but we don't hear about the plans upfront, and why they are being cut back, and what is being cut back, and what should be a priority. She has said several times, we need a master plan. Is it \$200 million worth of water and wastewater infrastructure problems. We need a master plan that combines the cost of fixing water, and sewer and street repair. That needs to be done in the most efficient, and cost-efficient manner. We have been dealing with this for years, and we still have no master plan. She feels like we are attacking this piece milled and our priorities don't even become evident and they aren't being considered.

E. REPORTS:

City Manager Gonzales reported the following:

- She could not keep up with Mayor Pro-Tem Hechler while they were in New York. He and Chief Tavizon ran her to the bone. We had a very quick, but successful trip. They went with a goal in mind, and that goal was to help our community move forward. They met with some very serious people, and they did a darn good job. We worked hard. It was a bit overwhelming, and exciting to go and represent the city, and to be able to answer their questions.

City Attorney Rubin reported the following:

- The city has been aggressive in enforcing our code. Ms. Alvarez has sent several files to him regarding possible violations of weeds, and litter, and refuge so we are in the process of proceeding in the direction of trying to enforce our code.

City Commission Reports:

Commissioner Fahl reported the following:

- She expressed her appreciation to the city staff for their help with the Veterans Day program at the Veterans Memorial Park. She has served on that board since 2003, and she thought that was the best program they have had in many years. They had great attendance, and they couldn't have pulled it off without the city staff. They did so much stuff to help prep and cleanup. She thanked everyone who was able to attend. It was an excellent program.
- Tagging onto Small Business Saturday. There are a lot of organizations that are having craft fairs and other activities from now to the holiday season, and everything you buy there is for local people, so we really want to encourage you to do that. There is just so much going on between now and the holidays, so she wants to encourage everybody to go and spend their money here in town. She is also on the Geronimo Springs Board, and they are having a craft fair on Saturday so please go to that.

Commissioner Harrelson reported the following:

- I'm going to start with Spaceport. I went with Commissioner Hechler to the Spaceport for a launch, and it was fantastic. It was a great experience meeting a lot of people and engineers. We really got a birds' eye view of what was going on, and our community really needs to be knowledgeable about that. It's one of those things the school system really needs to be involved in. There were 6-8 kids from a Las Cruces Middle School who asked great questions, and our community needs to do the same thing.
- We've had a lot of keyboard warriors spreading misinformation. We do this for the children in our community. This is for their future, not ours. They're the life, and blood of our community. I supported the district in giving \$100,000 for reading instruction for our school district. Those are things I'm passionate about. I have children and grandchildren, and we want them to be here and stay here. To the naysayers. We've done a great job of supporting our community and not just one sector. No matter what we say here, it gets twisted and gets shared as misinformation to the public. It could be due to a comprehension vocabulary deficit where people are not understanding what's being communicated, or a behavioral issue. We are continually having to go back and discuss things from past commissions. We need to communicate and document more of the good things happening within the community. The keyboard warriors sharing misinformation need to stop.
- We've worked very hard to be sustainable, and we worked toward a balanced budget which hasn't happened in years. We are continuing to work on infrastructure. We have roadblocks due to Santa Fe not recognizing or seeing what is happening here. There are also the quality-of-life amenities that have been brought up and are addressed by Mayor Amanda and Mayor Rolf. I want that on record who addressed this rather than anyone else. They were who brought up how we need to use our money. This has been documented in past commissions. In all past commissions, if you read something, you need to check facts because it is not true. I hope for the future of this community that we stop believing bloggers and misinformation and we look up the truth and the facts and we see how hard this job is and how much we've worked to do what we're supposed to do. We're here for everyone in our community not just one small part of it. We make decisions for everyone. The life blood of this community is our children.
- Cutbacks are done through budgeting. When that happens, we know that we're having to cutback through the guidance of an engineer. We have to be really diligent about that. We don't know about these things, so we need someone who knows and it's documented and transparent. Everyone in the community knows what's happening. We have to piece meal things together with tiny bits of money at a time. We have to go with what's important. I hope people know the real truth.

Mayor Pro-Tem Hechler reported the following:

- He recognized 3 ladies from our community who recently passed away and have contributed to our way of life. Eiliana from Desert Haven consistently taking in animals in need within the community. He worked with Susan Curry over the last two years during Fiesta with the vendors. She was well liked and she did a wonderful job. She was a dynamo who he has known for many years. LaRena Miller at the visitor center, spoke and represented us well when Spaceport started and she did the scenic byways. They will be missed.
- On the business trip to New York with the Chief and City Manager, we rose to the occasion. We're going to get some things that are very beneficial to the community. It was a worthwhile trip.
- Thank you for letting him present to legislative finance committee a couple weeks ago. We talked extensively about our water issues. He introduced our situation, and our Senator and representatives took over. They're well-versed about what's going on in TorC. They want to be supportive and do things for us. We didn't get the support of the governor's office that we need. We need to start an initiative to get heard and let them know what's happening here. That will be my drive over the next 2-3 weeks. The biggest item that gets in the way of our economic success is this water problem that needs to be addressed.

Mayor Forrister reported the following:

- We live in a great community. It's unfortunate that we have to deal with so much of the naysayers, and we don't stand together for our community. However, the majority do, and she appreciates you guys so much.
- Small Business Saturday: I challenge everyone to support our downtown small businesses. When we ask for donations, they come from our neighbors and struggling businesses. We have a buyers appreciation dinner for the 4H FFA sale on December 12th. Those are all people who donate to the kids of the community. They live and work here, and at any point in time I appreciate anyone supporting them back. Emphasizing our great community.
- We went to Santa Fe last year, and had meeting with Governor's office, and they are aware of our issues. We're not heard with open ears. We're not important other than our legislators, local representatives, and our senator. They know our problems and want to help us. It's going to take the whole community getting involved. We've been on NBC news, and will keep trying.
- Cook Street: It's her understanding that was not taken out due to supply and demand. It is backtracked for 287 days of getting that fixed. Again, know your facts.
Our volleyball team won 2nd back to back at district. We won last year for the first time in 16 years. One player is eager to play volleyball at the next level. She is Commissioner Harrelson's daughter. We got 2nd seat in the state. She invited everyone to go to the next game for support.

Commissioner Mitchell reported the following:

- Hot Springs High School participated in the NM State Quiz bowl and took 1st place. Great job to the kids. They did great!
- The National Honors Society bowling fundraiser is taking place on 11/29. Teachers vs. EMTs vs. Police Dept. vs. everybody. They're having pools on who will win. Tickets required are available at Rebel Roadrunner, Hot Springs High School or NHS. We would like the community to come out to support this fun night!

Mayor Forrister added: I'm glad we support the kids of our community at all cost.

F. CONSENT CALENDAR:

1. City Commission Regular Minutes, October 25, 2023
2. October 2023 Accounts Payable
3. October 2023 Income Statements

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

G. PUBLIC HEARINGS:

1. Public Hearing/Discussion/Action: Final Adoption of Ordinance No. 756 authorizing issuance and sale of \$4,500,000 City of Truth or Consequences Gross Receipts Tax Improvement and Refunding Revenue Bonds, Series 2023 for the purpose of acquiring, constructing, furnishing, equipping, beautifying and making improvements to a Law Enforcement Facility:

Mark Valenzuela, Bosque Advisors, LLC: I am grateful to have worked with your team that went to New York. They made his job easier by offering a clear description of our community and communicating all information. S&P expressed interest in visiting T or C because of this. Chris will talk about the bond ordinance. The rating process costs \$15,000 to S&P. This is an investment we are hopeful will improve over time. Ruidoso started at a low investment grade rating which is triple B (BBB) several (about 8) years ago, and they kept at it, and every time they would issue debt, they would go see the rating agencies, and now they're up to an AA minus rating, which is a 3-notch jump. For the community, every time you notch upward, and improve your credit rating, you pay a lower cost of financing. Over a long-term financing, that is several hundred thousand of savings. The initial \$15,000 investment or the rating could potentially produce that level of savings for the community. The meeting was all business. Your team was fantastic in describing your overall community. The transaction is up to \$4.5 million, up to 30 years. We expect it to be roughly a 25-year financing, and likely not full \$4.5 million. I think it will likely be in the \$4-4.4 million range. The legal pledge is that municipal state shared

gross receipts tax, which is 1.225% of the total amount. This is the legal pledge. It is not the money that the city will be using to repay their debt. The .25% for law enforcement that has been in oppose, will be the money that will repay the debt. The reason we're using the municipal state share is because it's more money, and it's a better credit. It's going to be the best opportunity the city has to get the highest possible rating you can get from the rating agencies. Finally, this will be a tax-exempt financing. There's the opportunity to refund some existing debt, if it makes sense. We will not do it if it doesn't. You have two very small loans with about \$60,000 remaining on them. If we can generate enough bond premium, where bond investors are paying you a little bit more, for example, if a bond is \$100, there are investors that might pay \$110 right now. That's where the market is. If we can generate that kind of premium, we can use that cash to pay these off, and get them off the books, and start refining the debt portfolio. That's the transaction that is in front of you, and I can answer any questions after Chris presents the bond ordinance.

Chris Muirhead, Modrall Sperling: Let's talk about the legal structure we did a couple weeks ago. The important thing to remember as Mark indicated, is the pledge of the shared gross receipts tax. That is what any investor would look to if there is a shortfall that they could tap that. They cannot tap any other GRTs, system revenues, or any other general obligations. Being a special limited obligation, that is the nice benefit of that. This is the singular action that you need to take to get the process going and to issue the bonds. We would be back with the final pricing terms for informational items. This ordinance delegates to the Mayor, City Manager, and Finance Director to accept the terms of the sale subject to the terms of the parameters of this ordinance, which are the maximum of \$4.5 million, with 12% interest which is a statutory maximum, but will be substantially lower than that. As well as the 30-year maximum on terms, which might be lower than that. This does approve the project. It approves funding a reserve fund because that will help the credit, and the investors will want to see that. It does authorize the refunding if that does make sense. The majority of the ordinance is kind of the nuts and bolts of the bond, the creation of various accounts, and once the bonds are sold, the money would go into an acquisition account to fund the project. You are limited to do what in fact you are approving today. A reserve account will be used as a safety net, should there ever be a short fall, and that reserve fund can be used to pay debt service, and is funded at the time of final maturity of the final payment of debt service. It creates various covenants that basically are to continue to operate the facility as a police department, and you will continue to earn state shared gross receipts tax which is the tax the state gives you, so that's already in place. They can't make you go increase it from 1.225%. That is your budget, and that is what the state has given you. That's the maximum pledge that it will ever be. You may decide as a community as Mark said, to use other funds to pay it, and that's always at your discretion. This is your moment where you would approve the moving forward, and that would get the ball rolling to the next step.

City Attorney Rubin: You were saying something about *12% interest*.

Chris Muirhead, Modrall Sperling: The statute states you cannot incur debt for a special revenue bond in excess of 12%. The state legislature has said not in excess of 12%. 40-50 years ago, it may have been that high, but it is not now. They have capped interest to that. In a G.O. bond, your cap is 10% and as you saw, it was well below that number.

Chief Tavizon: When I first started looking at doing some research from 2017, I looked at the actual .25% that was allotted for public safety. That was passed in 2011 where that .25% would come out of the GRT which is 1.87%, so it's not even the municipal share that we're pledging. That .25% wasn't allocated specifically to salaries. It was public safety. Creating this opportunity to have this new facility will be just that. Public safety for the entire community. It makes us that hub. In addition to some of the research that I did, I was looking at what the cost of new construction would be vs. renovation. That was some questions that were out there. Gallup paid \$24 million for new police department facility. The lowest I could find was \$10 million. I wanted some hard numbers rather than just internet searches, so I reached out to our architects and I asked for costs.

He read a letter from our architects dated October 17, 2023. Renovation of armory building vs. new police station.

- *Dear Chief, in regard to your inquiry about the cost of renovation vs. new construction, the following would apply: Renovation for the size of the 13,375 square feet armory = \$250/ per square foot for a total of a little over \$3.3 million. The new construction & site work including installation of all utilities would be an initial lump sum of \$400,000 upfront, and for the same or similar size comes out to \$730/per square foot with a total of \$9.7 million cost. Our rule of thumb for renovation vs. new construction uses a 50% breakpoint. If it costs more than 50% to renovate, then new construction is usually a better option. However, \$250/square foot is 27% well under that 50%. This renovation is a logical and rational erection for the T or C police. Renovation may not meet your needs.*

Side note: which I believe it will because we get to have a say of what that interior of the building is going to look like and it is fortified. When they built these armories, they built them for the military so they're strong solid concrete walls that meet our needs. Other agencies have used them, and they've been successful in their application.

- *letter continues... The renovation may not meet your needs. However, as well as a new building with no limitations like the existing envelope. However, our plans seem to work well for your needs.*

We have looked at different options and renovation is the best option for our tax payers. It presents the best opportunity for us to have that facility that we need. For that I stand for any questions that you may have.

Commissioner Fahl: Chief, will the \$15,000 for the ratings fee come out of your budget?

Chief Tavizon: It will come out of the bond.

Commissioner Harrelson: What I'm hearing from our public is that they don't understand how budget works, and when something is earmarked for a certain thing, you can't spend that money on something else. We can't get this money from this bond, and then turn around and spend it to fix water. It has to go to what we're earmarking it for. That needs to be made clear because I think there is some miscommunication that somehow funding comes in, and we can re-direct it wherever it needs to go. That is illegal. That's not how public funds work. Whatever it's earmarked for, that's what it goes to. If we choose to put this in, we can't take this money and then next week say oh we're gonna go fix the water on Cook Street. That doesn't work that way. I want that to be clear. I want to communicate that to the public, that's how this works. Any bond that comes through or any earmarked money that comes from federal or state funding is earmarked exactly for what it's for. You cannot spend it on other things.

Mayor Forrister: And the money that's using to be paid back is earmarked just for police GRT. We can't use that money for anything else.

Commissioner Fahl: It's not coming out of the general fund.

Chief Tavizon: There's no increase in taxes. It's already money that's allocated. That percentage is already there. It's gonna be contingent upon what we get as a whole from the state. If the GRTs are great, it's gonna be higher if they're doing really well. It's earmarked for public safety.

Mayor Forrister: We can't get this money and go pay for water lines. We would love to do that, but we cannot so we might as well use it for something that's going to be beneficial to our community.

Mayor Pro-Tem Hechler: Chief, explain a little bit about what else this facility will do besides be a police department.

Chief Tavizon: Initially, I looked at joining together with the state police. I think the previous issue that happened in 2017, when it stopped, having made them a little shy to wanting to commit to it. Which is fine. As a contingency plan, what I wanted to do, and what I've done is reach out to some of the advocacy centers. I told them, I know you're paying rent at current locations in our community. Let's bring you guys into the PD. Let's not be a police department where people are afraid to go to, and we're just there as the bad guys. We want to be there to help fight recidivism in our community. I would like to reach out to any kind of mental health counselor, substance abuse counselors and offer them an office space there on the southside of the building. We'll have some office space for them. We can charge minimal amount of rent if needed, but we can basically be a one-stop shop for helping our community members benefit and fight some of this substance abuse they're struggling with these addictions, so I think it'll be a great opportunity for us to try to help. Maybe that will help combat some of the crime and stuff.

Mayor Forrister: A few years ago, weren't we trying to find a place for the DWI prevention people to go? That was supposed to be a good place, correct?

Joshua Baker, Sierra County Sherriff: They have their own office.

Chief Tavizon: We do have domestic violence advocacies that could go in there and help us out.

Mayor Pro-Tem Hechler: Thank you for that Chief. If we're allowing these groups to come into this facility at a reduced rate, that money goes back into the community that they save. I think an important aspect of this thing is that we want to support these programs, but we can support them monetarily a little bit more that way and return that money back to the community in doing good.

Mayor Forrister opened the public hearing.

Proponents:

Joshua Baker, Sierra County Sherriff: First, I'd like to commend Chief Tavizon for all the work he's put in on this. We've had several meetings about this. I was facing the same battle at the Sheriff's department, so I can tell you his numbers on renovation vs. construction are very accurate. I did the same homework. We had several meetings over that. It's way cheaper to renovate than it is to build right now. The price of construction is insane. I worked for the TorC Police department when this GRT was put into place. The intent was to improve law enforcement in the TorC Police department, and without getting into the weeds too much, I think this is an opportunity for the city to really purpose that money for what it was actually intended for. Not for new office furniture or new units, because that gets shuffled around, but actual improvement to public safety. I've been here since Jan 1, 2011 and I've been in that building 4 times when it flooded. I helped move furniture, keep electrical outlets from getting in the water, and watched 3 Chiefs spend tens of thousands of dollars trying to renovate the current building to no avail. The current building may have been the best option when implemented, but there's no room for growth. There's no parking, and there's no room for training. Quite honestly, it's really inadequate. The Chief's direction in moving toward the National Guard Armory has been talked about quite a bit, but he's actually put the leg work in to fund it, and make it a reality. I would ask that you also consider the ramifications of a professional law enforcement building and complex. When new businesses or residents come to a community, that's one of the first things they look at, is what kind of emergency services they have. Presenting a professional image is very important to those things. It also helps with morale inside of an agency. It helps him with his recruiting, and with his retention, which he and I are both constantly battling. It's just an all-around good thing. It's not costing the citizens anything that's not already being paid, and it's allocating this GRT to what it was initially intended for, so I ask that you please support him.

Mayor Forrister: Thank you for bringing up that the funeral home/morgue building was the best option at the time. That was key right there, so thank you.

Arliss Rhodes: I'm a retired Captain out of the Sheriff's department in Dona Ana County for 21 years. I also was a supervisor for the reserve unit for the NMSU Police department during that time frame. I'm currently a security manager at the Spaceport. This community should really understand the value of these two gentlemen over here. I've tried very hard to have an intimate working relationship with our current law enforcement, and having that background, and the need for services at the spaceport when we need it. These are the guys we're going to go to. I've worked for, and I've worked with numerous different department heads in the past. These gentlemen you work with are entirely different. We have an excellent working relationship with Chief Tavizon. During the recent Fiesta event, they worked their command center out of our command trailer. I gladly brought that down and assisted them with working with that. It was a lot of fun. It worked really well. First impressions are crucial. Anywhere we go, we make an impression of what we see in the beginning. This is my first time in this room. I sized it up when I walked in. You can watch the people. You can see how things are. A number of years ago, I helped to bury a friend of my father in the morgue where the Police department is now. When I found out the Police department was in that old building when I came to work here, I thought, WOW that's interesting. First impressions are crucial, and they have a lasting impression, so when I walked into that building, I thought, I'm walking into a mortuary, because that was my last impression. I've been in that building numerous different times for finger printing, for working with the Chief, working with Lieutenant Venable, and working with their firearms staff. My first impression other than this is an old mortuary was this is adequate at best for law enforcement. During my career, I've helped move departments twice, and when you move bigger and better with a better storefront, the community perceives you differently. The internal moral changes because you have something to be proud of. I personally assisted Lieutenant Venable with putting one of their patrol bikes together in a hallway/office of that building because that's what room he had. I just happened to walk in there, and I was surprised at where they were having to build the bike. I would request that you choose to assist the Chief with this, and it can be nothing but better. I guarantee it will help with the morale and the perception of law enforcement, which is not that good today. It's not. That will make a huge impact on this community, and the people that are going into that department and interacting with them. Thank you for your time.

Cameron Sandoval, young community member: I want to be a future police officer with Chief Tavizon, and I think the new building would be a great place.

Caleb Cooper: Good morning. That was awesome to see a young person up here. I've known Chief for quite some time. I think numbers and budget, and everything that comes with that is a no-brainer. I think it's really about getting behind a visionary. It's not every day that someone comes in that has enough grit to say I want to follow through. I've got a process. I've got a plan, and I've done my homework. I just think it would be celebratory for our community to have a resurrection that will come out of this. I believe

that the time is now. If we miss the opportunity with the armory, in the future way down the road, we're going to be back here like we are today. Same water, different situation. We have the opportunity to fix this. We have the grit, and we have the staying power, so thank you Chief for your leadership. I say we get behind him 100%.

Erica Cooper: I have nine letters in support. We so appreciate the leadership that the Chief has brought. We've been here 10 years this year, and we've seen chiefs come and go. I can honestly say I've never seen a chief care about our community like he has. He has really poured his heart into making sure that his law enforcement officers are being trained, and being equipped with what they need to be equipped with. He calls for a level of professionalism that I so appreciate, and I believe that this law enforcement facility would give us that next level up, and so we are all for it.

Opponents:

Kathleen Sloan: I'm not an opponent. I'm not a proponent of this project. I have no doubt that the need is great for a new police building. That's not the question. The question is: Do we have the money now? I want to straighten out the .25 GRT. I never said that it could be used for water. I never said if we issue \$4.5 million in bonds, that it can then be used for water. I never said that. What I said was, in 2019, the state legislature changed the law on GRT, and what you earmarked. What we have is several GRT increments within the 1.225. Some is for environment, and some is for the general fund. .25 is for the police department. All that went away. All that earmarking went away in 2019. The state legislature took that earmarking made at the local level away, and they said "you can use this money for anything". That's what it says, and that is true. This .25 is no longer earmarked for public safety, so you can use it for water if you would love to use it for water. You can float bond issues, and use it for water. I was here in 2011 too, and I listened to Chief of Police Gallagher make a very good argument that we needed that .25 GRT because of the turnover in the police department for salaries & recruitment. When it became the ballot language, they reduced it. The ballot language couldn't put Chief Gallagher's whole argument in there. It was reduced to public safety, but the community discussion, and the community support for that .25 in 2011 when they voted for it, was because they wanted that money to be used for salaries and recruitment.

Mayor Forrister closed the public hearing.

Commissioner Fahl: I'm in favor of this, but I want to re-iterate what I've said before that it's refreshing to see the teamwork that the Chief has brought with our connection with the Sheriff's department and the Spaceport. We're a small community, and we all need to work together as a team, so you bringing that change to us has really enhanced our community, and I really can't thank you enough for that.

Mayor Pro-Tem Hechler: I was part of the Commission back in 2017 or so when we started the initial drive to try to get this facility changed over. I worked with Chief Alirez, Chief Rodriguez, Chief Aragon, and now Chief Tavizon. I toured the facility with every

one of them, and every one of them had the same issue. It's time for us to move and get this thing done. They all had the same vision. There's a reason for it, and that's because we have a need. It was defeated back in 2017 or 2018. I can't remember the exact year. There was some misinformation that was presented out there, and it went to referendum, and people voted on it, and they voted it down. If we would have built it back then, we would have been done with it, and we would have saved money. Now is the time to take care of it. It's not going to get any cheaper. The opportunity is not going to be any better. We have an opportunity now, and a way to pay for it. We should do it. We should move forward and take care of business.

Chris Muirhead, Modrall Sperling: I would just make one clarification on the use of GRT. That is a change in 2019. However, as I understand it, this particular GRT was put to a vote, so you couldn't as a governing body, change that without going back to a vote. That would just make that verification, so that everybody's clear. Yes, it's true, you would have much more local control than you did pre-2019, but if it was subject to an election, it is still subject to an election.

Commissioner Fahl moved to approve Final Adoption of Ordinance No. 756 authorizing issuance and sale of \$4,500,000 City of Truth or Consequences Gross Receipts Tax Improvement and Refunding Revenue Bonds, Series 2023 for the purpose of acquiring, constructing, furnishing, equipping, beautifying and making improvements to a Law Enforcement Facility. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

H. ORDINANCES/RESOLUTIONS/ZONING:

- 1. Discussion/Action: Amendment to Resolution No. 16 23/24 City Holiday Schedule.**

City Manager Gonzales: We previously brought this to you for approval. However, there was a mistake on the original resolution. There were two Christmas Eve dates, so we'd like to move one of the Christmas Eve dates to Christmas Day. December 24th which is Christmas Eve, and December 25th which Christmas Day.

Mayor Pro-Tem Hechler made a motion to amend Resolution No. 16 23/24 City Holiday Schedule. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

2. Discussion/Action: Resolution No. 20 23/24 Budget Adjustment Request.

Kristie Wilson, Finance Director reviewed the budget adjustments provided in the packet.

Commissioner Fahl moved to approve Resolution No. 20 23/24 Budget Adjustment Request. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

3. Discussion/Action: Resolution No. 21 23/24 Declaring a disaster in the City of Truth or Consequences related to waterline infrastructure failure.

City Manager Gonzales: Water Director, Arnie Castaneda, was very clear about this situation this morning. We were within minutes of our community being without water. Water leaks waste more water than anything else. We are very well aware of that. Whenever we couldn't get the pump to start. That was more than a little problematic thing. The first thing we did when that happened was contact Ryan Williams. When the declaration is signed, he requested it be emailed to him because he is with the state EOC, and they are getting everything put together. We all know as a community, as a board, and as staff, that it is not a matter of if. It is a matter of when. It'll most likely be on the most inconvenient day possible. We just want to get ahead of the game, and get this set up, so that way Emergency Manager Ryan Williams can take this to move within hours, and get it to the EOC from now on. The EOC group staff will come down here, and they will look at this. They're going to help us out, and help us get these trucks in place for possible water distribution if we need it. I'm just going to the worst-case scenario, because that's what it's going to be. I took the resolution template from the other emergencies that Emergency Manager Williams has been part of, so that's where the language of the resolution came from.

Mayor Forrister: I also want to point out that when we went to our legislative meeting, that was a recommendation by our legislators. I think we do a very good job of keeping it at bay, so it isn't an emergency yet, but we didn't want to say that. It was their suggestion that we declare this an emergency. We're keeping it at bay for the time being, but it's already an emergency. It's a disaster, and we need to do something about it. It just so happens with what happened with Arnie that day, definitely made it even more pressing that this needed to be done.

City Manager Gonzales: It went from a legislative encouraged resolution to where I was writing it in a way that I wanted to make sure that the community understood that yes, the water lines are in bad shape, but quality of water is still #1. It's very much in place. It exceeds the standards of the New Mexico Environment Department, and those documents are on the water web page. I am not saying anything that is not

documented. That's why I went ahead and took a tone of actual emergency, because we were within hours of actually having to call. I've even asked Emergency Manager Williams, if something happens over the weekend, do we have to call a Special Meeting to do an emergency resolution, or could we just do it today? That's how serious we were.

Mayor Forrister: Well, I'm glad we're getting this done. Hopefully, it just keeps us going in the right direction on what we need to do to get funding.

City Attorney Jay Rubin: I'd like to also add some legal points. Of course, historically, we've always been careful about trying to declare something as a disaster or emergency, but the statutes do allow you to do it. If you take a look at the resolution, the wording of the resolution does become important. Take a look at the 2nd page. The authority is defined as the All-Hazard Emergency Management Act under 12-10-1. That's the statutory authority that allows you to do this. It is important that the resolution itself actually sets forth sufficient facts to show that we are properly invoking that state statute. I think, in my judgment, the 4th, 5th and 6th whereas in the resolution are very crucial to what we are doing. The 4th one reads, *"whereas the City of Truth or Consequences has experienced over 400 water leaks in the calendar year 2022. The water lines are over 60 years old, and have grossly exceeded their usual life-span. The city's water system is losing over 20% of the water pump, and that relates to losing revenue needed to fix the water lines"*. The next whereas reads, *"The water line leaks are causing significant damage to all of the other infrastructure in the city. The streets are being eroded from the leaks. The running water is damaging electric poles and property"*. And finally, the next whereas reads, *"The water leaks flooding the roadways has resulted in hardship, and threatens the safety, health, welfare, and well-being of the citizens, and economy of the City of Truth or Consequences"*. So, I think with those whereas, you have made it easier to declare it an emergency. Finally, if you look at the bottom whereas on the first page, this actually was language I wanted to include. This actually directly quotes the state statute 12-10-7, whereas section 12-10-17 MSA empowers the governing body to reclaim the public disorder, disaster, or emergency affects life or property within the municipality in an event a state of emergency exists. My point is if the commission makes these findings, I think you're on solid ground to approve the resolution.

Commissioner Fahl: Then this declaration then will allow us, if it fails, to call Ryan, and then he gets people down here and brings us water, right?

Mayor Forrister: Yep.

Commissioner Fahl: So, based on Ryan's experience, does he believe once we've declared this, that would open other doors besides state funding from FEMA to get money?

City Manager Gonzales: Yes. It will allow FEMA to come in, so that opens up some emergency federal funding.

Commissioner Fahl: Excellent.

Mayor Forrister: That is typically what the legislators were saying, that it needed to be federal. It was going to have to be federally funded.

Commissioner Fahl: This would certainly give us a better opportunity to get big money.

Mayor Forrister: Absolutely.

City Manager Gonzales: It makes it a quality a life. We got to have water to take care of our people in the hospitals and in the nursing homes. We have our veterans. We've got to love our veterans with what they've gone through for us. Let's make sure they have some water. The water quality is there. Just because it's leaking down the road. We still have very good clear water.

Mayor Pro-Tem Hechler: Thank you for articulating this very well. If we keep going the way we're going, it's going to cost more to fix it. The state needs to step up, and help us here. If we keep jumping around fixing water leaks, and catching our hind ends vs. getting ahead of it, it will save money in the long run.

Commissioner Mitchell moved to approve Resolution No. 21 23/24 Declaring a disaster in the City of Truth or Consequences related to waterline infrastructure failure. Commissioner Fahl and Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

4. Discussion/Action: Publication of Ordinance No. 758 Amending Section 14-30 of the City of Truth or Consequences Municipal Code of Ordinances Pertaining to Access to Property.

Bo Easley, Electric Division Director: When we went to update our municipal code, we decided to make some changes to some of the ordinances. First ordinance No. 758 for the access to property, the only thing we changed, was we took out meter boxes, and we added a 25-foot pole. So, if a customer has a meter can or anything on a pole, it has to be a 25-foot pole. The reason is why, is for clearance going over the road and driveways.

City Attorney Rubini: To make this easier for the commission to understand, for all these items on the agenda, 4, 5, 6 & 7 what the packet would contain is the proposed revised ordinance, and then behind it is the red line ordinance. The red line shows what the ordinance looks like with the changes. That makes it easier than trying to plow through all the pages.

Commissioner Fahl: Just to clarify for the public, could you explain why it's meters, and you're striking meter boxes?

Bo Easley, Electric Division Director: We don't own the meter boxes. It's the customer's responsibility to provide meter can risers whenever they upgrade their service. All we do is supply the power instead of the meter.

Commissioner Fahl moved to approve Publication of Ordinance No. 758 Amending Section 14-30 of the City of Truth or Consequences Municipal Code of Ordinances Pertaining to Access to Property. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

5. Discussion/Action: Publication of Ordinance No. 759 Amending Section 14-31 of the City of Truth or Consequences Municipal Code of Ordinances Pertaining to Taking Service-Without Authority.

Bo Easley, Electric Division Director: On the back you can see where we added some more wording to catch people who are taking electricity or even water.

Commissioner Fahl: We didn't have that before?

Bo Easley, Electric Division Director: We did, but we made it a little clearer, and being caught, the charges are a little rougher.

City Attorney Rubin: Commissioner Fahl, that's a good question. We had a penalty provision for a violation of any of our ordinances that could result in a fine up to \$500 or jail time up to 90 days at the discretion of the court. You can add a separate penalty revision, which is what we're doing here. There is the interesting question about this though, because you'll see that for a 3rd subsequent violation, it is a 4th degree felony. Our city code we did not have that jurisdiction or authority to do that because in our jurisdiction, we can only go to a misdemeanor, but now, we're contemplating having these ordinances in magistrate court, so I assume now we would have the power to include a felony reference. That's the interesting thing I caught on this.

Commissioner Harrelson: Can I clarify. So, this means if someone were for example hypothetically, going to dig underground, and they tap into someone else's electrical pole, and they got caught for doing that, they could possibly have a felony and go to jail for that. I just wanted to clarify.

City Attorney Rubin: Again, that's subsequent facts.

Mayor Pro-Tem Hechler: This says two or more households. What's the distinction there?

Bo Easley, Electric Division Director: That was due to the last incident that happened. There were two customers, and one was allowing the other one.

Mayor Pro-Tem Hechler: What if one person hooked up illegally on their own without affecting a neighbor or another person?

Bo Easley, Electric Division Director: Then it ends up being that one person.

Mayor Forrister: It says, *causing the disruption of communication of service of public utilities service to two or more*. It's because you're disturbing it.

Cross discussion ensued regarding the language of two or more people.

City Attorney Rubin: I think if the question you're asking is why are we saying two or more, why can't we have just one household is being disrupted. Is that your question? I don't know if that was discussed.

Mayor Pro-Tem Hechler: If there's a way for one person to steal electricity from the city without hooking up with a neighbor, that would be just as grievous to me as what we're looking at here. I guess that would be my question. How do we deal with that one person that does it bypasses the meter box or does something else?

Mayor Forrister: Can we just take that out, and just say disruption of communication service or public utility service of household customers or subscribers? Can we do that? Just take out the "two"?

City Attorney Rubin: You can add some sort of wording to say public utility services or households. That would be ok with me.

Additional cross discussion regarding "two or more" language.

Chief of Police Tavizon: When you have the verbiage of "*by theft of*" you have to be able to prove what they stole. Without something being metered, there's no way to know how much the theft was, or how much the victim, or the city was taken advantage of. I would like to see some kind of verbiage that says "*with the intent to commit theft of*" that way if they're hooked up to it, that's an intent to defraud by. Because if you do this, it's going to be a lot harder to prosecute, and that's our side that we're going to have to be doing.

Mayor Forrister: Great catch. Thank you.

Mayor Pro-Tem Hechler: I'd like to table this and let it be re-worked a little bit, so that it'll come back with clearer language. I think that would be important. If you have to go in and use city services to rectify a situation, that's monetary damage too, and so somehow that should be included. It's not just trying to prove \$100 was stolen of electricity. It's also that we had to go in to disconnect, excavate the line, and we had to do this and that. Those services cost our tax payer dollars, and it costs you money. It's not just theft of an object, but the loss to the community. Somewhere along those lines. If we can beef it up a little bit more that way. I don't want people to wiggle out of this in the future.

Mayor Pro-Tem Hechler moved to table this item so it can be re-worked, and brought back with clearer language. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

6. Discussion/Action: Publication of Ordinance No. 760 Amending Section 14-42 of the City of Truth or Consequences Municipal Code of Ordinances Pertaining to Energy Cost Adjustment.

Bo Easley, Electric Division Director: We crossed out the automatic pass-through wording and changed the name to Energy Cost Adjustment on this one.

Mayor Pro-Tem Hechler: I have a question for the part that says "*The City Commission shall review the production cost annually during budget hearings and shall set the amount of any increase or decrease in rates for the following year at that time*". What if the price of gas goes up in January, and we just made the adjustment. Do we go through the whole year before we make another adjustment? It could fluctuate \$2 to \$3 or a lot through the whole year, and either the customer is going to lose money, or we're going to lose money. My question is, how often can we make that adjustment? How often should we make that adjustment? Is it just an annual thing? I don't think we're getting what we want to get out of it.

Commissioner Fahl: Could you put an "*or as needed*" on that?

Bo Easley, Electric Division Director: Our electric rate doesn't go up. We're in a contract with Sierra Electric Co-Op. The only one we'd be worried about is what we buy from the solar array. Every year it does change.

Sonya Renfro, Utility Office Manager: I think we could put wording in there to where we could look at the cost quarterly.

Commissioner Harrelson: Thinking about the ordinance, can you add the language of "*make adjustments as needed or as contracts expire*" so you have something on paper.

Sonya Renfro, Utility Office Manager: We could maybe add something that says, if our pay rate changes, we can change what we sell it for too.

Assistant City Manager Alvarez: If you look at the next item on your agenda, and you go to their red line version, it does talk about the energy cost adjustment, and an increase at that time.

Mayor Pro-Tem Hechler: So, what I am getting out of this is that they need to match. I am not getting as many drastic changes under H6 as H7.

Commissioner Fahl: I agree. They both need to correlate. We're good with changing the name, but the last sentence needs to correlate with the other one.

Mayor Forrister: Can we just say the city commission shall review the production cost annually during budget and/or as needed?

City Attorney Rubin: I'm thinking that. That might bring more harmony with H7.

Mayor Forrister: We want to review it during budget, but let's put a clause in there that we can review at any time based on any increase or decrease on rates that come to us.

City Attorney Rubin: So, it says annually during budget hearings and/or as needed.

Cross discussion ensued regarding the language and justification for it.

Mayor Pro-Tem Hechler moved to approve Publication of Ordinance No. 760 Amending Section 14-42 of the City of Truth or Consequences Municipal Code of Ordinances Pertaining to Energy Cost Adjustment with the amendment of the verbiage and/or as needed immediately following budget hearings. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

7. Discussion/Action: Publication of Ordinance No. 761 Amending Section 14-45 of the City of Truth or Consequences Municipal Code of Ordinances Pertaining to Electrical Rates.

Bo Easley, Electric Division Director: As you see, we went through this, and made changes to our ordinance. The new electric rates pertain to the study. Everything is in red that we did do changes on.

Sonya Renfro, Utility Office Manager: The changes we made on this ordinance is just repeated verbiage. After every section, it had the same verbiage over and over again. Of course, we numbered and lettered them, and got rid of any monetary values in this ordinance. We want to have that separate because rates will be changing often. We don't want to have to change the ordinance every time we do a rate change.

Commissioner Fahl: Can I clarify that the first sentence under customer charge will be billed according to meter size and set by resolutions, so that's what the Commission would do whenever, right?

Mayor Forrister: It's just taking out the \$10 because the rates change.

Commissioner Fahl: The Commission would be doing that, but then we're not going to do anything based on the annual increase equivalent to the CPI until 2027. Why is that?

Sonya Renfro, Utility Office Manager: In our rate study for the Electric department, the percentages for each year are locked in until 2027. Once that ends, then we'll be able to continue to go up in rates if we need to.

Commissioner Mitchell: On the opt-out for the \$50, because that is a monetary value, what happens by the time this ordinance goes to the point where \$50 no longer covers an opt-out fee. Should we set it as a percentage of what a normal person would pay, and go away from the monetary so that way it just changes?

Mayor Forrister: I personally think we should just leave the \$50, and if we feel like we need to raise it, we can come back to that.

City Attorney Rubin: We actually had a resolution already a couple years ago.

Mayor Pro-Tem Hechler: How many people are opting out now?

Sonya Renfro, Utility Office Manager: I think we have 3 or 4 that opted out.

Mayor Pro-Tem Hechler: How much extra does that cost us? Do we have to go out and read the meters?

Sonya Renfro, Utility Office Manager: Yeah, and we've actually had some people that opted out that have changed their mind, and they had us go ahead and put in an AMI meter into their household.

Commissioner Fahl moved to approve Publication of Ordinance No. 761 Amending Section 14-45 of the City of Truth or Consequences Municipal Code of Ordinances Pertaining to Electrical Rates. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

I. NEW BUSINESS:

1. Discussion/Update: Water Update.

Item was moved after item C2.

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

Kristie Wilson, Finance Director reviewed the Purchase Requisitions over \$20,000 provided in the packet.

Commissioner Mitchell 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.

3. Discussion/Action: Approve and Accept the 2021 Edward Byrne Memorial Justice Assistance Grant (JAG) Contingency Funding.

Chief of Police Tavizon: There was some contingency money for the 2021 Edward Byrne Memorial Justice Assistance Grant (JAG). I applied for \$24,231.00 to purchase equipment. It was awarded to us. It is not a match grant. It is funds that will go straight to that equipment, and if we accept this, the money will hit within 5 days.

Mayor Pro-Tem Hechler moved to approve and accept the 2021 Edward Byrne Memorial Justice Assistance Grant (JAG) Contingency Funding. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

4. Discussion/Action: Request to advertise various City properties for sale.

Assistant City Manager Alvarez: We have some various properties we've had surveyed and appraised. Some of which, we've put up for sale already in the past, which is 612 E. 2nd Avenue which is appraised at \$20,000. We advertised it for sale in the past, and it didn't sell. We have lots 56, 57, 58, & 59 in the Sierra Vista area. Those are \$8,000 per lot, and those didn't sell yet. Then we have lot 65 & 66 in Sierra Vista at \$8,000 per lot. Those didn't sell. I'd like to re-advertise those lots for sale. In addition, we recently had a large tract of property, over 66 acres, that was surveyed and appraised. It's the area that goes behind the Veteran's Home that the city owns. I'd like to advertise that for sale with Commission approval. That was appraised at \$235,000. If approved for advertisement, I will put these out like a real estate ad and accept offers. Once those offers come in, I'll bring them to the Commission. We won't have to go through an ordinance sale for those less than \$25,000. We can do those direct. If we do get an offer on the 66 acres, that'll have to go through an ordinance sale because it's over \$25,000.

Mayor Forrister: I appreciate you doing this, and getting them back on the tax roll, so that people can pay for them.

Commissioner Fahl: I have some questions on that large acreage. That's all the land behind the Veteran's Home, correct?

Assistant City Manager Alvarez: Yes, a large portion of it. We have it surveyed out, and the appraisals are online. That large parcel also included our lift station. It also included a section of property that borders where the vet's museum is, and where some of the property along where the vet property is. We took some of that out to make sure that's not part of what we're selling.

Commissioner Fahl: On top of the hill behind the Veteran's Home, all the improvements that we made for the Healing Waters Trail, that appears from this drawing, that is what's included.

Assistant City Manager Alvarez: Yes, that would be included within this parcel.

Commissioner Fahl: So, you want to sell our asset of our Healing Waters Trail?

Assistant City Manager Alvarez: Not necessarily, and that's why we brought it to the Commission. All we did was do the survey of city property that took the roadway, and our existing lift station, and the DOT where the Veteran's Home is, and everything leads into that. If that's the Commission's wish, we can survey that section out as well.

Commissioner Fahl: Well, I would certainly hope that we don't sell where we've already gotten grants, and put improvements. As we've talked about, tourism and eco-tourism is a big draw for us, so as we've had people comment before, they walk that trail. I don't think we should sell any of that in my own opinion. I have another question. The city has owned this land for a long time. Why now are we deciding to sell it? I know we want to put stuff back on the tax rolls, but we just did the riverwalk feasibility study, and we talked about that property, so now we're going to sell it?

Assistant City Manager Alvarez: The Commission's directive a while back was to have the city properties surveyed and appraised, so this is the first one. We're also in the process of surveying out the race track, and the section of property around the race track, and we'll get that appraised and bring it to the city. I've got a couple other lots that we've done by condemnation. The surveyor's backed up. He's got a lot. This is just what he's got so far. All I'm doing is the Commission's directive, which is surveying empty land that the city has that's not on the tax roll, and bringing it to the Commission for your direction.

Commissioner Mitchell: So, if we approve this, it doesn't mean it's going to be sold, it just means that we went through the process to appraise it. Is that correct?

Assistant City Manager Alvarez: If you approve this, then I would be advertising it as-is. Keep in mind, if I have to go back to the surveyor, and they have to survey out the trail if that's the will of the Commission, that will go back to the appraiser. Both of those additional fees. Then I'd bring that back to the Commission again, with that area surveyed out.

Commissioner Fahl: All that's on top of the hill, so it would be really hard for anyone to develop that. I would adamantly say to ask that you take all that off of the top of the hill, and not do anything up above. It wouldn't make any sense for anyone to want to buy that because you'd have trouble with access. We have power lines, and we have a lot of stuff up there. For years we've talked about problems about that area. There's no water or electric, and the road is in bad shape. There's a problem with traffic, but if someone wants to develop that area, what would we want to do with it? What used to be over there?

Assistant City Manager Alvarez: In one section, I think there was waste water.

Commissioner Mitchell: Is this a property that you think the Veteran's Home would consider purchasing?

Assistant City Manager Alvarez: I have no idea. All I know is it was a large property, and under the direction of the Commission, I'm having all of the city properties that we have surveyed and appraised, then brought to the commission. It's ultimately the Commission's direction what you want me to do. I'm just bringing it to the table for you guys to decide.

Mayor Pro-Tem Hechler: Aren't we considering the Healing Waters Trail as part of the Rio Grande Trail, and that whole package. I don't know if we want to develop everything, we have that way, into commercial property, or private property. I think some things we need to keep for quality of life, and certainly trails and trail systems are important to our community. I know it's going to cost money down the road, but breaking the Healing Waters Trail out, because I think people do use that area.

Commissioner Fahl: They use it all the time.

Commissioner Mitchell: Are there any other properties that will be affected by this such as Rotary Park, in addition to the Healing Waters Trail?

Assistant City Manager Alvarez: This doesn't have anything to do with Rotary Park. We only own Rotary Park where the park stuff is. We don't own the other side where the parking lot is. That is all still up for grabs, I guess, for anybody who wants it, because the Bureau of Reclamation doesn't necessarily want to claim it. The city doesn't want to claim it for sure, because we don't want to have to maintain anything of that. This is on the opposite side.

Commissioner Mitchell: Thank you for the clarification.

Commissioner Fahl moved to approve the request to advertise various City properties for sale with the stipulation that the large lot of 66 acres be re-surveyed to exclude any lands associated with the Healing Waters Trail, and any other improvements of the city's property on top of the hill. Mayor Pro-Tem Hechler seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

5. Discussion/Action: Approval of the Records Inventory List for destruction.

City Clerk Torres: The Police Department has 106 additional boxes ready for destruction, and we just need your approval so we can schedule the date of destruction.

Mayor Pro-Tem Hechler moved to approve the Records Inventory List for destruction. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

J. EXECUTIVE SESSION

1. Limited Personnel Matters (City Manager) Pursuant to 10-15-1(H.2).

Mayor Pro-Tem Hechler made a motion to go into executive session at 12:02 p.m. to discuss Limited Personnel Matters (City Manager) Pursuant to 10-15-1(H.2). Commissioner Fahl seconded the motion. Roll call vote was taken by the Clerk-Treasurer. Motion carried unanimously.

Mayor Forrister reconvened the meeting in open session at 12:45 p.m.

Mayor Pro-Tem Hechler certified that only matters pertaining to Limited Personnel Matters (City Manager) Pursuant to 10-15-1(H.2) was discussed in Executive Session and no action was taken in executive session.

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

1. Limited Personnel Matters (City Manager) Pursuant to 10-15-1(H.2).

No action was taken.

L. ADJOURNMENT:

Mayor Forrister adjourned the meeting at 12:46 p.m.

Passed and Approved this 13th day of December, 2023.



Angela A. Torres, CMC, City Clerk

Amanda Forrister, Mayor

WATER/WASTEWATER DEPARTMENT

- I TOOK OVER WATER WASTEWATER ON JANUARY 23, 2023, AT THAT TIME THERE WAS ONE WATER EMPLOYEE AND FOUR WASTEWATER EMPLOYEES. I HAVE SINCE MADE CHANGES TO THE SCHEDULE TO HELP OFFSET UNNECESSARY OVERTIME, IMPLEMENTED MAINTENANCE SCHEDULES, IMPLEMENTED A NEW SALARY SCHEDULE TO ENCOURAGE CERTIFICATION TRAINING, HIRED A WASTEWATER 4/WATER 2 OPERATOR (REQUIRED FOR OPERATION OF WATER AND WASTEWATER SYSTEMS), IMPLEMENTED EMPLOYEE TRAINING FOR CERTIFICATION LICENSURE, STARTED A LEAK LIST SPREADSHEET TO IDENTIFY LOCATIONS AND PRIORITIZE FIXES, PROCURED A DISPATCH SERVICE FOR WATER AND SEWER EMERGENCY CALL-IN'S, REACHED OUT TO LOCAL CONTRACTORS TO ASSIST WITH MAJOR WATER LEAKS.



Water and Wastewater Department

WATER
WASTEWATER
STAFF



ADMINISTRATION

SADIE ANDREGG



ADMINISTRATIVE
ASSISTANT

1 MONTH WITH THE CITY
OF TRUTH OR
CONSEQUENCES

GRADUATED FROM HSHS
IN 2015

JAMIE FOREMAN



REGULATORY AND
COMPLIANCE SPECIALIST

5 MONTHS WITH THE CITY
OF TRUTH OR
CONSEQUENCES

BACHELORS IN BIOLOGY

WASTEWATER

SALVADOR MARTINEZ



WASTEWATER SUPERVISOR
2 MONTHS WITH THE CITY
OF TRUTH OR
CONSEQUENCES

HAS LEVEL 4 WASTEWATER
OPERATOR CERTIFICATION

HAS LEVEL 2 WATER
OPERATOR CERTIFICATION

PATRICK LOVEALL



WASTEWATER OPERATOR
5 YEARS AND 4 MONTHS
WITH THE CITY OF TRUTH OR
CONSEQUENCES

HAS LEVEL 1 WASTEWATER
OPERATOR CERTIFICATION

HAS LEVEL 1 WATER
OPERATOR CERTIFICATION

COMPOST CERTIFICATION

WASTEWATER

NATHAN "CALEB"
CAMERER



WASTEWATER LABORER

5 MONTHS WITH THE CITY
OF TRUTH OR
CONSEQUENCES HOWEVER
ONLY 1 MONTH WITH THE
WATER WASTEWATER.

WATER

JUSTIN ARMIJO



INTERIM WATER
FOREMAN

4 MONTHS WITH THE
CITY OF TRUTH OR
CONSEQUENCES

CLASS A CDL

HEAVY EQUIPMENT
OPERATOR

TIM HANNA



WATER OPERATOR

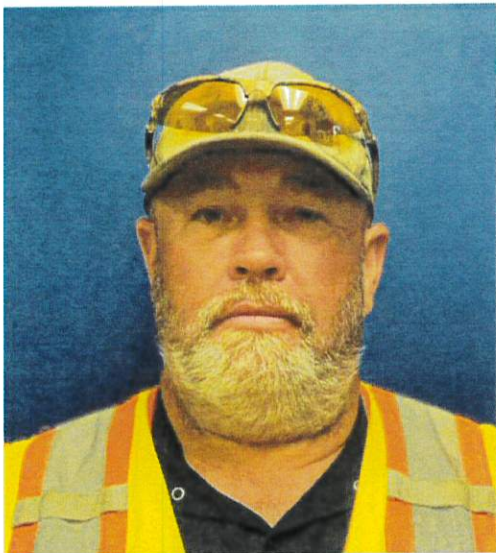
16 YEARS WITH THE CITY
OF TRUTH OR
CONSEQUENCES

CLASS A CDL

HEAVY EQUIPMENT
OPERATOR

WATER

ANTHONY COLLISTER



WATER LABORER

4 MONTHS WITH THE
CITY OF TRUTH OR
CONSEQUENCES

CERTIFICATIONS IN
WELDING AND A CLASS
A CDL

RENE LOERA



WATER LABORER

4.5 YEARS WITH THE CITY
OF TRUTH OR
CONSEQUENCES

METER READING UNTIL
SEPTEMBER OF 2023 THEN
MOVING OVER AS A
WATER LABORER

WATER

ISAIAH MALLARD



WATER LABORER

1 YEAR WITH THE CITY
OF TRUTH OR
CONSEQUENCES

METER READING UNTIL
SEPTEMBER OF 2023
THEN MOVING OVER AS
A WATER LABORER

DEPARTMENT OVERTIME

- IN AUGUST WE IMPLEMENTED A NEW WORK SCHEDULE FOR THE CREW. WITH THE NEW SCHEDULE THERE IS NOW SOMEONE ON DUTY AT THE TREATMENT PLANT AND ON THE FIELD EVERY DAY OF THE WEEK INCLUDING SATURDAY AND SUNDAY. THE REASON FOR THIS NEW SCHEDULE WAS TO REDUCE OVERTIME. SINCE THE IMPLEMENTATION OF THE SCHEDULE, WE HAVE SAVED 44.2% IN OVERTIME COSTS FROM THE SAME PERIOD LAST FY.

DEPARTMENT OVERTIME

Water/Wastewater Overtime

Water FY21-22		Water FY22-23		Water FY23-24	
July	\$ 829.50	\$ 1,603.96	\$ 692.63		
August	\$ 3,454.50	\$ 1,850.25	\$ 277.05		
September	\$ 5,359.50	\$ 3,861.82	\$ 2,245.05		
October	\$ 3,148.50	\$ 1,736.42	\$ 2,722.34	\$ 5,937.07	
November	\$ 3,079.50	\$ 1,497.68	\$ 2,224.47		
December	\$ 2,452.50	\$ 1,345.72			-34.41
January	\$ 945.00	\$ 1,302.31			
February	\$ 1,308.00	\$ 1,041.85			
March	\$ 240.00	\$ 889.92			
April	\$ 1,301.25	\$ 390.70			
May	\$ 869.25	\$ 221.64			
June	\$ 1,353.75	\$ 318.61			
	\$24,341.25	\$16,060.88	\$ 3,161.54		

Wastewater FY21-22		WW FY22-23		WW FY23-24	
July	\$ 590.16	\$ 2,201.45	\$ 3,843.50		
August	\$ 1,883.02	\$ 3,119.94	\$ 4,650.82		
September	\$ 1,416.07	\$ 10,426.68	\$ 5,217.16		
October	\$ 1,979.59	\$ 5,017.67	\$ 5,022.45	\$ 18,733.93	
November	\$ 1,940.92	\$ 3,854.65	\$ 836.76		
December	\$ 777.33	\$ 3,449.27			-9.78
January	\$ 702.52	\$ 4,200.44			
February	\$ 1,557.92	\$ 2,999.88			
March	\$ 472.08	\$ 5,447.64			
April	\$ 1,736.48	\$ 1,561.68			
May	\$ 1,394.69	\$ 3,560.36			
June	\$ 1,433.26	\$ 7,980.38			
	\$15,884.04	\$53,820.04	\$19,570.69		

CURRENT WATER LEAK STATUS

- OUR WATER CREW HAS DONE A GREAT JOB OF HANDLING THE WATER LEAKS. WE HAVE SLOWED DOWN RECENTLY DUE TO OUR VAC TRUCK BEING IN THE SHOP FOR REPAIR. WITH MOST OF OUR CREW BEING NEW TO THIS FIELD WE HAVE AT TIME NEEDED TO OBTAIN ASSISTANCE FROM OUR LOCAL CONTRACTORS FOR SOME OF OUR REPAIRS.
- MOST OF OUR LEAKS HAVE BEEN SERVICE LINES AND OUR CREW HAS BECOME PROFICIENT AT THOSE REPAIRS. HOWEVER, AT TIMES WE HAVE DEALT WITH MAIN LINE BREAKS THAT ARE DEEPER AND ARE MORE DIFFICULT TO ADDRESS. IN CASES WHERE THE LINES ARE MORE THAN 4 FT DEEP, WE PROCURE LOCAL CONTRACTORS TO MAKE THE REPAIRS.



WATER LEAKS WITHIN THE CITY

219 RIVERSIDE
5 INCH CRACK IN A WATER
MAIN

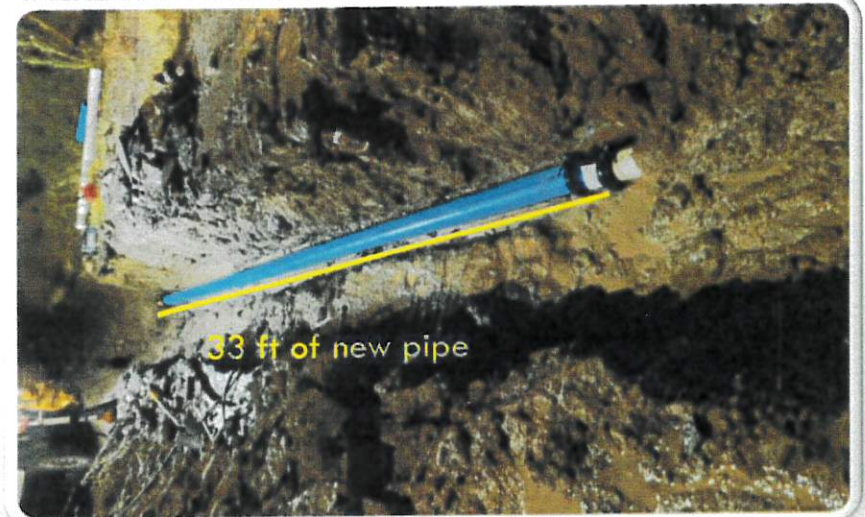


WATER LEAKS WITHIN THE CITY

CHERRY LANE

33 FEET OF PIPE HAD TO BE REPLACED
AS IT SPLIT AS THEY WERE REPAIRING A
SMALL LEAK AT THE END OF THE PIPE.

The start of the
crack



WATER LEAKS WITHIN THE CITY

N BOSQUE



WATER LEAKS WITHIN THE CITY

413 MAGNOLIA



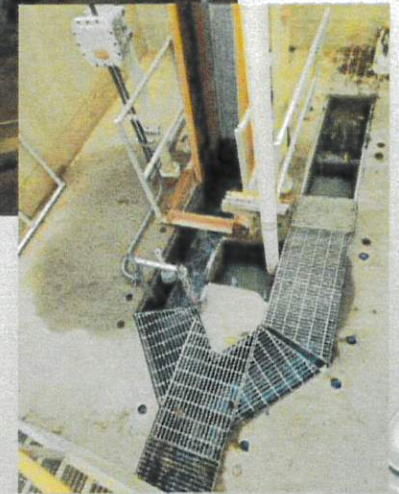
CURRENT EMERGENCY SITUATION

- WE HAVE BEEN DEALING WITH PROBLEMS ARE OUR COOK ST BOOSTER STATION LATELY. ABOUT A 6 WEEKS AGO WE WERE DEALING WITH ELECTRONIC CONTROL PROBLEMS. WE HAD TO SHUT DOWN OUR WELLS TO MAKE THOSE REPAIRS. LAST WEEK OUR PROBLEMS CONTINUED WITH OUR MAIN ELECTRICAL MOTOR. IT TRIPPED, WHEN WE TRIED TO RESET THE MOTOR BLEW-OUT AND LITERALLY CAUGHT ON FIRE. WE DID HAPPEN TO HAVE A SPARE MOTOR AND QUICKLY REPLACED IT BUT WERE NOT SUCCESSFUL IN RESTARTED IT. WE STRUGGLED WITH IT FOR TWO DAYS, ALL WHILE OUR TANK LEVELS WENT DOWN TO CRITICAL STATUS.



HIGH PRIORITY PROBLEMS

- OTHER HIGH PRIORITY PROBLEMS THAT I MIGHT BRING TO THE COMMISSION SOON ARE;
- ENTRANCE WORKS FOR THE WASTEWATER TREATMENT PLANT-NORMALLY AN AUTOMATED UNIT, THIS PIECE OF EQUIPMENT HAD BEEN OUT OF COMMISSION SINCE THE FLOODS OF 2020. THIS IS A CRITICAL PART OF THE PROCESS AS IT CLEANS LARGE PIECES OF DEBRIS THAT MIGHT CLOG UP OUR PUMPS. NMED CONSIDERS THIS A CONFINED SPACE IN ITS CURRENT STATE AND HAS REQUIRED US TO PRODUCE A RESCUE PLAN, GAS MONITORS AND STAND BY SCBA GEAR.
- VACUUM STATION N RIVERSIDE- THIS STATION IS A STATE OF DISREPAIR, ALL THE PARTS TO THIS FACILITY ARE NOW OBSOLETE. NO COMPANY MAKES SPARE PARTS AND ARE ONLY SOLD BY ONE DISTRIBUTOR. PRICES ARE EXTREMELY HIGH. WE NEED TO START PHASING OUT THIS EQUIPMENT AND REPLACE WITH MORE CUSTOMARY LIFT STATIONS.



DAUPLER DISPATCH SERVICE

575 223-1930

WE CURRENTLY LAUNCHED OUR DISPATCH SERVICE FOR THE COMMUNITY. WE ARE ASKING ALL THE COMMUNITY TO CALL THIS NUMBER IN ORDER TO TRACK ALL OUR WATER LEAKS, SEWER CLOGS, ETC.

WE HAVE HAD SOME GLITCHES BUT AS WE CONTINUE TO USE THE SERVICE WE CAN FINE TUNE IT TO FIT OUR NEEDS AND OUR COMMUNITY.

WE HAVE HAD A FEW COMPLAINTS AND HAVE RESOLVED THEM WITH DAUPLER AND ITS REPRESENTATIVE.

THIS SERVICE WILL DRAMATICALLY REDUCE OUR PAYMENTS TO THE COUNTY DISPATCH CENTER AS WE CONVERT OVER TO DAUPLER.

[Incidents](#)[Teams](#)[Notify](#)[Admin](#)[Analytics](#)

Active Incidents

There are currently no active incidents.

Past Incidents

[Completed](#)[Unfinished](#) 1[Archived](#)

DEPARTMENT BUDGET

PRICING FOR ALL ASPECTS OF OUR OPERATIONS HAS SKY-ROCKETED IN THE LAST FEW YEARS SINCE COVID.

OUR CURRENT BUDGET IS EXTREMELY LEAN IN BOTH DEPARTMENTS, ESPECIALLY WITH THE FAILING INFRASTRUCTURE . IT IS VERY EXPENSIVE TO OPERATE A WATER AND WASTEWATER SYSTEM. WE HAVE BEEN ABLE TO SUSTAIN OPERATIONS SO FAR. HOWEVER I WILL BE APPROACHING THE COMMISSION NEXT BUDGET CYCLE WITH INCREASE IN OVER ALL BUDGET FOR OPERATIONS.



THANK YOU

I STAND FOR QUESTIONS