

CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
CITY COMMISSION CHAMBERS, 405 W. 3RD St.
WEDNESDAY, OCTOBER 13, 2021

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, 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. Amanda Forrister, Mayor Pro-Tem
Hon. Paul Baca, Commissioner
Hon. Frances Luna, Commissioner

Also Present: Bruce Swingle, City Manager
Angela A. Torres, City Clerk-Treasurer

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

2. SILENT MEDITATION:

Mayor Whitehead called for fifteen seconds of silent meditation to please keep Michael Kirikos and his family in your thoughts and prayers

3. PLEDGE OF ALLEGIANCE:

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

4. APPROVAL OF AGENDA:

Commissioner Luna moved to approve the agenda with the removal of item G8 as it is being re-drafted. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

C. PRESENTATIONS (10 Minutes):

- 1. Certificate of Appreciation to Code Enforcement Officer Raymond Chavez for 25 years of public service and retirement. Mayor Whitehead and Victor Rodriquez, Chief of Police:**

Mayor Whitehead read the certificate of appreciation for Code Enforcement Officer Raymond Chavez for 25 years of public service.

D. PUBLIC COMMENT (3 Minute Rule Applies):

Rick Dumiak addressed the Commission with comments related to:

- (1) Thanked the Commission for pulling item G8. He recommended that the Commission mirror the County's Ordinance.
- (2) He does not recommend that the city implement AMI Water Meters.
- (3) He would like to be considered for the vacant seat on the Commission.
- (4) He hopes the city approves item H9. Approval of MOU between the City of Truth or Consequences and Sierra Electric Cooperative, Inc.

Ariel Dougherty addressed the Commission with comments related to:

- (1) Item F1 presentation regarding (Complete copy attached hereto and made a part hereof).

Ron Fenn addressed the Commission with comments related to:

- (1) The Accounts Payable reports that are submitted to the Commission. (Complete copy attached hereto and made a part hereof).

Chris Sisney addressed the Commission with comments related to:

- (1) He asked who wrote Ordinance No. 721 pertaining to the regulation of possession, cultivation, and consumption of recreational and medical cannabis in the City of Truth or Consequences.

Mayor Whitehead informed him that the item has been removed from the agenda.

E. CONSENT CALENDAR:

- 1. City Commission Regular Minutes, September 22, 2021**
- 2. Acknowledge Regular Lodgers Tax Advisory Minutes, July 26, 2021**
- 3. Acknowledge Regular Planning & Zoning Minutes, August 2, 2021**
- 4. Acknowledge Regular Library Advisory Board Minutes, September 27, 2021**
- 5. Accounts Payable, September 2021**

Mayor Pro-Tem Forrister moved to approve the consent calendar as submitted. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

Not Necessary

Expense Approval Report

Vendor Name

Fund: 501 - Cemetery
CITY UTILITIES

Payable Number

9/30/21

Post Date

09/24/2021

Payable Dates: 9/1/2021 - 9/30/2021

Description (Item)

Account Number

Amount

CITY UTILITIES CYCLE A&B/OPEN.. 501-1803-43780 602.24
Fund 501 - Cemetery Total: 602.24

Fund: 502 - Util Office - Pool

SILKE M. KAPELA	08/16,8/23/21	09/03/2021
SILKE M. KAPELA	08/16,8/23/21	09/03/2021
CITY UTILITIES	8/24/21	09/03/2021
NM RETIREE HEALTH CARE	819016	09/03/2021
SUN VALLEY, INC.	09102021	09/10/2021
SUN VALLEY, INC.	09102021	09/10/2021
INTERNAL SERVICE FUND	667847	09/10/2021
INTERNAL SERVICE FUND	667847	09/10/2021
NM RETIREE HEALTH CARE	927836	09/17/2021
XEROX CORP.	014259820	09/24/2021
TESTON'S FREEWAY CHEVRON	3773	09/24/2021
VERIZON WIRELESS	9888486885	09/24/2021

REIMBURSEMENT FOR DISABILI...	502-3601-37380	392.88
REIMBURSEMENT FOR DISABILI...	502-3601-37380	392.88
CITY UTILITIES CYCLE C&D/OPE...	502-3601-43780	412.79
NM RETIREE HEALTH- PPE 2021...	502-3601-41226	232.27
60Z AERO BACKWOODS	502-3601-44607	6.49
2 GAL RED POLY GAS CAN	502-3601-44607	17.72
MAINTENANCE -GAS & OIL	502-3601-43316	15.00
MAINTENANCE -GAS & OIL	502-3601-47420	34.50
RETIREE HEALTHCARE PPE 2021...	502-3601-41226	235.87
OPEN PO XEROX CORP FISCAL 2...	502-3601-43465	499.69
GAS/OIL FISCAL YEAR 21/22 UIT...	502-3601-43316	333.60
PHONE BILLS/OPEN PO FY 21/22	502-3601-43775	192.07

Fund 502 - Util Office - Pool Total: 2,765.76

Fund: 503 - Electric

SIERRA AUTO/CARQUEST	288334	09/03/2021
SIERRA AUTO/CARQUEST	288334	09/03/2021
SIERRA AUTO/CARQUEST	288334	09/03/2021
SIERRA AUTO/CARQUEST	288334	09/03/2021
SIERRA AUTO/CARQUEST	288334	09/03/2021
SIERRA AUTO/CARQUEST	288776	09/03/2021
SILVERSKY, INC.	438159-51	09/03/2021
TDS	8/18/21	09/03/2021
CITY UTILITIES	8/24/21	09/03/2021
NEW MEXICO GAS COMPANY, I...	8/27/21	09/03/2021
NM RETIREE HEALTH CARE	819016	09/03/2021
IRBY SUPPLY CO.	5012565663.001	09/03/2021
WESTERN UNITED ELECTRIC	6039806	09/08/2021
TRIPLE H SOLAR, LLC	0269	09/10/2021
PSI	09012021	09/10/2021
SSA SOLAR OF NM 4, LLC	402191	09/10/2021
ALTEC INDUSTRIES, INC	50835143	09/10/2021
INTERNAL SERVICE FUND	667847	09/10/2021
SIERRA ELECTRIC CO-OP, INC.	09022021,09082021	09/17/2021
SIERRA ELECTRIC CO-OP, INC.	09022021,09082021	09/17/2021
SHPIGLER CONSULTING, INC.	09152021	09/17/2021
WESTERN UNITED ELECTRIC	6042757,6041872	09/17/2021
WESTERN UNITED ELECTRIC	6042757,6041872	09/17/2021
CITY UTILITIES	9/15/21	09/17/2021
NM RETIREE HEALTH CARE	927836	09/17/2021
VERIZON WIRELESS	9887626581	09/17/2021
WESTERN AREA POWER ADMIN	JJPB1798A0821	09/17/2021
IRBY SUPPLY CO.	012561712.001	09/24/2021
IRBY SUPPLY CO.	012561712.001	09/24/2021
IRBY SUPPLY CO.	012561712.001	09/24/2021
XEROX CORP.	014259837	09/24/2021
XEROX CORP.	014367729	09/24/2021
QUILL CORPORATION	19360673/19333726/19430251	09/24/2021
QUILL CORPORATION	19360673/19333726/19430251	09/24/2021
QUILL CORPORATION	19360673/19333726/19430251	09/24/2021
QUILL CORPORATION	19360673/19333726/19430251	09/24/2021
QUILL CORPORATION	19360673/19333726/19430251	09/24/2021
TRI-STATE GENERATION & TRA...	303222	09/24/2021
TESTON'S FREEWAY CHEVRON	3737	09/24/2021
WESTERN UNITED ELECTRIC	6041871/6043710	09/24/2021
WESTERN UNITED ELECTRIC	6041871/6043710	09/24/2021
WESTERN UNITED ELECTRIC	6041871/6043710	09/24/2021

6G 8FIX HYDRAULIC FITTING	503-3702-47420	17.24
HYDRAULIC HOSE	503-3702-47420	33.84
HYDRAULIC CRIMPS	503-3702-47420	24.00
HYDRAULIC HOSE	503-3702-47420	5.74
8G 10FIX HYDRAULIC FITTING	503-3702-47420	22.26
12V COMMERCIAL BATTERY	503-3702-47420	250.22
EMAIL SERVICE OPEN PO FY21/...	503-3702-43815	208.07
TDS FIBER INTERNET OPEN PO ...	503-3702-43780	600.00
CITY UTILITIES CYCLE C&D/OPE...	503-3702-43780	4,954.90
GAS BILLS/ELECTRIC	503-3702-43780	24.80
NM RETIREE HEALTH- PPE 2021...	503-3702-41226	428.79
LINE HOSE 1.25"x4.5'- CLASS 2	503-3702-44615	1,038.00
REISSUE OF CHECK #146413 ON...	503-3702-44607	14,892.36
ENGINEERING SERVICES- OPEN ...	503-3702-48598	4,200.00
JOURNEYMAN CERTIFICATE RE...	503-3702-43770	100.00
POWER SERVICES- OPEN PO FY ...	503-3702-50795	21,988.25
REPAIRS TO G-99900	503-3702-47420	347.67
MAINTENANCE -GAS & OIL	503-3702-47420	30.07
MIMS CITY LIGHTS- OPEN PO FY...	503-3702-43780	560.74
POWER SERVICES- OPEN PO FY...	503-3702-50795	266,621.04
UTILITY PLANNING & OPERATI...	503-3702-48599	4,800.00
15KVA 1PHASE CONVENTIONAL...	503-3702-44607	4,327.26
10KVA 1 PHASE CONVENTIONAL...	503-3702-44607	2,160.00
CITY LANDFILL BILLS/OPEN PO F...	503-3702-43780	101.54
RETIREE HEALTHCARE PPE 2021...	503-3702-41226	428.02
PHONE BILLS/OPEN PO FY 21/22	503-3702-43775	50.08
BASE DEMAND & BASE ENERGY...	503-3702-50795	48,903.11
CLASS 2- 40' WOOD POLE	503-3702-44607	7,350.00
CLASS 4- 35' WOOD POLE	503-3702-44607	9,600.00
CLASS 4- 40' WOOD POLE	503-3702-44607	5,200.00
BASE CHARGE & METER USAGE...	503-3702-43465	104.24
BASE CHARGE & METER USAGE...	503-3702-43465	33.81
AVERY BIG TAG DIVIDERS	503-3702-44606	16.14
DYMO LABEL MAKER TAPE	503-3702-44606	42.46
DISPOSABLE FACE MASKS	503-3702-44606	39.98
CLOXOX DISINFECTING WIPES	503-3702-44606	33.99
BUSINESS CARDS- BO EASLEY	503-3702-44606	16.18
POWER SERVICES- OPEN PO FY...	503-3702-50795	39,401.37
GAS/DIESEL FUEL PURCHASES- ...	503-3702-43316	1,826.55
TIE WRAPLOCK 4/O C-NECK	503-3702-44607	1,526.00
BRACE XARM WOOD	503-3702-44607	243.75
BOLT MACHINE 5/8X12	503-3702-44607	207.00

Report Summary

Fund Summary

Fund	Payment Amount
101 - General	111,416.60
201 - Corrections	171.00
209 - Fire	2,618.17
214 - Lodgers Tax	3,848.68
216 - Muni Street	26,599.73
294 - State Library	890.08
295 - Muni Pool	6,639.90
296 - PD GRT	828.00
303 - Vet Wall	143.73
312 - R&R Airport	45,555.38
320 - USDA WATER SYSTEM IMPROVEMENTS	146,681.70
360 - NMFA PROJECTS	3,705.75
403 - Pledge State	18,834.93
501 - Cemetery	602.24
502 - Util Office - Pool	2,765.76
503 - Electric	446,115.00
504 - Water	31,928.66
505 - Solid Waste	88,379.11
506 - WWTP	20,154.00
508 - Golf Course	4,223.34
509 - Muni Airport	6,330.61
600 - Internal Serv	4,515.61
Grand Total:	972,947.98

Account Summary

Account Number	Account Name	Payment Amount
101-1000-43597	ATTORNEY FEES-GOVERN...	7,036.95
101-1001-41226	RETIREE INSURANCE	302.40
101-1001-43465	RENT OF EQUIPMENT	496.64
101-1001-43740	PRINTING/PUBLISHING	202.41
101-1001-43775	TELEPHONE	278.80
101-1002-41226	RETIREE INSURANCE	162.14
101-1002-42720	EMPLOYEE TRAINING-M...	164.47
101-1002-43770	SUBSCRIPTION & DUES	345.00
101-1002-43775	TELEPHONE	172.56
101-1002-44606	OFFICE SUPPLIES	290.20
101-1003-41226	RETIREE INSURANCE	443.32
101-1003-43316	GAS & OIL	43.93
101-1003-43465	RENT OF EQUIPMENT	260.15
101-1003-43775	TELEPHONE	392.07
101-1004-41226	RETIREE INSURANCE	391.06
101-1004-43465	RENT OF EQUIPMENT	549.12
101-1004-43740	PRINTING/PUBLISHING	385.07
101-1004-43775	TELEPHONE	251.12
101-1004-48599	OTHER CONTRACTUAL SE...	397.00
101-1006-41226	RETIREE INSURANCE	213.60
101-1006-43775	TELEPHONE	109.98
101-1006-44607	FIELD SUPPLIES	933.48
101-1006-48598	PROFESSIONAL SERVICES	1,068.48
101-1006-48599	OTHER CONTRACTUAL SE...	895.70
101-1007-41226	RETIREE INSURANCE	1,467.14
101-1007-43316	GAS & OIL	3,667.06
101-1007-43465	RENT OF EQUIPMENT	303.80
101-1007-43740	PRINTING/PUBLISHING	327.50
101-1007-43775	TELEPHONE	1,400.53
101-1007-43815	SOFTWARE	9,865.00
101-1007-44606	OFFICE SUPPLIES	15.29

Post Date 09/15/2017
 Description 1BASE CHARGE/METER USGE
 503-3702-4579 GROSS RECEIPTS TAXES-ELECTRIC
 Post Date 09/15/2017
 Description MONTHLY GRT/GGRT AUG 2017 JT UTIL

Vendor 0284 - XEROX CORP.

Vendor

Project Account Amount Running Balance
 80517.21 44783.6 125300.81
 Project Account Amount Running Balance
 44783.6 125300.81

10/10/2017 3:57
 Detail Report

Account Name
 503-3702-4741 MAINTENANCE/GROUNDS-ELECTR DIVISION

Date Range: 09/01/2017 - 09/30/2017

Page 48 of 82

UH QTY

gining Balance Total Activity Ending Balance
 8440.4 39772.95 48213.35

Post Date	Description	Vendor	Project Account	Amount	Running Balance
09/08/2017	13/4" Bushing	7333 - SUN VALLEY, INC.		9.48	8449.88
09/08/2017	13/4 x close galv nipple	7333 - SUN VALLEY, INC.		27.48	8477.36
09/08/2017	13/4" Locknut	7333 - SUN VALLEY, INC.		9.44	8486.8
09/15/2017	1750 KVA Three Phase Padmount Transformer	8208 - SOLOMON CORPORATION		10150	18636.8
09/15/2017	1 Locknut MF Type 5/8	7498 - WESTERN UNITED ELECTRIC		210	18846.8
09/15/2017	1 Bracket Ins (3-10)	7498 - WESTERN UNITED ELECTRIC		129	18975.8
09/15/2017	1 Fuse Link type K 10 amp	7498 - WESTERN UNITED ELECTRIC		94.5	19070.3
09/15/2017	1 Washer Square 5/8	7498 - WESTERN UNITED ELECTRIC		62.5	19132.8
09/15/2017	1 Tape 33+ 3/4 x 66' vinyl	7498 - WESTERN UNITED ELECTRIC		72	19204.8
09/15/2017	1 Fuse Link K 40 amp blk hills, F/C-100	7498 - WESTERN UNITED ELECTRIC		97.5	19302.3
09/15/2017	1 Insul Dead End Polymer 15KV HPS	7498 - WESTERN UNITED ELECTRIC		59.4	19361.7
09/15/2017	1 Insul Phaseves 261-S VI605R	7498 - WESTERN UNITED ELECTRIC		261	19622.7
09/15/2017	1 amp HPS 70w	7498 - WESTERN UNITED ELECTRIC		143.1	19765.8
09/15/2017	1 Brace x arm wood #PSCRA6018	7498 - WESTERN UNITED ELECTRIC		273.6	20039.4
09/15/2017	1 Mount Disconnect	7498 - WESTERN UNITED ELECTRIC		272	20311.4
09/15/2017	1 Conn Comp PG #2 #2 Bur YHO100 CPS	7498 - WESTERN UNITED ELECTRIC		538.5	20849.9
09/15/2017	1 70w HPS Fixture with multi tap	7498 - WESTERN UNITED ELECTRIC		29.25	20879.15
09/15/2017	1 Insul Phaseves 366-S VI606GAMIMA	7498 - WESTERN UNITED ELECTRIC		1492.5	22371.65
09/15/2017	1 Rod Gnd CU 5/8x8 P588 REA spec 13	7498 - WESTERN UNITED ELECTRIC		111.6	22483.25
09/15/2017	1 Bolt M 5/8x12	7498 - WESTERN UNITED ELECTRIC		370	22853.25
09/15/2017	1 15 KV 100MP with crossarm bracket and sm eyebolt	7498 - WESTERN UNITED ELECTRIC		153	23006.25
09/15/2017	1 Elbow w/TP 15KV 200A 1/0 OLD	7498 - WESTERN UNITED ELECTRIC		3125	26131.25
09/15/2017	1 Anchor 8-way expdg blk mps	7498 - WESTERN UNITED ELECTRIC		360	26491.25
09/15/2017	1 2 Triplex conch 1800' reel	7498 - WESTERN UNITED ELECTRIC		132.6	26623.85
				4032	30655.85

52 Columns
 12 USED
 40 BLANK

Comments at Public Hearing "AUTOMATED WATER METER PROJECT" - Oct 13, 2021
Ariel Dougherty, water user

The title of this presentation, "IMPROVED WATER INFRASTRUCTURE" is insulting.

This selling of so-called smart water meters as a solution to what is an entirely different matter is difficult to understand in its egregiousness.

Replacing meters to the tune of \$1000 a customer, a ridiculously high cost, will not solve the dire problem of the 20 to 25 water leaks this City springs every week.

Please address the leaks. Create a ten year plan to completely refurbish the entire water pipe delivery system of the City, section by section. Maybe then when the entire system is repaired and updated, and leaks are no longer a daily and weekly occurrence, the City can consider some kind of improved water meters.

But AMI meters? The Federal Communications Commission has not re-examined its radio frequency emissions (RF) guidelines in 25 years. A U.S. Court of Appeals in August ordered the FCC to conduct such a review. They have been warned to establish guidelines that adequately protect public health.

I remind you Commissioners that a citizen's petition – our First Amendment Rights – for an Ordinance to have a ten year moratorium on smart meter installations here in TorC was signed by some 260 citizens. You obfuscated your responsibility and neither accepted it nor sent it to public vote in violation of state law. That issue is now before the court.

The holding of a Public Hearing should not be considered a burden. In fact your own Commission rules, Rule 17 (f) states if the City is a proponent – you need to have your own designated speaker. In addition to your own current view, it is a formal opportunity to hear what we in the public think. Your opportunity to listen and engage with concerned citizens. Ask a question. Learn a different view point. Understand things may have more steps and be more complicated than your first thought. It is an occasion to broaden the City's perspective and response. And it may also be an occasion to seek a new direction entirely.

AMI water meters at this time are unwarranted given our city finances, the more pressing need of water lines replacements and the still unclear health effects of too much constant RF emissions, most of which is unnecessary 98% of the time.

Public Comments before City Commission of Truth or Consequences – October 13, 2021
Ariel Dougherty Caballo Road

Good morning Commissioners.

Under your own City Rules, Rule 17: ACTIONS FOR “COMMENTS FROM THE PUBLIC” OR A PUBLIC HEARING states:

Following such comments, the City Commission may place the matter on a future agenda, or refer the matter to the City Manager for investigation and report.

I would like to encourage greater attention and action to this phrase in your own rules in your response to Public Comment.

Repeatedly through IPRA and before this body many of us have been seeking clarification of what the \$8 fee that we each pay every month on our electric bills. Annually this is something along the lines of \$365,000. City Code 14-45 (d) 2. identifies a monthly \$8 charge for “availability of service”. What does this mean? What does this cover? Please do not report back that it pays for toilet paper. It is common sense that it would pay for matters in administrating the utilities and its billing.

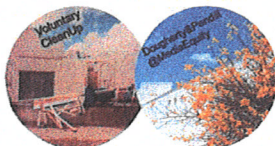
Especially now that you have placed a hefty expensive new smart water meter issue on your agenda, citizens need a wider and open community discussion about analysis and understanding of all costs we PRESENTLY pay. There are other utility fees from other departments. What are they for? Most of all, we need to know what is the real meter reading problem? It can not just be barking dogs or that a supposed technology is envisioned as the crowning solution?

Instead of a public hearing presenting the viewpoint of a commercial vendor, maybe a more appropriate public hearing would be obtaining public input on what we citizens are experiencing in our meter readings and the billing process. Please, start with those who you serve. Maybe the best solution is already right here.

Constant major expenses for items that do not specifically address the failing infrastructure problems are a threat to the solvency and well being of our community.

I recommend a broader approach than this MOU with Sierra Electric Coop. Aztec has a model worth looking at. Please do not lock us to what is easy at hand. At the very least this MOU provides no involvement of the public, who actually own this electric system. Please add this: “Whereas, the Consultant will hold three public hearings with TorC citizen rate payers, at the beginning, middle and end of the process in making any recommendations regarding the most efficient and reliable electric system.”

Thank you.



F. PUBLIC HEARINGS:

1. Public Hearing/Public Input: Presentation and Public input regarding the Automated Water Meter Project. Alex Montano, YearOut Energy Services:

Alex Montano, YearOut Energy Services gave a presentation regarding an Automated Water Meter Project. (Complete presentation attached hereto and made a part hereof).

Commissioner Luna: If we move forward with this, what is the cost to us today?

Alex Montano, YearOut Energy Services: Nothing today. Today is just for information purposes only. The study would be somewhere in the low 20's. \$22,000 or \$24,000. That would be for engineering time to request all of the information from the City over the last several years, and go back and re-price all the work that would need to be done. Back then, the Water Department may have said, hey, we want this meter, but 3 years fast forward, they may want to go with something different.

Assistant City Manager Alvarez: With the investment grade audit, if the City were to move forward, that cost would be incurred in the overall project, and there would be no out of pocket fee if were to proceed forward.

Commissioner Luna: Was the amount for the study budgeted?

City Manager Swingle: No.

Commissioner Luna: So we don't have \$25,000 sitting around to pay for this if we do this and decide not to go forward.

City Manager Swingle: That is correct. The reason why this was placed on the agenda is because he recently read the report, and he is probably the only one in the room who wasn't here when this was going down the first time. This is an opportunity to hear the presentation for ourselves. We are currently in the process of validating the electric meters, and if we are seeing a return on our investment or not. He would like to finish that process before moving forward with this. However, we have a number of issues with the water system, from billing, meters, and human factors. A few meters that have been pulled since he has been here have all been in the 80% accuracy rate, and he has to admit that those errors in the system are always in favor of the consumer because it is not picking up a lot of the low flow. We do have a lot of water leaks, and we have had some heavy flow losses, but nothing to account for the type of loss that we are experiencing. Every system has a percentage of loss that you want to stay within the norm of that loss, and we are above that. The loss that we are experiencing is pretty significant and that is related to the meters.

Public Input:

Rick Dumiak: The math is not adding up on the cost. Also, how do they make the guarantee of the revenue? How does that work. How are these meters transmitted if they are under ground? What if the homeowner wants to do maintenance on his meter? If this will be automated, will the owner still be able to do that?

Ariel Dougherty: She was insulted by the title of the presentation because the real issue here in town is the water leaks. The infrastructure needs to be fixed, and the water meters can wait. She feels that these meters will cost each customer \$1,000 for each water meter or that will be the cost over time. Once the infrastructure and leaks are addressed and repaired, then maybe the City can then look into getting some sort of improved water meters. She feels that the AMI meters are not safe.

Ron Fenn: These people walk away with money whether or not it comes from savings. It comes from our pockets. Three and a half million dollars will come from our pockets one way or another. If the system saves some of that money, they're going to get it. It's not going to come back to the people. The number one requirement under the Constitution for government is to take care of the people. That's not them. We are the people, and we own the utility. The things that are being done here should be done for our benefit. No one has ever said, your customers will benefit. The same scenario played out with the electric. Hey said, you as a customer can look online and see your electric use 24 hours a day. Well guess what, that was never implemented. Nobody has ever been able to do any of that because it wasn't part of the program. They walked away with a million dollars for the smart meters, and now we're going to talk about three and a half million. It's going to be a lot more than that.

Klaus Wittern: He has heard a lot of nonsense from the individuals who have spoken before him, because they may be bias, or they may not understand what the water system means. The water system is different from the electric side and in comparable water can be accomplished to be reduced quickly by putting in a water system that is adequately good. He would recommend that the city get a group of volunteers to research this. He'd be happy to volunteer and give an unbiased regard to the water meters. This can be done in house, and it could be done adequately.

Chris Sisney: The maintenance of the existing meters now from his understanding is that there is an impeller inside of these meters. Technology has been around forever. How do they communicate if they don't have electricity, because water meters don't have electricity? There's going to be a power supply that's going to be maintained, and you will also have to replace the power source. He doesn't think these things are going to work underground, so they're probably going to be exposed above ground.

Art Burger: He is not in favor or against this, but one of the key areas he has worked in is on cost benefit on returning investment particularly in the area of infrastructure, and technology. In this study he has found some potential flaws in the characterization of the analysis, and he thinks we should be careful about going forward. The first time savings

over the prior study result is not from any new equipment. It resulted purely from the fact that you'd raised rates over that period of time. So 1/3 of your projected savings actually came out to increase fees. The remaining potential savings was presented and worked out to about 2/3, and it looks like it is fairly unknown, and we don't know what the distinction is between losses related to meters, and losses related to the infrastructure. The infrastructure strikes him as particularly disturbing. The infrastructure continues to leak, and likely worsen. History tells us a lesson. You'll increase the fees again, and you have to because you don't have any source otherwise. That's a general idea of some of the weaknesses. Achieving return on investments in a very small populations is very difficult.

Susan Crow: She feels that it is irresponsible to spend money on meters when we have such dramatic problems with broken pipes. We don't want to increase radiation levels in this community. These meters are hundreds of times above the levels that cause DNA damage called electric sensitive activity rapid aging syndrome.

Jim Davidson: There's talk of the interface with these new water meters to the consumer that requires an upgrade to the AMI system which we could also get for our electrical, but it would require money from the city to upgrade the Electrical Department. Also in the 9 months he's lived at the corner of 5th and Gold, he has called the city five times for water breaks, and they came out and fixed them, and that was wonderful, but the first one he noticed was on the City's side of his water meter. He called the city about the meter, and they came out a couple months later and replaced it, but in the six months he has lived there, the meter had never turned over, so obviously there was a lot of water used that probably didn't get measured. Also in his house, his water pressure is 95 (psi) per square inch, and the maximum for residential by code is 80 (psi) per square inch, so if there's questions of water loss, and you said loss on the person side of the water meter, it probably has a lot to do with extreme water pressure coming from the City. Also, that can certainly have a large effect on the mains breaking all over the City. These issues could be taken care of with a lot less money than installing the new meters, and then perhaps in the future the meters could be considered.

Bonnie Lovell: The city doesn't even know where all the water lines run. They need to go in and get that fixed, and they need to fix the piping before you put a bottle cap on top of something.

Mayor Whitehead closed the public hearing.

G. ORDINANCES/RESOLUTIONS/ZONING:

1. Discussion/Action: Resolution No. 25 20/21 Budget Adjustment Request:

Carol Kirkpatrick, Finance Director reviewed the Budget Adjustments that were included in the packet.

Commissioner Baca moved to approve Resolution No. 25 20/21 Budget Adjustment Request. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

2. Discussion/Action: Resolution No. 26 21/22 amending fees for Vista Memory Gardens Cemetery and Hot Springs Cemetery:

OJ Hechler, Community Services Director noted that they reached out to other Municipalities to get comparable rates for the cemetery and swimming pool fees. The fees for the cemetery have not been increased since 2006.

Ryan Lawler, Parks Manager reviewed the proposed fees for Vista Memory Gardens Cemetery and Hot Springs Cemetery. He also noted that there was a change to the baby lot open and closing fee. It needs to be corrected from \$100 to \$50.

Mayor Pro-Tem Forrister moved to approve Resolution No. 26 21/22 amending fees for Vista Memory Gardens Cemetery and Hot Springs Cemetery. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

3. Discussion/Action: Resolution No. 27 21/22 establishing swimming pool user fees for the J.A. Hodges Municipal Pool:

Kyle Blacklock, Pool Manager reviewed the proposed swimming pool user fees for the J.A. Hodges Municipal Pool.

City Attorney Rubin stated that both this resolution, and the resolution that was just passed for the cemetery fees repeals and replaces all other resolutions related to these topics.

Commissioner Baca moved to approve Resolution No. 27 21/22 establishing swimming pool user fees for the J.A. Hodges Municipal Pool. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

4. Discussion/Action: Resolution No 28 21/22 A resolution requesting a change to the Public Employees Retirement Association of New Mexico (PERA) Return to Work Provisions:

City Manager Swingle explained that this is a resolution that is circulating around the state in both cities and counties. The state has imposed a number of restrictions on hiring former employees around the state who have been in the PERA system. The restriction prevents them from returning to work in a timely fashion, and it is not equitable for them to return under most circumstances. This resolution is asking the

New Mexico Legislature and Governor Michelle Lujan Grisham consider the adoption of a statute, rule or regulation that addresses PERA restrictions and/or implements a five (5) year moratorium on the enforcement of the same to allow qualified and willing retirees to assist governmental entities in providing these necessary services to citizens of New Mexico because during the Pandemic it is very difficult to get employees anywhere in New Mexico, as well as state wide.

Mayor Pro-Tem Forrister moved to approve Resolution No 28 21/22 requesting a change to the Public Employees Retirement Association of New Mexico (PERA) Return to Work Provisions. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

5. Discussion/Action: Resolution No 29 21/22 establishing fuel fees at the T or C Municipal Airport:

Traci Alvarez, Assistant City Manager explained in 2019 the City Commission approved a resolution establishing fuel fees that were based on the cost of the fuel that we purchase. However, with the fluctuation in fuel prices, we need to be able to charge fees due to the current rate.

Mayor Pro-Tem Forrister asked if we have to visit this item every time we see a fluctuation in fuel prices.

Traci Alvarez, Assistant City Manager responded by saying that this is a temporary establishment. We are looking at going back out to RFP for our fuel contract. Once we get that completed, we can establish something more permanent.

Mayor Pro-Tem Forrister moved to approve Resolution No 29 21/22 establishing fuel fees at the T or C Municipal Airport. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

6. Discussion/Action: Resolution No 30 21/22 Truth or Consequences Multimodal Transportation Safety Plan:

City Manager Swingle explained that a couple of months we had a presentation from the New Mexico State Department of Transportation on the Safety Plan. They gave you the conclusions and findings of the transportation study, and they have asked the City to adopt a Multimodal Transportation Safety Plan. The corridor they mostly looked at was the downtown area of Truth or Consequences which is Smith Street Avenue, East of Date Street, and Silver Street between Smith Avenue to North Silver Street, and Silver Street between Marie Street to East 9th Avenue. It was an excellent plan, and it is for the most part do-able by the City. We can implement a number of changes. Some will be at virtually no cost to us, but there are some other projects that we will have to plan out

and fund. It is staff's recommendation that you approve the resolution adopting the Multimodal Transportation Safety Plan.

Commissioner Baca moved to approve Resolution No 30 21/22 Truth or Consequences Multimodal Transportation Safety Plan. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

7. Discussion/Action: Publication of Ordinance No. 720 amending the City of Truth or Consequences Municipal Code of Ordinances, by amending Section 7-201 (G) of the Code pertaining to Lodgers Tax Exemptions:

City Manager Swingle explained that the Lodgers Tax Advisory Board has requested that we revise the Ordinance to include to remove Section (G) which states: *if the taxable premises does not have at least three rooms or three other units of accommodation for lodging*. The law was changed a few years ago, and the City has not revised our ordinance to capture the Airbnb's.

Commissioner Baca moved to approve the publication of Ordinance No. 720 amending the City of Truth or Consequences Municipal Code of Ordinances, by amending Section 7-201 (G) of the Code pertaining to Lodgers Tax Exemptions. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

8. Discussion/Action: Publication of Ordinance No. 721 pertaining to the regulation of possession, cultivation, and consumption of recreational and medical cannabis in the City of Truth or Consequences:

Item was removed from the agenda.

H. NEW BUSINESS:

1. Discussion/Action: Approval of Lodger's Tax Funding Guidelines:

City Manager Swingle explained that the Lodger's Tax Funding Guidelines were approved a couple of months ago. However, the Lodgers Tax Advisory Board wanted to change page 21, which changes the section of when the reports need to be submitted. They would like the reports to be submitted within 60 days of completion of the organizations marketing project or event.

Mayor Pro-Tem Forrister moved to approve the Lodger's Tax Funding Guidelines. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

2. Discussion/Action: Approve recommendation from the Planning and Zoning Commission for Summary Plat Amendment at 905-907 Palo Verde, Truth or Consequences, NM:

Traci Alvarez, Assistant City Manager explained that the applicants request is to combine the 2 lots. A Public Hearing was held on October 4, 2021, and there were no opponents. The Planning and Zoning Commission approved the amendment, and all required documents and fees have been submitted. The lots also meet minimum standards required for the district, and this amendment does not have the effect to significantly alter the impacts on utilities, drainage, or traffic.

Mayor Pro-Tem Forrister moved to approve the recommendation from the Planning and Zoning Commission for a Summary Plat Amendment at 905-907 Palo Verde, Truth or Consequences, NM. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

3. Discussion/Action: Approve recommendation from the Airport Advisory Board for the installation of the Tetrahedron provided by the EAA (Experimental Aircraft Association):

Traci Alvarez, Assistant City Manager explained that the local EAA Chapter converted a Beech 18 Aircraft into a Tetrahedron to be installed at the Truth or Consequences Municipal Airport. We have received approval by the FAA, and the site plan has been submitted to Planning and Zoning. The CID application may need to be submitted for State permitting, and the Airport Advisory Board has reviewed this item, and they recommend approval to install Tetrahedron.

City Manager Swingle also explained that this Tetrahedron is an airplane that has been stripped to be used as a wind sock. He thanked Larry Mullenax and Chuck VanGelder for their hard work on this project. It works very well, and it will be a very nice addition to the Airport.

Larry Mullenax, Airport Advisory Board Member suggested that they hold a dedication ceremony once it is installed.

Commissioner Baca moved to approve the recommendation from the Airport Advisory Board for the installation of the Tetrahedron provided by the EAA (Experimental Aircraft Association). Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

4. Discussion/Action: Award Recommendation for Invitation to Bid (ITB) #21-22-00 3 to Bartoo Sand and Gravel, Inc. for Road Materials and Equipment Rental:

Carol Kirkpatrick, Finance Director explained that this was for an Invitation to Bid, price only, so there was not an evaluation performed. We only received one Bid and it was from Bartoo Sand and Gravel, Inc.

Mayor Pro-Tem Forrister moved to approve the award recommendation for Invitation to Bid (ITB) #21-22-00 3 to Bartoo Sand and Gravel, Inc. for Road Materials and Equipment Rental. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

5. Discussion/Action: Approval of Contract with Bartoo Sand and Gravel, Inc.:

Carol Kirkpatrick, Finance Director stated that this is a follow up to item H4. It is to extend a contract with Bartoo Sand and Gravel, Inc. The contract will be for 1 year with the option to renew for 3 years.

Commissioner Baca moved to approve the Contract with Bartoo Sand and Gravel, Inc. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

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

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

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

7. Discussion/Action: Approval of Agency Agreement between Leads Online and the Truth or Consequences Police Department:

Victor Rodriguez, Chief of Police explained that the Leads Online is a program that gives law enforcement the opportunity to search items that have been stolen in pawn shops and second hand stores throughout the nation. It also allows them to cross reference with eBay, Offer up, and other online second hand type of places. It also has a system called "report it" which allows the community to create a profile, and they can enter up to 100 items in the system in case a burglary were to happen.

Mayor Pro-Tem Forrister moved to approve the Agency Agreement between Leads Online and the Truth or Consequences Police Department. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

8. Discussion/Action: Recruitment procedure or possible appointment of a qualified elector to fill the vacancy of City Commissioner Position II:

City Manager Swingle stated that Commissioner Aragon resigned at the last meeting, and we received his resignation letter prior to the meeting. State Statute basically says that vacancies in the Commission shall, by majority vote, be filled by the remaining Commissioners for the period intervening between the occurrence of the vacancy and the next regular election. Therefore, it is the Commissioners statutory responsibility to appoint Commissioner Aragon's replacement so what you would need to decide is how you would like to handle that.

Mayor Pro-Tem Forrister would like for them to wait until after the Election to choose a candidate to fill the vacancy that way they can choose from the candidates who ran for City Commission because those people have shown interest in wanting to sit on the Commission, and they have done their due diligence with signing up to run, and campaigning.

Commissioner Luna 100% agreed with Mayor Pro-Tem Forrister. She also feels that their best decision would be to wait until after the Election to choose a candidate to fill the vacant position.

Commissioner Baca also agreed.

Mayor Whitehead announced that Rick Dumiak submitted a letter of interest. However, at this time they feel that it would be best to wait until after the November 2, 2021 Election to choose a qualified elector to fill the vacancy of City Commissioner Position II.

City Manager Swingle stated that Art Burger also submitted a letter of interest for the vacant position.

No action was taken.

9. Discussion/Action: Approval of MOU between the City of Truth or Consequences and Sierra Electric Cooperative, Inc.:

City Manager Swingle explained that this is a MOU between the City of Truth or Consequences and Sierra Electric Cooperative, Inc. for the sole purpose of exploring the feasibility of selling the electric infrastructure from the City to Sierra Electric Cooperative, Inc. There were lots of comments of what should be included in the MOU.

However, this document is only to ensure that there is cooperation between both entities so we can work together to determine the feasibility of selling the electric infrastructure. At the end of the day, all the feasibility study will tell us is whether or not this is in the best interest of the City and Sierra Electric Cooperative, Inc.

Commissioner Baca moved to approve the MOU between The City of Truth or Consequences and Sierra Electric Cooperative, Inc. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

10. Discussion/Action: Approval to hold one meeting in November on November 17th and one meeting in December on December 15th in lieu of regular scheduled meetings for November and December 2021:

City Clerk Torres explained, due to the upcoming holidays, every year the City Commission votes to have one meeting in November, and one meeting in December. If approved, the meeting dates will be one meeting in November, on November 17th, and one meeting in December, on December 15th.

Mayor Pro-Tem Forrister made a motion to hold one meeting in November on November 17th and one meeting in December on December 15th in lieu of regular scheduled meetings for November and December 2021. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

11. Discussion/Action: Consider appointment of Susanne Carlstedt to serve as a member on the Public Arts Advisory Board:

City Clerk Torres explained, on September 14, 2021 the Public Arts Advisory Board recommended the appointment of Susanne Carlstedt to become the 5th member on their board. The term is for two years, and will expire on June 30, 2023. The position has also been advertised in the local newspaper.

Commissioner Baca moved to appoint Susanne Carlstedt to serve as a member on the Public Arts Advisory Board. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

I. REPORTS:

City Manager Swingle reported the following:

- He gave kudos to all of the city staff. Everyone is working really hard, and they are doing outstanding work. The Streets Department is doing a great job with the work they are doing on Corbett Street. We continue to have 15-20 water leaks per week, and the Water Department is working 111-125 hours per pay period right now to get those water leaks fixed.

CITY COMMISSION OCTOBER 13, 2021 REGULAR MEETING MINUTES

- Jamie Sweeney in Code enforcement has about 80 cases that she is working on right now. The focus has been on weeds, and the high priority cases which are public safety issues. She is doing a great job. The Parks Department along with the Recreation Advisory Board had a public meeting after their regular scheduled meeting to talk about a new gazebo for the Ralph Edwards Park. Ultimately, what was decided was to go out for RFP for the project. We have about \$45,000 to construct the gazebo, so we will put out an RFP for quotes or bids, or we can put a design build out as well. There is a lot of uncertainty with prices of material right now, and they seem to continue to go up daily so the design build will lock the contractor into a fee.
- The Sanitation Department was closed half a day this week due to the high winds. When we have high winds, we cannot process trash because it becomes air born.
- He wants to possibly discuss changing the reporting portion of the agenda because this is our time to get our message out to the community, and people usually leave during the middle of the meeting, and they are not hearing our comments. He would like to move it after public comment or presentations so the reports are heard early on in the meeting. The Commissioners can always comment at the end of the meeting if there is something that comes up during the meeting that they would like to address.
- He is just about finished with a property tax increase evaluation, and what that would look like, and how that will affect each property owner on a cost per \$1,000 on a home. He may have that available for the next meeting.

City Attorney Rubin reported the following:

- He suggested that the Commission review the entire City Commission Rules of Procedure if they decide to move the reports portion on the agenda. We may also want to schedule a workshop to go over it.

City Commission Reports:

Commissioner Baca reported the following:

- Early voting has started, and don't forget to vote on November 2nd.

Mayor Pro-Tem Forrister reported the following:

- She also gave kudos to our employees because they are working many, many hours.
- She would also like for the reports to be moved to the beginning of the agenda because it would be nice for these people to hear some of the comments that City Manger Swingle made.
- We had our County Fair this past week, and we had a great turnout. The sale night was \$18,000 more than record. It's really nice to sit back and watch the community come together and show support for the things in our community.

Commissioner Luna reported the following:

- She read a wonderful post from Facebook about the Solid Waste Department. Donna Catterick commented "On this windy day she just saw a Solid Waste driver get out of the truck and put my neighbors overturned Polly Cart back into their yard after dumping it into the truck. She does not know if that is normal practice, but it was a nice thing to do. It just goes to show how much the employees care about their job, and how dedicated they are."
- She also gave kudos to all of the employees for all of their hard work and dedication.

Mayor Whitehead reported the following:

- She too gave kudos to the city employees, because without them we wouldn't have the things that we have today. We know that there is a lot of infrastructure that needs to be repaired, but we can't just snap our fingers, and have it done. It takes time and money. Nobody wants to spend money, but everyone wants something done for nothing.

J. ADJOURNMENT:

Mayor Pro-Tem Forrister moved to adjourn at 11:31 a.m. Commissioner Baca seconded the motion. Motion carried unanimously.

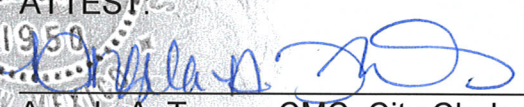
Passed and Approved this 27th day of October, 2021.



Sandra Whitehead, Mayor



ATTEST:



Angela A. Torres, CMC, City Clerk