

CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
CITY COMMISSION CHAMBERS, 405 W. 3RD St.
WEDNESDAY, JANUARY 22, 2020

A. CALL TO ORDER:

The meeting was called to order by Mayor Sandra Whitehead at 9:00 a.m., who presided and Angela A. Torres, Interim 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. Sandra Whitehead, Mayor
Hon. Kathy Clark, Mayor Pro-Tem
Hon. Rolf Hechler, Commissioner
Hon. Paul Baca, Commissioner
Hon. George Szigeti, Commissioner

Also Present: Morris Madrid, City Manager
Angela A. Torres, Interim City Clerk-Treasurer

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

2. SILENT MEDITATION:

Mayor Whitehead called for fifteen seconds of silent meditation.

3. PLEDGE OF ALLEGIANCE:

Mayor Whitehead called for Commissioner Szigeti to lead the Pledge of Allegiance.

4. APPROVAL OF AGENDA:

Commissioner Hechler moved to approve the agenda as amended.
Commissioner Szigeti seconded the motion. Motion carried unanimously.

C. PRESENTATIONS:

- 1. Presentation related to an Update on Elephant Butte Lake State Park.
Dr. Lillis Urban, Superintendent:**

Dr. Lillis Urban introduced herself to the Commission and reported on the importance of communication between the City of Truth or Consequences and the Elephant Butte State Park.

2. Presentation: Update on the Geronimo Trails Scenic Byways and Visitor's Center. LaRena Miller, Geronimo Trails Scenic Byways:

LaRena Miller of the Geronimo Trails Scenic Byways reported their total visitations in 2019; the increase of visitations, the importance of Social Media Marketing; Psychographic Interests; and markets targeted in New Mexico and other places in the United States.

3. Presentation/Discussion/Update: Water Projects. Alfredo Holguin, Wilson & Company, Inc.:

Alfredo Holguin, Wilson & Company, Inc. reviewed the following water projects which included:

- USDA Funded MSD Water System Improvements.
- DWSRLF Funded Water System Improvements.
- CIF Funded Full System Water PER.
- 2019 WTB Funding Application - Booster Station & Austin St. Improvements.
- 2020 CIF Funding Application - Road and Drainage Improvements for MSD Project.
- Preliminary Engineering Report Purpose.
- Booster Station & Austin St. improvements requested \$641,146 from Water Trust Board for final design & construction.
- The project was recommended for Legislative Authorization on November 20, 2019.
- The compliance review is scheduled for February 2020.
- Road and Drainage Improvements for the MSD Project: We are requesting \$1,000,000 from the Colonias Infrastructure Fund for Construction.
- The Notice of Intent was submitted on January 3, 2020.
- The full project application is due by February 17, 2020.
- The Project Presentations are to be held on March 25, 2020 in Alamogordo.

4. Presentation/Update: Police Department Operations. Police Chief Apodaca

Police Chief Apodaca gave an update of the operations of the Police Department as well as their projects accomplishments and goals for this year.

D. CONSENT CALENDAR:

- 1. City Commission Regular Minutes, January 8, 2020**
- 2. Acknowledge Regular Golf Course Advisory Board Minutes, December 4, 2019**
- 3. Acknowledge Special Golf Course Advisory Board Minutes, January 2, 2020**

**Commissioner Hechler moved to approve Consent Calendar as noted.
Commissioner Szigeti seconded the motion. Motion carried unanimously.**

E. UNFINISHED BUSINESS:

- 1. Discussion/Action: Live/Work in Downtown Buildings. City Manager Madrid and Kathy Clark, Mayor Pro-Tem:**

City Manager Madrid reported this is an item that is currently pending and we still have not had our public meetings regarding this issue. The meeting will be scheduled by the end of next week so we can arrange a good place to get input on this topic. His intent of the meeting is to gather input and answer questions as things stand right now and bring that to the Commission. He recently received one application, and although we need to review the language that governs Live/Work, he will give a brief overview of what he is doing administratively to review these applications that apply to everyone. The idea behind a Live/Work Special Use Permit is to ensure that in exchange for the privilege to live within your business in the area, there is some type of assurance from the business owner that the business will be successful. In most cases it doesn't involve a national franchise, or a small business administration financing. Most small businesses are established by a few people who have an idea, some capital, and want to give it a try, and that is exactly the type of assurance he is looking for. There needs to be more discussion on this topic and we definitely need to update the regulations.

Mayor Pro-Tem Clark stated that this was brought up by a previous Commission and she is happy that we are setting up a meeting with public input. She stated that she will wait until the meeting is set up to give a review of the ideas that were brought up by the previous Commission.

City Attorney Rubin quoted Section 11-5-6 in the Planning & Zoning Code. The factors of A through G listed in the code are very broad and that is a concern. If we bring this back, we need to add some stringent restrictions in this particular Ordinance, and we need to have some specifics about how many days and hours a business needs to be open.

No action was taken on this item.

F. NEW BUSINESS:

- 1. Discussion/Action: Consider re-appointment of C. Earl Greer to serve another term on the Housing Authority Board. City Manager Madrid:**

City Manager Madrid stated that we received this request from the Housing Authority Board and he sees no reason to disagree with this appointment.

Mayor Pro-Tem Clark moved to approve the re-appointment of C. Earl Greer to serve another term on the Housing Authority Board. Commissioner Baca seconded the motion. Motion carried unanimously.

- 2. Discussion/Action: Ralph Edwards Park Renovation. OJ Hechler, Parks Supervisor:**

Parks Supervisor Hechler reviewed the following information regarding the Ralph Edwards Park Renovation:

- **Advantages to the Master Plan:** It will be a connection to the Rio Grande and the beginnings of a river trail along river. We will have more parking for events. We will have improved irrigation zoning. The upgrades meet ADA Standards.
- **Goals for Master Plan:** We will install a new Gazebo surrounded by quadrangles. Hardscape to include sidewalks steps and ramps that are ADA compatible. We want to install a new sprinkler system. We want to relocate the horseshoe court. We will plant new grass and there will be tree replacements.

Jane Darlan from the Farmers Market thanked OJ and the Commission. She announced that they have been doing the Farmers Market at the Ralph Edwards Park for 20 years. The park location is wonderful because they receive visitations from many families, people walking their dogs, and residents from the Senior Housing Authority. She also announced that the Farmers Market has three Federal Programs that help their constituents. She is thankful for the opportunity to continue the Farmers Market at the Ralph Edwards Park after the renovations are completed and she offered her assistance with anything needed during the process.

Linda DeMarino, MainStreet Truth or Consequences suggested the Healing Waters Plaza for the Fiesta and Farmers Market during the time period of the renovation. She is aware of the benefits of the Plaza, as well as the things that may need to be in place should both of those events choose that temporary location. MainStreet is willing to work with them because they feel that having both of those events downtown would be mutually beneficial for the downtown businesses.

Parks Supervisor Hechler also offered to help with anything needed for the temporary relocation of the two events.

All members of the Public Utility Advisory Board were present and participated in discussion regarding the next two items.

3. Discussion/Action: Discussion and Review of Ordinance 664, Section 14-48 (A) 1. Mayor Pro-Tem Clark and City Manager Madrid:

Ariel Dougherty presented this item and stated since this Ordinance was passed in 2015 we now have a greater awareness about climate change issues. Citizen Mitigation through renewables can be an effective way ahead of the government and private industry to achieve some goals about renewables. When they had a meeting last week there was a general consensus that the T or C Citizen Renewable Generation is quite minimal, and therefore is nowhere near reaching the contractual threshold that the City has with Sierra Electric Coop. Her primary concern has been that the restrictions of the most recent twelve months is an issue. She feels that these issues could be addressed in with a change to the ordinance.

City Attorney Rubin read Ordinance 664, Section 14-48, Subsection A which is the Renewable Energy Generation Customer Program. The City of Truth or Consequences Renewable Energy Customer Program is available to any customer residential or commercial that installs a qualified renewable energy system sized for the most recent twelve month average usage and has it interconnected to the City's power grid. An application is to be made to the Electrical Department Manager, and blank application copies can be obtained from the Electrical Department or on the city's website. Subsection B states that the city reserves the right to deny interconnection for oversized systems, and in no case may the renewable energy generation system be sized such that its inventers rated capacity exceeds 90% of the most recent twelve month average of the customers' usage. He had Commissioner Szigeti further explain how the figures were put into the first sentence of Section B.

Commissioner Szigeti explained section B was based on the scenario of someone coming in with a larger system, and setting up their own solar power in order to sell electricity back to the city. If that was allowed, that would put us in violation of the terms of our contract with Sierra Electric Coop. The 90% figure included in the Ordinance was adjusted by the City Commission when we brought this forward, but since then there have been two amendments to the Sierra Electric Contract. He asked the City Attorney to check and see if there was anything in the current contract that would get us in trouble if we were producing more energy from the residential systems than we were using. To him it appears under our current contract that issue has been settled, so if that's the case, he has no objections in removing this. However, his biggest concern is still that someone will come in and install a 9 ½ kW system which is 3xs what they actually use. There needs to be something listed that will not allow that.

Ariel Dougherty said that the current Ordinance does not allow for the potential of a citizen wanting to increase their use of electricity, so there should be some accountability for that in the Ordinance.

Mayor Pro-Tem Clark stated that most of our electricity comes from Tri-State, but we first have to purchase back all of the electricity from the Solar Farm and WAPA is not making as much power as they normally do. Tri-State may be looking at other locations to purchase power so they may be a little more open to negotiation. If excess power were purchased back at a lesser rate than what the city charges, then they are actually getting the benefit of that. She suggested that this particular Ordinance be re-addressed by the Public Utility Advisory Board because they are the ones that have a lot more experience with this.

Public Utility Advisory Board Vice-Chair Williams stated that Sierra Electric Coop is a customer of Tri-State, and we have to be a customer of Sierra Electric Coop in order for Tri-State to wheel WAPA Power to us at a "nice rate." So if we are going to look at another source for transmission, we need to get someone in here who specializes in that particular field. They also need to start looking at the city only allowing a certain amount of commercial solar and a certain amount of residential solar.

Public Utility Advisory Board member Avelar explained that the 90% number was reached at that time because most of these systems are not standalone systems. Therefore, they need electrical power from the city. At that point, all the money that it takes to run this power still costs us money. That money needs to be generated and put back into the city so we can basically break even with 90%.

Mayor Whitehead asked that this item be address as soon as possible.

City Manager Madrid suggested that the Public Utility Board call a Special meeting if we want this brought back within the next month. We would have to gather a lot of data in advance in relation to customer consumption, total consumption, and customers with solar power. Those type of statistics are very important to determine what the impact is going to be.

No action was taken on this item.

4. Presentation/Discussion/Update: Water Rate Study. Karl Pennock, RCAC:

Grant/Projects Coordinator & Designated Zoning Official Burnette stated that we were awarded the \$9.4 Million in a USDA loan/grant. As part of the letter of conditions we are mandated to analyze and assess our rates in relationship to our current debt, and make sure that our system can sustain not only itself, but maintain the upgrades that we put into it through grant money. This will also help with funding through the Water Trust Board because they are always asking what we charge for residential customers who use 6,000 gallons of water. Our current fee for 6,000 gallons is \$18.65 and we are one of the lowest five communities in New Mexico according to the survey report. Most surrounding communities charge a rate of \$30 for 6,000 gallons. June 2007 was the last time the water rates were increased and our current water rates do not sustain themselves. USDA works with RCAC (which is an outside source) and they are the

ones who are doing our study at no cost to the city. It is provided as a service to the USDA Funding.

Karl Pennock, RCAC covered the following items regarding the Water Rate Study:

- T or C has a “fiduciary” responsibility to ensure that rates are adequate to provide for the “sustainable” management of the water system.
- Expenses and Revenues.
- Current T or C Water Rates.
- Rate Observations.
- Last Rate Increase.
- Selected Area Rates.
- Water System Net Income.
- System Condition – Asset Management Plan.
- Water System Opportunity.
- Letter of Conditions.
- Rate Setting Goals.
- **Three rate scenarios:** Scenario 1: No change; Scenario 2: Funding of critical needs including USDA-RD project; Scenario 3: Full coverage of items in T or C’s 10-year asset management plan.

City Manager Madrid explained the reason why this item was brought forward in addition to the USDA grant/loan is because of what we as a city have failed to do over many years. We have deferred maintenance and rate increases. We don’t have a choice in the matter, and we have to stand strong and catch up. It’s not fair to our citizens not to do this, and unfortunately it comes at a small price. The reason we wanted to present this with the Public Utility Advisory Board is because it is so simple that the average person could understand it. Any time you apply for government funding at any level, they ask what we are doing for ourselves, and if we are doing everything we can do. So without adjusting our rates, we haven’t done everything that we can do.

G. REPORTS:

City Manager Madrid reported the following:

- At their last Town Hall Meeting there was a concern regarding Ordinance 664 and that discussion is proceeding.
- We had concerns regarding speeding and traffic issues on our main streets and our Deputy Chief issued an order for more saturation in that area. They also they put up their speed trailer in the downtown area to calm traffic.
- We have a meeting scheduled with NMDOT on February 14, 2020 to address traffic, parking, and other issues in the downtown area.
- He had a meeting with the individual who brought up the banning of single use plastics. He reported that our Solid Waste Department has already done some research on the language in ordinances in other communities. He will put together a task force that will include private citizens, city employees, and possibly business owners to review the language and draft a few different

CITY COMMISSION JANUARY 22, 2020 REGULAR MEETING MINUTES

ordinances. This will be in consideration of the businesses, business owners, the community, recyclability and cost. We want to be able to have options that we can bring to the Commission that are fair to the entire community. He will have a meeting before the next Commission Meeting with the interested parties and we will have some public meetings to get some public input and ideas from business owners of what they see to be our best options.

City Attorney Rubin reported the following:

- None

Commissioner Szigeti reported the following:

- He recommended that animal owners get their dogs licensed, and that they get them chipped so it is easier for Animal Control to identify the animal. He also recommended if you have your animals in the back of a truck, please make sure they are restrained in some way so they can't jump out and run away.

Mayor Pro-Tem Clark reported the following:

- None

Commissioner Hechler reported the following:

- None

Commissioner Baca reported the following:

- None

Mayor Whitehead reported the following:

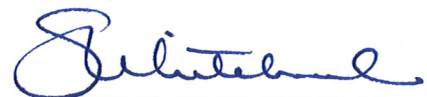
- The upcoming Special City Commission Meeting will be held Wednesday, January 29, 2020 at 9:00 am and the next Regular City Commission Meeting will be held February 12, 2020 at 9:00 am. We will also have our Regular Town Hall meeting with the City Manager tonight at 6:00 pm here in the City Commission Chambers.

M. ADJOURNMENT:

Commissioner Hechler moved to adjourn at 10:08 a.m.

Commissioner Szigeti seconded the motion. Motion carried unanimously.

Passed and Approved this 26th day of February, 2020.


Sandra Whitehead, Mayor

ATTEST:


Angela A. Torres, CMC, Interim City Clerk