### CITY COMMISSION MEETING MINUTES CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO CITY COMMISSION CHAMBERS, 405 W. 3<sup>RD</sup> St. WEDNESDAY, NOVEMBER 17, 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 and asked that everyone keep our State Representative Diane Hamilton in our thoughts and prayers.

### 3. PLEDGE OF ALLEGIANCE:

Mayor Whitehead called for Commissioner led the Pledge of Allegiance.

### 4. APPROVAL OF AGENDA:

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

### C. PRESENTATIONS (10 minutes)

1. Proclamation naming Saturday, November 27, 2021 as Small Business Saturday.

Mayor Whitehead presented the Proclamation naming Saturday, November 27, 2021 as Small Business Saturday to Mainstreet Truth or Consequences.

### D. PUBLIC COMMENT (3 Minute Rule Applies):

Carol Borsello addressed the Commission with comments related to:

(1) She is in support of the approval of item H6 and the Black Cat Book Store. She feels it is very important for our community.

Chris Devlin addressed the Commission with comments related to:

(1) He is opposed of the approval of item G4 because the canal in the river is a very sensitive ecosystem that is already fragile from the time it was created. He feels that the city should look into it further before anything is done with the river footbridge.

Terry Vandervender addressed the Commission with comments related to:

(1) He is opposed of the increased golf course fees at the Municipal Golf Course because they are very expensive compared to what they normally pay for their membership dues.

Rick Dumiak addressed the Commission with various comments. (Complete copy attached hereto, and made a part hereof).

Ron Pacourek addressed the Commission with comments related to the increase of fees at the Municipal Golf Course. (Complete copy attached hereto, and made a part hereof).

Les Dufour addressed the Commission with comments related to:

(1) He is opposed of new increase of fees at the Municipal Golf Course. He would like to see the Resolution appealed, and he would like the city to get some input from the patrons.

Sid Bryan addressed the Commission with comments related to:

(1) He feels that the city should take a vote from the residents to see if they want any work done on the riverfront footbridge.

Ann Swanson addressed the Commission with comments related to:

- (1) She agrees with many who have commented so far.
- (2) She is in support of the approval of item H6, and she feels that the Black Cat Book Store is a great thing for our community.

Deb Adavo addressed the Commission with comments related to:

(1) She is in support of the approval of item H6 because she feels that the community needs the Black Cat Book Store.

### CITY COMMISSION NOVEMBER 17, 2021 REGULAR MEETING MINUTES

Ariel Dougherty addressed the Commission with various comments. (Complete copy attached hereto, and made a part hereof).

Ron Fenn addressed the Commission with various comments. (Complete copy attached hereto, and made a part hereof).

Mayor Whitehead read a comment submitted by Patricia Kearney. (Complete copy attached hereto, and made a part hereof).

Mayor Whitehead read a comment submitted by Phillip Duke Sheppard. (Complete copy attached hereto, and made a part hereof).

Mayor Whitehead read a comment submitted by Randy Eastlund. (Complete copy attached hereto, and made a part hereof).

Mayor Whitehead read a comment submitted by Rebecca Eza. (Complete copy attached hereto, and made a part hereof).

Mayor Whitehead read a comment submitted by Michael Hutchins. (Complete copy attached hereto, and made a part hereof).

Mayor Whitehead read a comment submitted by Andy Potter. (Complete copy attached hereto, and made a part hereof).

Mayor Whitehead read a comment submitted by Merrill Dicks. (Complete copy attached hereto, and made a part hereof).

Mayor Whitehead read a comment submitted by Jan and Ted Thedford. (Complete copy attached hereto, and made a part hereof).

Mayor Whitehead read a comment submitted by Mr. James Bush and Dr. Lillis Urban. (Complete copy attached hereto, and made a part hereof).

Mayor Whitehead read a comment submitted by MainStreet Board of Directors: Blanch Almquist, Jessica Logreira, Jessica Rowley, John Masterson, Kari Fresquez, Mary Alice Holmes. (Complete copy attached hereto, and made a part hereof).

Mayor Whitehead read a comment submitted by Christopher Slate. (Complete copy attached hereto, and made a part hereof).

torcpubliccomment@torcnm.org
To: T or C City Commission

Commissioners;

Ron Fenn 316 N. Foch Street

Reflections on a Cross Rio Grande Bridge.

The only logical and practical river crossing bridge would be sited at the east end of Austin Street as it is the ONLY commercial street approach to the river, except for a curious detail. The western bridgehead (then valued at something over \$5,000) was traded to the Foerstner's Cloverleaf Trust Organization for an equal sized area UNDER the Street now valued at three dollars (\$3.00), by former City Manager Fuentes. Improvements to the potential bridgehead consist of a fancy sign that announces that you have arrived at Riverbend, (without which you would not know where you were, possibly).

The obvious violation of the Constitution's prohibition of Anti-Donation was promptly ignored even by the FBI's Public Corruption Unit. So...now what might that piece of land be worth? Your guess is as good as mine but I would speculate at something in the six figure area. Ironically the traded land did not belong to the City as deeded land, but to the People as platted public land. But let's not quibble over a bit of local corruption especially when someone, but not you, benefits financially.

Given the above circumstances I would recommend exercising eminent domain and take back this unlawfully gained property for the benefit of the community.

Ron Fenn

ARAGON REPLACEMENT,

I HOPE THAT THIS COMMISSION WILL HAVE THE

GOOD GRACE TO GO GOVETLY INTO THE WIGHT

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LUNA, AND ZIGETI. THANK YOU.

Madam Mayor and City Commissioners; Rick Dumiak 705 Charles Truth or Consequences NM 87901

11/17/2021

Language Francisco

**Public Comment;** 

Regarding item G3 on today's agenda;

There seems to be a lot of confusion about this item, and understandably so as the documentation in the agenda packet is not accurately following the agenda request form. On the agenda request form for G3, on the form under attachments the request form states "Redline current Rules of Procedure are attached and then it states the Proposed Resolution No. 36 21/22 is attached."

It appears that order has been reversed in the agenda packet as the first item in the packet is the proposed resolution and then the redlined version follows. This is the opposite as to what is called out in the agenda request form. This has led to a lot of confusion as to what changes are being made to the Rules of Procedure. Now the redlined version states public comment is limited to the 1<sup>st</sup> meeting of the month, and response to public comment has been redlined out. In addition, under rule 17 the redlined version eliminates response to public comment. Before any action is taken on this item the agenda packet should be corrected to clearly explain what changes are being proposed, until the agenda is accurate, I recommend tabling this item.

Regarding item H1 on todays agenda, based on the election results it seems clear that the majority of the electors are not happy with the past performance and actions of the current city commission. By electing 3 new commissioners, the voters have spoken loud and clear that a change is wanted and needed.

Regarding H2 on today's agenda;

You now have an opportunity to show the electors that you have heard them, and you can prove it by appointing someone to the vacant commission seat that is not a current or past commissioner. You are that much to the electors. ON WAIT FOR THE NEW COMMISSIONERS TO APPOINT A COMMISSIONERS

Next, I'm not sure who made the decision to remove the two port a johns from the dirt dam parking lot at Rotary Park however that decision has once again caused people to urinate and defecate in and around the dirt dam parking lot. On my daily litter clean up walks I am now once again picking up used toilet paper. Please bring back the port a johns, they were helping. In addition, we really need a either a gate or increased police patrols thru the lot as there has been a marked increase in littering and vandalism. I am now trying to pick up the remains of several shattered fluorescent bulbs near the dirt dam that may never be completely cleaned up as the broken pieces of glass are scattered everywhere.

Next, I am hearing rumors that the city has given a verbal approval for a developer to start grading work on an access road to some property at the west end of Wyona Street, in the bath district and that the developer will be constructing a bridge at the end of Wyona street to access his property where 24 new homes are going to be built. Is any of this true and if so when were the hearings for this proposed development and bridge held? As a resident of this area we already have a problem with speeding and stop sign running and Wyona is currently a dead end street. Can we get some clarification on this rumored development and bridge?

Thank you Rick Dumiak Truth or Consequences City Commission Meeting NOVEMBER 17, 2021 Public Comment – Ariel Dougherty

Greetings, Commissioners. You are now a lame duck Commission. Three of you will leave. There is already a vacancy.

As a result, I urge you not to approve the proposed Rule Changes (Item G. 3.) on your agenda. An interesting discussion according to the PUAB meeting about state abatement issues took place. The point is that one Commission should not bind another. While abatement is about money. I suggest the same should apply about rules. The proposed rules cut back the Public Comment option to once a month. I would hope that public involvement and concern about city issues and protection of 1st Amendment rights should be a top priority for open governance and transparency of City work and activities.

On Resolution 37 21/22, (Item G.4) I think this is a premature step that will take the City into a direction that every citizen at the June meeting opposed – further development across the Rio Grande. Couching this as an recreational effort because a handful of citizen's who reside on the South side of the river desire city sewer and water is disingenuous. Please join forces with, and do not over ride, other efforts by citizen's that are in the works. The approval over 20 years ago of developments on the other side of the river are once again examples of the City's lack of proper and long term planning.

Speaking of planning, Hot Springs Land Development legal issues (J.2.) are once again costing the City money. TorC citizens were overwhelmingly against that project, yet citizen costs in this legal fighting persist. Here is a list of the legal expenses the City paid to the Municipal League January through July. Maybe if the Commission responded more positively to citizen ideas and input, legal expenses would not far exceed putting some petition initiatives to public vote. You can still repaid Resolution Resolution and Resolution Reso

Last, maybe this morning you will select to fill the vacancy on your Body. (H.2.) The fiscal health of our City depends upon who you appoint. The City Manager has taken fiscal management on as top priority. I urge you to appoint a person who is best able to assist in that task, Mr. Berger.

Thank you.

City of Truth or Consequences LEGAL EXPENSES with Municipal League January-July 2021 obtained by IPRA Aiready by end of July, City of TorC spent \$8,000 fighting citizens on issues of "so-called" smart meters & Imposition of the \$50 "trip-charge" penalty

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NT 11/17/21	nt \$214.46	\$3,288.37	\$35.74	\$326.86	\$2,256.07	\$12,117.59	\$994.15	\$129.54	\$350.25	\$2,190.16	\$1,290.41	\$103.08	\$1,351.13	\$1,351.13	\$848.57	\$76.31	\$107.23	\$89.36	\$70.12	\$974.20	\$1,421.25	\$3,255.00	\$1,666.66	\$110.80	\$114.76	AT 3C3
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Kon Pacourek

In reference to Resolution 31 21/22 golf course fees that was passed last commission meeting 10-27-2021. We feel that the 40%-60% increase in membership fees is extremely excessive. We are asking you to step back and re-examine this Resolution. The golf course fees were increased some 2 years ago. This is a retirement community and most everyone is on a FIX income which is most of the membership and is this the right time in our economy for an increase like is, inflation is over 6%. This huge increase many deter residence from join the Municipal Golf Course.

In the past the City Commissioners and Resolutions had taken the community quality of life to heart by keeping the golf course fees affordable for there residents.

On the agenda item H3 Removal of the \$1.00 Golf Improvement Fund GIF (aka sign in fee) will be a big revenue lost. We understand that there is tens of thousands of dollars in that account now, which is beneficial to the golf course up keep.

In the future if the city decides to hire a person to run the golf course like Mr Tucker did that person needs a resolution like 08 2018/2019 to help support that person income.

We are asking our representatives to put this resolution 31 21/22 on the next month commission agenda to repeal it.



From:

p-kearney@earthlink.net

Sent:

Sunday, November 14, 2021 8:12 PM

To:

T or C Public Comment

Subject:

no vehicular bridge and please respect the natural world

Sending a survey in utility bills left out all residents who rent with utilities included. Our opinions matter as much as our landlords' opinions. We live right here, while landlords may not. A vehicular bridge over the Rio Grande may be the worst idea for development yet. How will increased vehicular traffic be compatible with outdoor recreation? Could this end up spoiling the wild and natural areas you want to attract visitors to enjoy? I have serious doubts about Wilson and Co. and the ideas they come up with for this town. I'm curious why the city keeps hiring them. Do something for our existing downtown before you throw money away on creating competition for it. Pay attention to the environmental impact and the gentrification risk for lower-income renters.

Respectfully, Patricia Kearney 526 Marr St. Apt. 5



From:

Duke Sheppard <dukefattees@yahoo.com>

Sent:

Monday, November 15, 2021 7:43 AM

To:

T or C Public Comment

Subject:

Misnamed "Riverwalk" Feasibility study

My name is Phillip (Duke) Sheppard, I am a property owner and landlord in TorC, and love the town. I will not be able to attend the meeting, so wanted to voice my opposition to the misnamed "Riverwalk" plan. The Riverwalk is but a tiny portion of a huge expensive plan that would only benefit a few landowners on the east side of the river.

We have a beautiful, historic downtown RIGHT HERE, that is struggling. How about putting this money and effort into revitalizing what we already have, and maybe fixing the enormous infrastructure problems that we see every day? There are already empty commercial spaces all around downtown; who in their right mind is going to build new commercial buildings or open businesses down by the river where there is no traffic, it's not convenient to the rest of the downtown, and is directly across from the smelly sewage facility? We can't find people willing to open in the excellent spaces we already have, or workers to work in the existing businesses. This is some kind of pie-in-the sky plan that is just ridiculous; or some kind of scam to benefit just a couple landowners and developers.

I'd be all for a No Commercial Development plan with pedestrian bridges only, and recreational trails that would attract more visitors and greatly benefit everyone in town that chooses to use them. Kind of like the plan that private citizens have already been working on.

I'd really like you to stop calling this the "Riverwalk" plan, as it's confusing and misleading. This is a commercial development plan, and has nothing to do with the trails plan that is being put forward.

No, No, No!

**Duke Sheppard** 



From: Sent: Randy Eastlund <Hotsprings@gmx.com> Monday, November 15, 2021 9:00 AM

To:

T or C Public Comment

Subject:

bridge

### Dear Commissioners,

I strongly oppose construction of a vehicular bridge over the Rio Grande in the downtown area. I think the proposed vehicular bridge will primarily benefit the very few developers who have platted lots across the river. I strongly support a pedestrian bridge which will benefit all residents and visitors, by providing access to recreational and scenic opportunities. Please make a decision that benefits the many, not the few.

Sincerely, Randy Eastlund 475 Mims St. TorC, NM 87901 740-9559



From:

Becca Eza <beccatelander@gmail.com><br/>Monday, November 15, 2021 9:49 AM

Sent: To:

T or C Public Comment

Subject:

Riverwalk study - public comment

I would like to ask the TorC City Commissioners to POSTPONE a vote on the Riverwalk study, and allow the newly elected commissioners to hear public comment and vote on the proposal in January or later.

The current city commission does not reflect who voters have chosen to speak for our city, and it seems irresponsible for them to rush through a vote during a lameduck session.

Additionally, from the publicly available results of the study, it seems like the majority of respondents are not in favor of a vehicular bridge or commercial development on the east side of the river - and these things are still included in the proposal.

Notably, there were very few respondents to the study. I'd like to ask the current commissioners to postpone this vote and allow for a longer period of public comment, after which the new city commissioners can vote.

Thanks for your consideration!

Rebecca Eza 618 Poplar St, Truth or Consequences, NM 87901



From:

michael hutchins <mnh\_council@yahoo.com>

Sent:

Monday, November 15, 2021 10:05 AM

To:

T or C Public Comment

Subject:

Vehicular Bridge Across Rio

I DO NOT support a proposed vehicular bridge across the Rio Grande in town. I DO support a foot bridge across the Rio Grande in town. Michael Hutchins

Sent from my iPhone



From:

Andy Potter <diatom.guru@gmail.com>

Sent:

Monday, November 15, 2021 10:20 AM T or C Public Comment

To: Subject:

Riverwalk - Motorized Vehicle Traffic

I would like to voice my opinion about the proposed access to the Riverwalk by motorized vehicle traffic.

I have lived in TorC for 13 years and now own a home and have a young child. We all use the trails and paths, including the dirt roads across the river. Especially in winter, this is a large part of our outdoor recreation, running and biking. However the increase in off road vehicle traffic has been a problem for us all over town and in the county. Many of these vehicles do not stay on the established roads and the road are also becoming greatly deterioriated due to the increased use and misuse.

For these and other reasons I am opposed to increased vehicle traffic that would result from a vehicle bridge.

### Comment #7

### T or C Public Comment

From:

Merrill Dicks <goat57hog@yahoo.com>

Sent: To: Monday, November 15, 2021 3:47 PM

10.

T or C Public Comment

Subject: Attachments: Comments on Riverfront Study
City Plan Comments 11-15-21 docx

Follow Up Flag:

Follow up

Flag Status:

Flagged

November 15, 2021

RE: Riverfront Economic Feasibility Study

To Truth or Consequences City Commission

Thank you for the opportunity to comment on the City of Truth or Consequences pending consideration of adoption of the most recent version of the "Riverfront Economic Feasibility Study" prepared by Wilson & Company at cost of \$60,000 to the taxpayers.

I am entirely opposed to the adoption of this plan in its current form. In particular, I am absolutely opposed to the construction of any motor vehicle bridge linking the TorC downtown residential and recreational areas (Rotary Park Area and Ralph Edwards Park Area) with the east side of the Rio Grande. This aspect of the proposal alone would change the character and appearance of our beautiful community and its natural setting in ways that would be highly detrimental to those attributes that attract visitors to our town and its surroundings. The "word on the street", although unsubstantiated to my knowledge, from many of our citizens is that these aspects of the proposal, along with the proposed expansion of costly infrastructure to include east bank lands would serve mostly to benefit a limited number of "special interests" including, it is rumored, a former city official who was potentially involved in the initial conception of the plan recommendations. I would like to believe that these rumors are entirely unfounded and preserve the faith that I have in our Cities governing officials. I also feel that the great expense of constructing the bridge and new infrastructure on the east bank would be better directed at repairing and upgrading the towns existing infrastructure which we all know is in a terrible state of disrepair.

I am not opposed to limited, well-planned and executed enhancement of recreational opportunities and facilities along the river corridor. I very much like the proposal to construct a pedestrian-only bridge across the river. I believe that this would be a great asset to community members and visitors alike. At the present time, however, I ask the City Commission to defer decision on the adoption of the "Riverfront" plan until it can receive due consideration by the new City Commission which was so recently elected and chosen through our fine democratic process by the Citizens of this Community to represent their interest in the present and immediate future.

Thank you for your consideration of my comments and views.

Merrill Dicks

715 Ivy Street

Truth or Consequences, New Mexico

575-779-3958/goat57hog@yahoo.com

### Comment#8

### T or C Public Comment

From:

Jan Thedford <janbt328@gmail.com>

Sent:

Monday, November 15, 2021 3:51 PM

To:

T or C Public Comment

Subject:

Riverwalk feasibility study

Follow Up Flag:

Follow up

Flag Status:

Flagged

TorC City Commissioners and City Manager Swingle:

We strongly oppose the passage of this conceptual plan.

The reasons are many and here are some of them.

- !. We are constantly hearing how broke and in debt our city is. How will this pie in the sky plan be paid for?
- 2. Destruction of the beautiful wild spaces across the river. Any development would destroy the habitat of countless creatures.
- 3. Water. As many are aware, we will be facing serious water shortages in the near future. Encouraging growth and development without the water to support is short sighted and, in our opinion, foolish.
- 4. Downtown businesses are struggling to survive. Our local government should be supporting these businesses, not creating and encouraging competition.
- 5. As the recent election has shown, this commission has shown a blatant disregard to the opinions of its constituents. For that reason alone, this vote should be tabled until the new commission is sworn in.

It is our hope that you will do the right thing and vote NO.

Jan and Ted Thedford 328 W Riverside Dr TorC Comment #9

### T or C Public Comment

From:

Lillis Urban < lillisurban@gmail.com>

Sent:

Monday, November 15, 2021 4:28 PM

To:

T or C Public Comment

Cc: Subject:

Public Comment for the Wed Nov 17th, 2021 City Commission Meeting

Follow Up Flag:

Follow up Flagged

Lillis Urban

Flag Status:

November 15, 2021

Public Comment for City Commission Meeting, Wednesday, Nov 17, 2021

From:

Mr. James Bush, 618 Ivy St., TorC, NM, 87901

And

Dr. Lillis Urban, 520 N Broadway St., TorC, NM, 87901.

Regarding: Resolution No. 37 21/22 Adopting the City of Truth or Consequences Riverfront Economic Feasibility Study.

To the Truth or Consequences City Commission,

Thank you for the opportunity to comment on the City of Truth or Consequences's consideration of adopting the "Riverfront Economic Feasibility Study" prepared by Wilson & Company.

We ask you to vote NAY to Resolution No. 37 21/22 and to **not** adopt the "City of Truth or Consequences Riverfront Economic Feasibility Study".

The Executive Summary of the document inadequately and unfairly summarizes public feedback. To be clear, results from public feedback surveys reveal that the majority of the members of our community DO NOT want to see Commercial Development along the river and are not in favor of bridges for vehicle traffic. Why are these ideas even still being proposed?

To be clear: We are **not** in favor of vehicle bridge(s) over the Rio and we are **not** in favor of Commercial development on the other side of the river.

We support a foot bridge across the river, but that is all.

Let's keep our focus on our existing downtown. Let's support our established businesses in the historic downtown. Let's put our resources into shoring up our existing infrastructure that is so badly in need of repair!

Vote NAY.

Thank you for your consideration -

Two Concerned residents:

Mr. James Bush, 618 Ivy St., TorC, NM, 87901

And

Dr. Lillis Urban, 520 N Broadway St., TorC, NM, 87901.

### Comment # 10



### 15 November 2021

We, the Board of Directors of MainStreet Truth or Consequences, encourage the City Commissioners of Tor C to consider the economic, social, and environmental consequences of the proposed commercial development of the river. We are concerned that the needs of the citizens of TorC, many of whom reside and operate businesses within the downtown district, are being ignored. According to the survey conducted by Wilson & Company, a majority of respondents are not in favor of commercial development nor of a vehicular bridge crossing.

Using the limited means of the city to develop a new commercial district reinforces the reality that our already struggling downtown businesses will be without proper fiscal support and maintenance. Why encourage development elsewhere, to the detriment of our downtown community, when those of us in the downtown district are sorely in need of economic revitalization?

While the proposal seems like an interesting concept, and we are well-aware of the importance of development to economic vitality, especially in small communities such as ours, we believe that the primary focus should be on what already exists. Nothing positive can come from development at the river if more downtown businesses fail. This proposed development will pull focus for the limited supply of tourists we depend upon to sustain us.

The infrastructure throughout the downtown district of TorC is greatly in need of repair and replacement. We believe that the proposed project (which would include adding a conduit for water and wastewater attached to the proposed vehicular bridge) is shortsighted. It seems impractical, at best, to consider adding to the demand on our existing infrastructure by extending it over the river.

MainStreet wholeheartedly supports the continued efforts of the Turtleback Trails project to create a network of walking, hiking, and biking paths around the river, including a pedestrian bridge. However, this is completely separate from the proposed \$12M Riverwalk project.

Given the limited resources of the City of TorC, residents will again bear the burden of funding the upkeep and physical maintenance on new development long before there will be any recouping of tax dollars from any proposed new businesses. We, then, return to our original concern: help the existing commercial districts in Truth or Consequences before considering the development of additional commercial areas.

In addition, we wish to remind Commissioners that the State of New Mexico has already approved the expenditure of \$1.2M to renovate Foch Street. Please help us to utilize these funds for the beautification of Foch Street before you agree to fund another project elsewhere in the community.

Kindest regards,

### **Board of Directors, MainStreet Truth or Consequences**

Blanch Almquist Jessica Logreira Jessica Rowley John Masterson Kari Fresquez MaryAlice Holmes

### Comment#11

### T or C Public Comment

From:

Christopher Slate < jcslate@earthlink.net>

Sent: To: Monday, November 15, 2021 5:00 PM T or C Public Comment

Subject:

Resolution #37 21/21 Adopting the T or C Riverfront Economic Feasiblilty Study

**Follow Up Flag:** 

Follow up

Flag Status:

Flagged

### To all the City Commissioners:

When our city of Truth or Consequences, including the entirely unique, historic Hot Water District is starving for funds to repair and revitalize the infrastructure and businesses, why would we divert 12 million dollars in funds for a vehicle bridge which basically serves and subsidizes a giant development project and puts city money into the pockets of private investors? This makes even less sense when surveys indicate the people of T or C much prefer a foot bridge and hiking trails that preserve the natural beauty of our surroundings.

Further, why is this decision being rammed through by lame duck commissioners, instead of being considered by the new, recently elected commissioners?

Sincerely, Christopher Slate

### **E. CONSENT CALENDAR:**

- 1. City Commission Regular Minutes, October 26, 2021
- 2. Acknowledge Regular Planning & Zoning Commission Minutes, October 4, 2021
- 3. Accounts Payable, October 2021

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

### F. PUBLIC HEARINGS:

1. Public Hearing/Discussion/Action: Final Adoption 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 item has been advertised and posted. The amendment is extracting Section 7-201 (G) of the Code pertaining to Lodgers Tax Exemptions. That will make our ordinance consistent with the new law. This will allow Lodgers Tax to be charged for Airbnb's. This is at the request of the Lodgers Tax Advisory Board, and it is staff's recommendation to approve the amendment to the ordinance.

City Attorney Rubin explained what the current ordinance reads and how it will be changed with the amendment.

Mayor Whitehead opened the Public Hearing.

Proponents: None.

Opponents: None.

Mayor Whitehead closed the public hearing

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

2. Public Hearing/Discussion/Action: Final Adoption of Ordinance No. 722 amending the City of Truth or Consequences Municipal Code of Ordinance Section 2-248 (E) pertaining to the Library Advisory Board:

Traci Alvarez, Assistant City Manager explained that this item is to change our current city code which states that the Library Advisory Board must meet monthly, and change it to reflect that they must meet quarterly. This item has been advertised and posted, and now it is before you for a public hearing and final adoption.

Mayor Whitehead opened the Public Hearing.

Proponents: None.

Opponents: None.

Mayor Whitehead closed the public hearing.

Mayor Pro-Tem Forrister moved to approve the Final Adoption of Ordinance No. 722 amending the City of Truth or Consequences Municipal Code of Ordinance Section 2-248 (E) pertaining to the Library Advisory Board. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

### G. ORDINANCES/RESOLUTIONS/ZONING:

1. Discussion/Action: Resolution No. 34 21/22 Budget Adjustment Resolution:

Traci Alvarez, Assistant City Manager reviewed the Budget Adjustments that were included in the packet.

Mayor Pro-Tem Forrister moved to approve Resolution No. 34 21/22 Budget Adjustment Resolution. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

2. Discussion/Action: Resolution No. 35 21/22 Declaring Surplus Property for an online Auction through J.J. Kane Associates, Inc. dba J.J. Kane Auctioneers:

City Clerk Torres explained that a few of our departments have some vehicles that they would like to sell in an online auction. The auction will be held in January, through J.J. Kane Auctioneers. Included in your packet is a list of the vehicles we wish to sell. City staff recommends approval.

City Manager Swingle also noted that these are vehicles that are no longer in use that we have in reserve, and we need to get rid of. We are paying insurance on them, and al

they are doing in deteriorating in value. This is only the first auction of several others to follow. We just have a process we need to follow.

Mayor Pro-Tem Forrister moved to approve Resolution No. 35 21/22 Declaring Surplus Property for an online Auction through J.J. Kane Associates, Inc. dba J.J. Kane Auctioneers. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

3. Discussion/Action: Resolution No. 36 21/22 Approval of amendments to the City Commission Rules of Procedure:

City Manager Swingle explained – He thinks we made a very easy process very complicated. The intent of this amendment is twofold. It was to ask the Commission to move the reports after public comment because we have valuable information we want to share with the community, and right now it is the last thing on the agenda. By the time we get to the reports, we have lost most of our audience. The other reason for the amendment was to clean up the language in the current Rules of Procedure because it currently states that we will have one regular meeting a month with public comment, and the second meeting would not have public comment, but the City Manager would meet with folks who would want to talk about public comment, and handle it in that manner. We changed the City Commission Rules of Procedure to reflect public comment during both regular meetings. The redline version, and the final version is included in your packet. However, in reviewing the final version there were a few changes that needed to be made. He provided the Clerk with the revised version should the Commission choose to move forward with that. The amendments include:

- Page 6, Item D: Public Comment: Comments from the public (regular Meetings)
- Page 6, Item G: Public Hearings: It was Rule 17, but because we eliminated Rule 15, it is now Rule 16, and Rule 16 on page 7 is amended.
- Page 7: Regular Meetings any member of the public may sign up for public comment.
- Page 9: last sentence in Item (a) was changed to (See 17.f)

Commissioner Luna moved to approve Resolution No. 36 21/22 Approval of amendments to the City Commission Rules of Procedure. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

4. Discussion/Action: Resolution No. 37 21/22 Adopting the City of Truth or Consequences Riverfront Economic Feasibility Study:

City Manager Swingle explained that this all started during the COVID Pandemic, and Wilson & Company did amazing work in providing a great document as far as what the city was asking for in that document. The city has been discussing economic feasibility studies for many years, and in 2014 the city submitted an application to the New Mexico

Finance Authority for a feasibility study, and they were declined at that time. The city persevered over years, and in May of 2020 the city submitted another application, and was awarded the \$60,000 for the study. This study is due to NMFA by the end of this month so if the Commission chooses not to move forward with approving this study then the city is on the hook for the money. We have to give NMFA a product so that is an important deadline for everyone to know. This process has been drawn out due to the pandemic, and the inability to have public meetings, and when they were held we had limited response, and because of that we went out with surveys. There is a Steering Committee that was created by the city at the beginning of this project. He thanked all of the individuals who served on the committee. The committee members consisted of former City Manager Morris Madrid, Assistant City Manager Traci Alvarez, Representative Rebecca Dow, Attila Bality from the National Park Service, Kim Skinner, Masterson. Jake Foerstner, State Economic Development Regional Representative Louis Marquez, Peter Mitchell from the Santa Fe Community and Business Rural Development regions, South Central Council of Governments AICP Senior Planner, Tiffany Goolsby, OJ Hechler, Alicia Depalma, Merry Jo Fahl from the Jornada Resource Conservation, Ryan Lawler, New Mexico Tourism and development Director Lancing Adams, Jay Armijo from South Central Council of Governments. Angela Rael from the South Central Council of Governments, and Clean and Beautiful Coordinator Lucy Stanus. This study identifies a number of opportunities, and a number of costs for a bridge or installation of infrastructure, and getting it over to the east side of the river and other projects. A common call that we receive is opening up the east side of the river for the property owners, and developers. A majority of public comment were opposed of building a bridge or any development of this area. However, the study reveals that 97% of the people who responded would like some sort of development. This is only the first study. We may need additional studies to move this project forward. We heard a lot of talk of infrastructure, well infrastructure has to be paid for, and we need revenue as a community. We cannot look at this as what one special interest group or another wants. We have to look at the whole of this community, and the only way that this community as a whole is going to succeed is by generating revenue. We are losing revenue, and our youth when they graduate from high school. They are going to other places to find work. This is one of many projects that we need to start looking at to grow that revenue stream in this community.

Mario Juarez-Infante, Wilson & Company, Inc. explained that this is a focused look at a small area along the Rio Grande that is entertaining possible and viable opportunities. We are not constructing anything under this document. We are looking at viable opportunities that are complimentary to this environment.

Paige Wolfrom, Wilson & Company, Inc. reviewed the presentation of the Riverfront Economic Feasibility Study. (Presentation attached hereto and made a part hereof).

Commissioner Luna moved to approve Resolution No. 37 21/22 Adopting the City of Truth or Consequences Riverfront Economic Feasibility Study. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

# Truth or Consequences Riverfront Economic Development Feasibility Study

Wednesday, November 17th, 2021







### **Project Team**

City of Truth or Consequences





Consultant: Wilson & Company



The study is supported by a grant from the New Mexico Finance Authority





### **Community Goals**

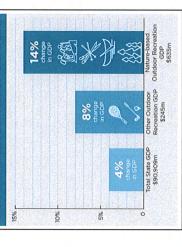
- The Riverfront Economic Development Plan focused on developing a vision to capture the growing outdoor recreation market with recommendations for change.
- infrastructure investments and tie into regional economic development and This will assist the City of Truth or Consequences to properly plan future recreational opportunities.

### Study Objectives

- Develop a vision: What could the TorC Rio Grande Riverfront Study Area look like in the future?
- What are the major economic development opportunities to make the vision a success?
- What were potential issues to be aware of in order to make the vision a success?
- How can this project tie into regional momentum and desire around the outdoor recreation economy?
- How can this vision be implemented?

Nature-based recreation's contribution to GDP grew by 14% between 2012 and 2017. Other recreation grew by 8%.

Nature-based Outdoor Recreation Grew the Fastest Between 2012 and 2017



RESIDENTS OF NEW MEXICO SPEND \$4.8 BILLION ON OUTDOOR RECREATION IN THE STATE EACH YEAR.

### More than 65% of New Mexico residents participate in outdoor recreation

QUALITY OF LIFE:

WILSON &COMPANY

TRUTH OR CONSEQUENCES





economy is important for the future of New Mexico and the

western U.S.

the outdoor recreation

 76% of New Mexicans consider themselves an outdoor recreation enthusiast.



ource: Colorado College. 2018. Conservation in the West P ttps://www.coloradocollege.edu/other/stateoftherockies/ onservationinthewest. Margin of error is +/-4,9%.

Outdoor recreation contributes \$2.3 billion, or 2.5% to state GDP

The outdoor recreation economy is growing faster than the overall state economy: between 2012 and 2017, GDP from outdoor recreation grew by 11% while overall state GDP grew by 4%.

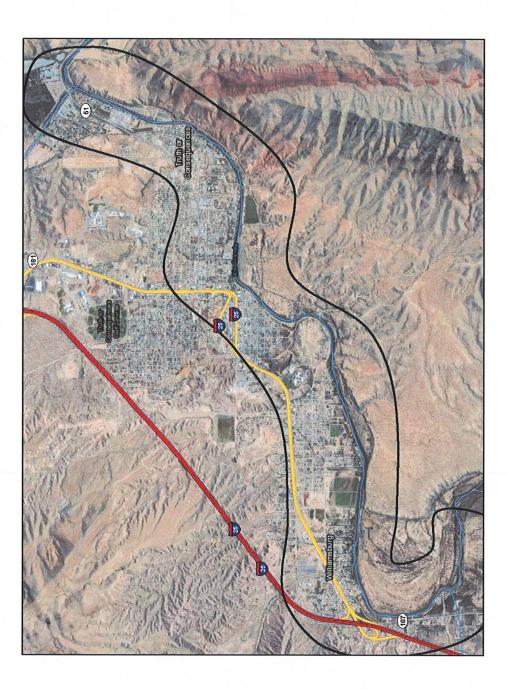


### **Project Scope**

- l. Community Participation Process
- Existing Conditions and Asset Inventory
  - Gaps & Market Analysis
- 4. Riverwalk Economic Feasibility Study Report
  - Implementation & Financing Plan

### Study Area





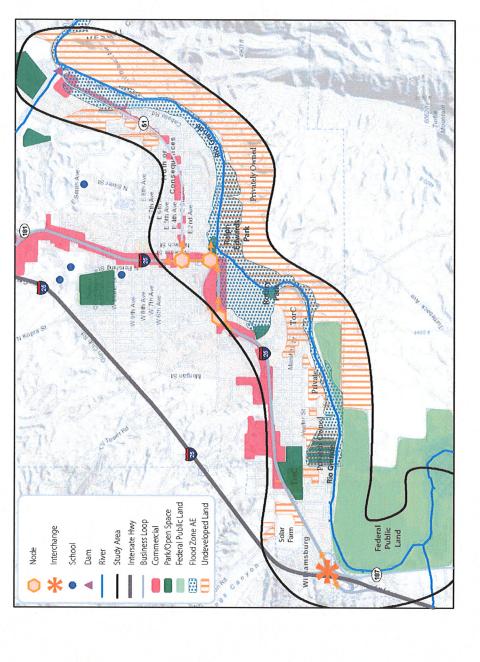


# Opportunities: Land Use



WILSON &COMPANY HIGHER RELATIONSHIPS





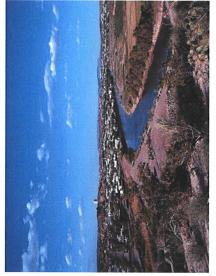
## **Opportunities: River**

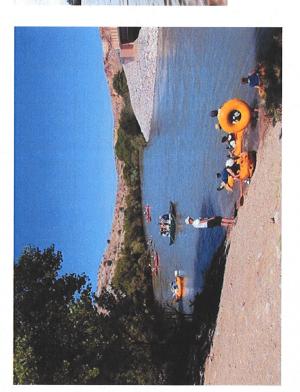










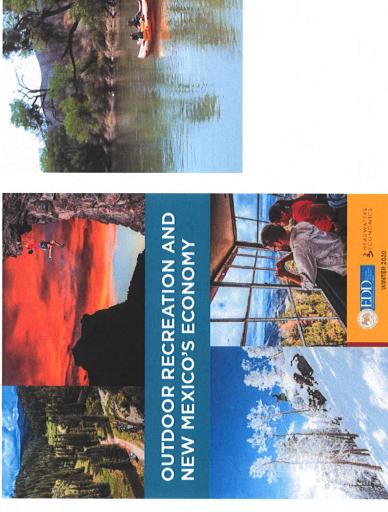


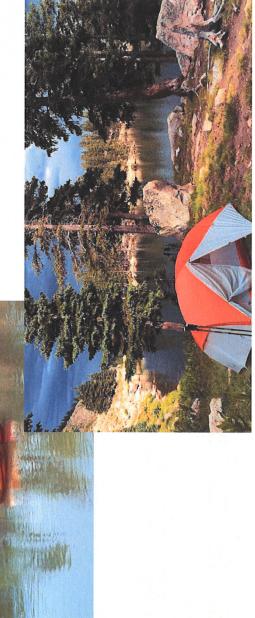
Images taken from: https://www.sierracountynewmexico.info/attractions/rio-grande/

### .

### Opportunities: Outdoor Recreation **Economy**









### Public Participation – Survey & Open House

&COMPANY HIGHER RELATIONSHIPS

TRUTH OR CONSEQUENCES

### PUBLIC SURVEY Riverfront Economic Development Plan

TRUTHOR

The City of Truth or Consequences is developing a Riverfront Economic Development Plan with a focus on developing a vision to capture the growing outdoor reasonable market with recommendations for change. This will assist the City of Truth or Consequences to properly plan fruue infrastructure investments and also the into regional economic develop and exercations opportunities. We want to hear your vision for the opportunities. We want to hear your vision for the

### The study will look at questions such as:

- How can this area best serve the TorC comn
- What recreational amenities would you like to see in the area?

The answers to these questions start with your vision and ideas! Please answer the questions below to help us understand the community's vision for this part of the City. Which ideas are economically feasible and which are not?



Please refer to the map.
What opportunities would you like to see in Area I side Dr, behind Veterans Memorial Park)? \*Select a

Talis
Pervivaldific observation areas
Betroation signace
Pervices
Campground
Campground
Campground
Detail or receasion equipment rentals/sales
Detail or receasion equipment centals/sales
Utilion receasion equipment centals/sales
Detail or receasion experiment centals/sales
Detail or receasion



	□ Hiking
☐ Grands to the South side of the Rio Grande	Fishing
□ ADA compliant docks, ramps, and obeservation areas	□ Kayaking
☐ Camping/camgrounds	☐ River floating/fubing
☐ Additional parking	☐ Horsebackriding
<ul> <li>Wayfinding and educational signage</li> </ul>	☐ Outdoor sports (soccer, volleyball, basketball, etc.)
☐ Small-scale restaurants/cafes/bakeries/coffee shops	Camping
□ Water/outdoor recreation equipment rentals and sales	0
☐ Conservation with limited river access/improvements	□ Food trucks
□ No changes	☐ Small-scale restaurants/cafes/bakerles/coffee shops
Other.	Shopping
	☐ I would not participate in any of these activities ☐ Other. ☐ Other.
3. What type of commercial development, if any, would you like to see along the Rio Grande? "Select all that apply.	2e to 4. Do you believe a vehicular bridge crossing to the South side of the Rio Grande is important?
Local boutlanes	
	N 0
□ Urgentcare	S Down believe a nedestries beides conscion to the South cide of
□ Motels	the Rio Grande is important?
□ Campgrounds	
☐ No commercial development	Z Ves
Other.	- No

Please see reverse side for additional questions!



Tuth or Consequences Community Development Director, at thurnette@forcmn.org or 575.894.6673 ext. 353	Scan QR CAT (Code to State take Survey CAT	Please return completed surveys to:  Any City Office  Place them in the After Hours Utility Drop Box	Mail them to: Attn: Traci Alvarez, 505 Sims Street, Truth or Consequences, NM
		• •	• 4 F

I (along River all that apply.	8. Please from the thin of 8. Please for the thin of What opportunities would you like to see in Area 3 (courth of Raph Edwards Park on the south sides of the Rio Grandel? Requires wellcular or pedestrian bridge crossing. "Select all that apply."
	The work will also be a constant or a c
6	
4 (north of Turtle	10. Additional comments:
8	

9. Please refer to the map.
Man opportunities would you like to see in Area shad opportunities would you like to see in Area shad kee on the south side of the Rio Grande I?
\*Requires vehicular or pedestrian bridge crossing.
\*\*Select all that apply.

### 7

### Public Participation – Survey & Open House was held on Thursday, June 24<sup>th</sup>, 2021



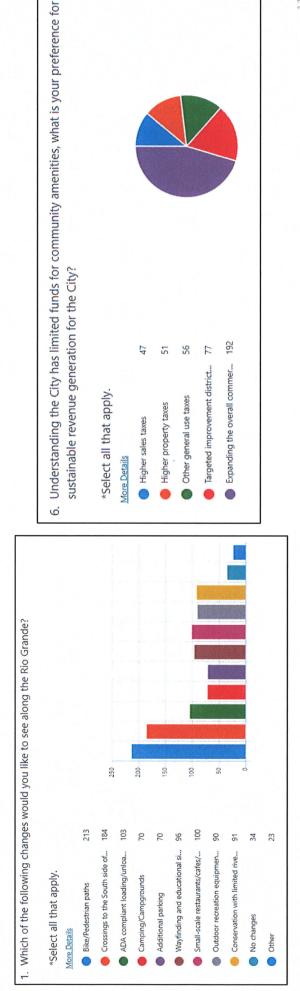


The public survey was sent in residents' August 2020 utility bills

The public survey received a total of 324 responses, which can be seen in Appendix A of the report.

Of the total number of responses, 3 percent of individuals responded that they would not like to see any changes within the Study Area

97 percent would like to see changes of some type (trails, crossings, development, etc.)



# Public Participation – Survey &

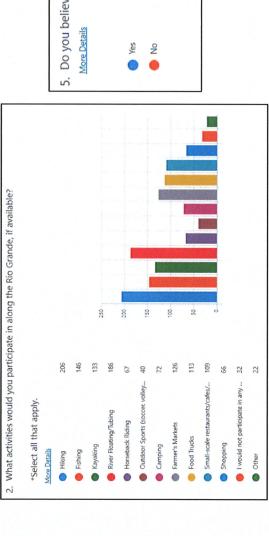




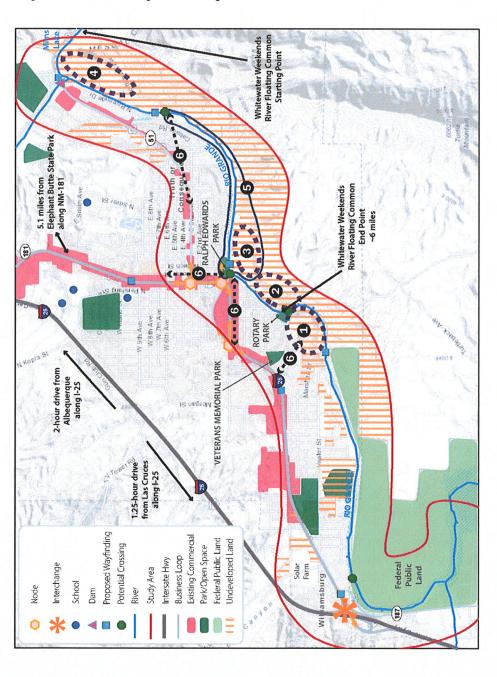
recreation. These responses included options such as hiking, fishing, kayaking, river floating, horseback riding, outdoor • pen House • Por the 97 percent of individuals who would like to see changes, 64 percent were in favor of some form of outdoor sports, and camping

included options such as local boutiques, small-scale restaurants or cafes, urgent care or motel facilities, campgrounds, and Rio Grande? \*Select all that apply.) stated that they would like to see some sort of development along the Rio Grande and 68 percent of responses to question three (What type of commercial development, if any, would you like to see along the

46 percent of survey responses state that residents would like to see a vehicular bridge to the South side of the Rio Grande, and 76 percent of residents would like to see a pedestrian bridge to the south side of the river



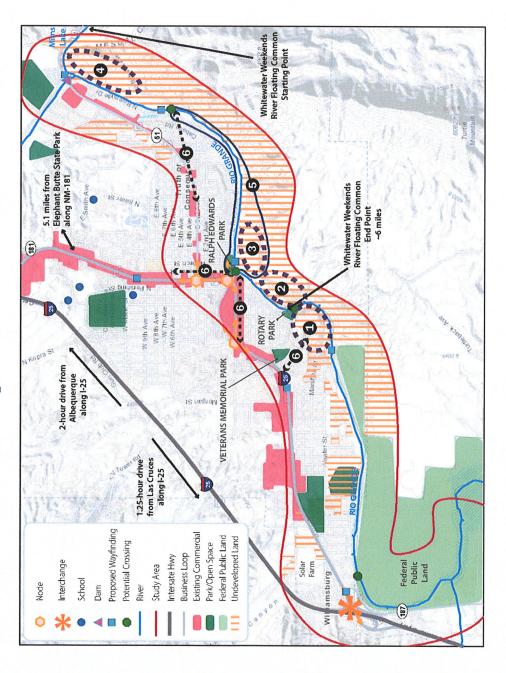








- Area 1 is owned by the City and is recommended for *light commercial land uses* behind the existing Veterans Memorial Park and New Mexico State Veterans Home
  - This area has approximately one million square feet of developable land
- farmer's market, space for food trucks and other vendors, local shops, recreation-based shops, and/or a small-scale riverfront restaurant or café where residents and visitors can enjoy the river views following a day of outdoor recreation along the Rio Grande

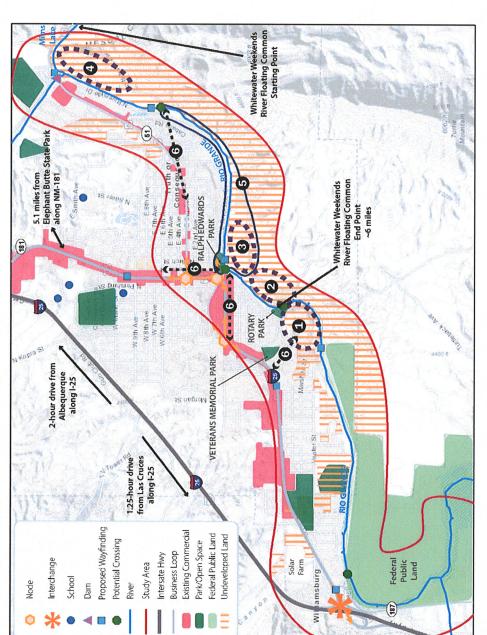






- Area 2 is currently privately owned and platted for residential homes. This Study will not interfere with the existing plans for this residential neighborhood
- Areas 3 is considered an
- opportunity area for a recreation bub

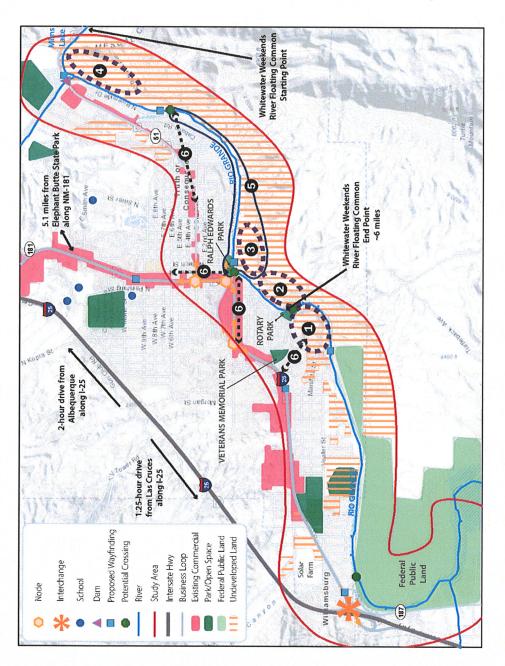
   Prime location for a riverfront park
  to include space for outdoor sports
  and playground equipment for
  children
- Area 3 concept also includes a campground facility. This campground would include a restroom, picnic tables and a grill, as well as additional trash receptables and wildlife/educational signage.







- Area 4 is also considered an opportunity area for a recreation bub
- This location is the existing drop-in point for the Whitewater Weekends rafting and would tie in well with additional outdoor recreation activities
- Area 4 concepts include fishing spots, kayaking drop-ins, a horseback riding trail starting point, and more
  - Project 5 is a proposed bicycle loop trail from Ralph Edwards Park to Dunn Street and could tie into Turtleback Avenue on the south side of the Rio Grande
- The loop would be approximately four miles in length and offer connections from Area 3 and Area







- Project 6 is *improved connections* from Interstate 25 and New Mexico State Road 51 (also known as Third Avenue within City limits) to the proposed concepts outlined above.
  - Connections would include additional wayfinding signage, potential pedestrian crossings, as well as educational signage to tie into the outdoor recreation opportunities within the City
- Project 6 includes a bridge crossing to the south side of the Rio Grande
- This bridge could include water and sewer utility lines to expand the utility infrastructure from the north side of the river to the south
- Two proposed crossing locations are near Ralph Edwards Park, and Rotary Park

### **Cost Estimates**





Are	Area Project Description	Notes Unit	ŧ	Quantity	Rate	Estimated Cost (2021 dollars)
1	Proposed Light Commercial					
	Small-scale restaurants/cafes, food trucks, recreation-based		Г		n.	
	shopping, local shops, etc.	Private (costs not included)				
2	Private Residential					
	Currently platted, not proposed as part of this Study	Private (costs not included)				
3	Riverfront Park and Campground					
	Playground Equipment	Each	f	1	\$15,000	\$15,000
-	Benches	Each	r)	2	\$1,760	\$3,520
	Waste receptacles	Each	f	9	\$1,665	066'6\$
	Picnic structure	Each	£	2	\$35,000	\$70,000
. 1	Small gateway signage	Each	£	-1	\$50,000	\$50,000
-	Small public restroom structure	Each	5	1	\$50,000	\$50,000
	Electrical: Lighting fixtures	Each	f	15	\$5,720	\$85,800
	Gravel parking lot	RF.		7,500	85	\$60,000
	Level 2 electric vehicle charging stations	Each	ન	2	\$6,000	\$12,000
	Subtotal					\$356,310
4	Outdoor Recreation Hub					
	Benches	Each	ch	4	\$1,760	\$7,040
	Waste receptacles	Each	ch	4	\$1,665	\$6,660
-	Picnic structure	Each	ch	2	\$35,000	\$70,000
	Small gateway signage	Each	ch	1	\$50,000	\$50,000
	Small public restroom structure	Each	ch	1	\$50,000	\$50,000
	Horseback riding trail	J)		5,280	\$30	\$158,400
	Concession Stand	Each	ch	1	\$300,000	\$300,000
	Electrical: Lighting fixtures	Each	ch	15	\$5,720	\$85,800
	Gravel parking lot	SF		7,500	\$\$	\$60,000
	Level 2 electric vehicle charging stations	Each	÷	1	\$6,000	\$6,000
	Full-size asphalt basketball court	Each	ch	1	\$85,000	\$85,000
	Full-size soccer field	Each	ch	1	\$750,000	\$750,000
	Subtotal					\$1,628,900
2	Bicycle Loop					
	The second secon	Trail	- 0	21,120	\$120	2,534,400
	Subtotal					\$2,534,400
9	Connections to Development					
	Information Kiosk	Each	ch	1	\$18,000	\$18,000
	Sidewalk improvements			10,000	\$100	\$1,000,000
		See Appendix D for full bridge planning-level cost estimate	-			
-	Bridge crossing	breakdown	f	1	4,400,575	\$4,400,575.47
	Subtotal					\$5,418,575
	Contingency	20% of estimated costs				\$1,987,637
	Total construction costs					\$9,938,185
	Professional services	6% of construction costs				\$596,291
	TOTAL					\$12,522,113.69

### **Project Schedule**



- Public Meeting was held on Thursday, June 24th, 2021 ← 0, ω, 4.
- Report and Concept Map were refined from July-September
  - Draft report was submitted to City at the end of September
- Report will be submitted to NMFA at the end of November 2021



## Comments/Questions?



### Thank You!

Paige Wolfrom

Traci Alvarez

Paige.Wolfrom@wilsonco.com 480-452-8113

talvarez@torcnm.org 575-894-6673 ext. 353

### H. NEW BUSINESS:

1. Discussion/Update: Acknowledgment of November 2, 2021 Election Results and Official Canvass:

City Clerk Torres explained that this item is to give an official update on the candidates who were elected for City Commissioner during the November 2<sup>nd</sup> election. We have Destiny Mitchell in Position I, for a 4 year term. Merry Jo Fahl in Position III for a 4 year term, and Rolf Hechler in Position IV for a 2 year term. The Oath of Office for all three Commissioners will take place during the December 15<sup>th</sup> Commission Meeting, and all 3 Commissioners will take office on January 1, 2022.

Commissioner Luna moved to approve Resolution No. 37 21/22 Adopting the City of Truth or Consequences Riverfront Economic Feasibility Study. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

2. Discussion/Action: Possible recruitment of a qualified elector to fill the vacancy of City Commissioner Position II:

City Clerk Torres explained at the last meeting, the commission asked for those who were interested in fill the vacancy of City Commissioner Position II to please submit a letter of interest no later than Wednesday, November 10<sup>th</sup>. We received letters of interest from Rick Dumiak, Art Burger, Ingo Hoeppner, Shelly Harrelson, and Paul Baca. It was also mentioned at a previous meeting that the Commission would like to possibly choose from one of the candidates who ran for office during the November 2<sup>nd</sup> election. If you choose to select a candidate during this meeting, we can do their Oath of Office during the December 15<sup>th</sup> City Commission Meeting.

Commissioner Baca stated that he included his name in the pool because he was disappointed on who submitted their letters of interest. However, he would like to nominate Shelly Harrelson because he feels that she would be a great person to take over this vacancy.

Commissioner Baca made a motion to nominate Shelly Harrelson to fill the vacancy of City Commissioner Position II. Mayor Pro-Tem Forrister seconded the motion.

Commissioner Luna feels that we should interview the candidates, and have the newly elected officials sit with them, and take the time to interview the individuals. She likes the Shelly nomination. However, she thinks that there are some individuals who exuded a great deal of time at Commission meetings, and Ms. Harrelson is rather new to the world.

Mayor Whitehead asked if there is opportunity if we don't vote on the nomination today, that we could place this on the next agenda to have interviews of the individuals, and maybe even open it up for more letters of interest. Maybe there are people out in the community who didn't know that this was something that they could do. She likes the idea of having interviews and inviting the new Commission to be part of this process.

Mayor Pro-Tem Forrister explained that they were ridiculed for not choosing a replacement for the vacant seat right away, and now we are being ridiculed because we need to wait for the new Commission to come in, and choose. When they first discussed this, they wanted to choose from the applicants that did not win the election, because they put in the time to run, and then they said that they would open it up and take letters of interest until November 10, 2022 so those who did not win the election could also submit their letters of recommendation. These are the people who submitted their letters so she does not feel that they need to open it up again.

Commissioner Baca agreed with Mayor Pro-Tem Forrister.

Mayor Whitehead stated that there is a motion on the floor that was made by Commissioner Baca to nominate Shelly Harrelson to fill the vacancy of City Commissioner Position II and Mayor Pro-Tem Forrister seconded the motion.

Roll call was taken by the Clerk-Treasurer for Commissioner Baca's motion.

Hon. Sandra Whitehead, Mayor voted nay

Hon. Amanda Forrister, Mayor Pro-Tem voted aye

Hon. Paul Baca, Commissioner voted aye

Hon. Frances Luna, Commissioner voted nay

Motion failed with due to a tied 2-2 vote.

Commissioner Luna made a motion to set up a Special meeting before the December 15th Commission Meeting to interview the individuals who submitted their letters of interest. Mayor Whitehead seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

It was agreed that the Special Meeting will be held on Monday, November 29, 2021.

3. Discussion/Action: Approval to dissolve and close the Golf Course Infrastructure Fund:

Traci Alvarez, Assistant City Manager explained that the Golf Course Infrastructure Fund was established during the time that we had a contracted Golf Course Golf Pro/Manager, and as part of the Golf Pro agreement the contracted Golf Course Golf Pro/Manager received 95%-100% of the daily green fees and annual fees. The purpose of the fund was to track the revenues, and to make sure that proper reporting was being done. There was a \$1 fee that was put back into the Golf Course Infrastructure Fund for

future development. Now that the Golf Course is managed by the Municipality, we are receiving 100% of the revenue that is generated at the Golf Course. With that being said, we would like to dissolve and close the Golf Course Infrastructure Fund. There is approximately \$16,000 in that fund that we would like to put back into the Golf Course.

Commissioner Baca made a motion to dissolve and close the Golf Course Infrastructure Fund. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

4. Discussion/Action: Approve Amendments to Frisbee Golf Fees Resolution No. 55 20/21:

Traci Alvarez, Assistant City Manager requested that we amend Resolution No. 55 20/21 pertaining to the Frisbee Golf Fees. We wanted to clean up the language a little bit, and remove the reference to the Golf Course Infrastructure Fund. No fees are being changed on this resolution.

Mayor Pro-Tem Forrister made a motion to amend Resolution No. 55 20/21 pertaining to Frisbee Golf Fees. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

5. Discussion/Action: Accept and Approve Interim Loan Funding Offer from Bank of the Southwest and open a bank account for the Interim Loan Funding:

Traci Alvarez, Assistant City Manager explained that we received funding from USDA a couple of years ago for the Downtown Water Improvement Fund, and part of the requirements from USDA is to obtain a bridge loan for design, and then the interim funding will be for construction. We did our bridge loan with RCAC, but USDA does like to encourage us to try and go local, especially for the interim loan funding. We reached out to some of the local banks, and Bank of the Southwest offered us a \$5,487,000 which is the cost to proceed forward with our construction portion. This loan would is offered for 18-36 months, but it will only be until construction is complete. Once construction is complete, USDA will then close the loan with the Bank of the Southwest, and the loan will then go through USDA at a1.2% interest rate.

Commissioner Luna made a motion to accept and approve the Interim Loan Funding Offer from Bank of the Southwest and open a bank account for the Interim Loan Funding. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

6. Discussion/Action: Summary Plat Amendment and Variance Request at 128 Broadway, Truth or Consequences, NM, pursuant to Chapter 15, Sec. 15-17:

Traci Alvarez, Assistant City Manager explained that the applicant is requesting a pat amendment at the location of 128 Broadway, Truth or Consequences, NM. A public hearing was held at the November 4, 2021 Planning & Zoning Commission Meeting. We have three Planning & Zoning Commissioners on a five person board. The applicant was in attendance, and we had one proponent and there were no opponents. The vote of the Planning & Zoning Commission was 1 vote for yes, 1 vote for no, and one member abstained from voting. Therefore, we request that the Commission make the decision for this plat amendment. During the public hearing, it was staff's recommendation to not approve the request due to concerns with the infrastructure of water, sewer, and electric. We have water at Broadway, and we have water and sewer in the back alley. The applicant is requesting to split the lot in half with front access to one lot, and rear access to the other lot. The Electric Department and the Water Department made some requests, and the applicant did send her a letter from the applicant, and an amended plat amendment. She was able to reach out to the water. electric, and wastewater department. The water department is fine with the easement. However, do bear in mind that sewer would need to go through parcel 2 to get into parcel 1. Parcel 1 would only have direct access from Broadway, and Parcel 2 would only have access from the alley. Both lots would not have unobstructed legal access to city water and wastewater lines, and a utility easement may not provide ease of access due to the location of existing water, sewer, and electric lines. The Electric Department does not approve the application.

Applicant Charles Perry explained that he bought the property 3 years ago, and his main interest for buying the property was because it is across the alley way from property that he owns at 400 Mims Street, which is a retreat therapy center, and he felt that the Black Cat Book and Coffee store was one of the great assets in this town. He would like to preserve the book store as an asset in this town. It was ran by volunteers before COVID hit. At this stage in his life, he is not too concerned with making money in this town. It is more important to him to provide a service. His interest is the health and wellbeing of the community, and by preserving the book store it would be a healthy asset to this community for communication exchange. He currently has two buyers who plan on keeping it a book store. This is a high priority for him so he has not entertained other potential buyers. He has been trying to hold this together in a way that they will be able to take on the property. The agreement that they currently have if he is able to divide the property is to reduce cost of the front half in a way that will allow them to buy the property and continue with the book store. He can also benefit with his business across the alley by having parking, and some place for storage. He looked into assimilating the back half of the property with his existing property, but he was told that it would be a difficult process. Therefore, he is trying to divide the property, and provide parking for his business. He has a walk way on his Mims property which is the only walkway and curb intact on that side of the street. There is a walkway across the alley

way that has access to that, and he is happy to write up an easement for that. He met with Bo Easley in the Electric Department, and they went to the property, and went over the service, and where service dropped if he got onto the property from the alleyway, so he is surprised that he doesn't approve of this. He has had two contractors who looked at the property, and they would provide a power drop to the property within the easement so indicated. In fact his conversation with Mr. Easley was positive as far as putting poles in and providing an electrical drop in that easement. He is very surprised that there is any issue there at this point. He feels that he has done everything that he can, and he feels that the easements are there for the utilities, and he does not see any reason for it not to proceed. Any development he does on the back half will be for the community. He is very community oriented. He feels if this doesn't happen he would likely lose the sale, and he would not know who would buy it or what they would do with the development. It is his understanding that once this property is divided, there is less room for development.

Mayor Pro-Tem Forrister asked Assistant City Manager Alvarez which Planning & Zoning Members voted against this.

Traci Alvarez, Assistant City Manager stated that Member Sisney voted against it because a lot of the surrounding lots downtown are not split.

Mayor Whitehead asked if they do not approve the Summary Plat Amendment and the Variance Request today, is this something that can be brought back in the future.

Traci Alvarez, Assistant City Manager responded yes. It can come back before the Commission again.

City Clerk Torres added that it would have to go for another public hearing.

City Attorney Rubin agreed.

Mayor Whitehead feels that it would be better for them to wait to approve this until they get approval from all departments.

Mayor Pro-Tem Forrister asked Mr. Perry what his conversation was with Mr. Easley.

Applicant Charles Perry stated that they went over where the service drop holes would need to be put, and where the service drop was. Mr. Easley had one concern about the service drop clearing a roof structure that can easily be removed. He indicated, given those conditions there was no problem with the service drop. Electrician, Frank Luchini will provide a service drop to that area. Luchini is a well-known and well respected electrician who will do the service drop legally and consistent with his conversation with Mr. Easley. They are planning to even upgrade that service from 100 amps to 200 amps so it is a service upgrade, and a service drop that doesn't go across the center of the property, it goes down the side of the property and avoids going through a tree. Luchini

assured him that the service drop will be made legally, and he is going to put in the poles that Mr. Easley recommended.

Mayor Pro-Tem Forrister asked, if the electric doesn't get done, and they approve this, and the buyer purchases it, and the electric has not been changed to what Mr. Easley recommended. What happens then?

Assistant City Manager Alvarez stated that she cannot answer that, but she can tell you that Mr. Easley did receive the updated plat amendment and the letter from the applicant, and via his email this morning he said that he still does not approve the request because not all requests have been met. When applicants submit their application, they are told that due to publication dates and dates of meetings it could take up to 90 days for them to get through the Planning & Zoning Commission, as well as the City Commission. We also have the certified mailings that have to go out to the adjacent property owners, and all of that was done within the 90 day timeframe. There was no delay on the city's side for any meetings or hearings. As soon as the application was received, the applicant was put on the next available Planning & Zoning agenda that met the publication requirements, and then straight to this agenda.

City Manager Swingle asked what will be in the business in the back portion of the property.

Applicant Charles Perry responded that he does not currently know, but he knows if they divide it, there will be less room for development because of the setback. As of right now he would like a parking area in the back next to the alley. They would be able to provide 6 or 7 parking spaces. They also have a storage unit in the back which he is using for storage for his business across the street. However, he does not have the money to develop that at this point.

City Manager Swingle asked Assistant City Manager Alvarez if this will be a business that will need to be accessed from the back area.

Assistant City Manager Alvarez responded, for future development, if at any point in time that rear area is sold, the only access to the business would have to be through the alley.

City Manager Swingle then asked if we have that situation in any other area in the downtown district where the business access is in the alley.

Assistant City Manager Alvarez responded that she cannot think of one.

City Manager Swingle explained, if we allow this, we are setting a precedence of the alley being the business access which is something to be concerned about.

City Attorney Rubin read the code of ordinance Chapter 15, Sec. 15-15 (b) which states All lots to be created have direct, legal, unobstructed access to an existing city maintained street.

Applicant Charles Perry stated that the alley is used as a walkway from the park, and it is not a through street because the dip end of it is where the water runs across the alleyway. Many businesses in town walk through that parking lot, and down that alleyway. There is no walkway from that alleyway up to Broadway on that side of the street, so it doesn't make sense to require him to provide something that even his neighbors are not providing. He will provide a short walk way right across the alley into a walkway that is on the street. He feels that he has done as much as he can to be in compliance with that. He knows that there are a lot of businesses that are accessed from the back including the Brewery. People usually park in the back, walk across the alley, and o in the back door. Mario's Café also has a place in the back area as well.

Mayor Pro-Tem Forrister made a motion to deny the request for a Summary Plat Amendment and Variance Request at 128 Broadway, Truth or Consequences, NM, pursuant to Chapter 15, Sec. 15-17. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

City Attorney Rubin stated that it may be appropriate for him to prepare an order which sets forth what the Commission just ruled on so if there is ever any litigation down the road, we will have that in place.

### 7. Discussion/Action: Review and approval of the updated Police Department Use of Force Policy:

Victor Rodriguez, Chief of Police explained that this is an updated, and revised policy to put the Police Department on a constitutional based policing practices. One of the biggest changes is to the duty to intervene which requires law enforcement officers to intervene in any cases above reasonable use in force. This has been reviewed by legal, and through the City Manager's Office.

Mayor Pro-Tem Forrister made a motion to approve the Review and approval of the updated Police Department Use of Force Policy. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

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

Assistant City Manager Alvarez reviewed the Purchase Requisitions over \$20,000 that were provided in the packet.

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

 Discussion/Action: Approval of Contract with AKS Architecture for Multiple Engineering and Architecture Projects under a Single Contract:

Assistant City Manager Alvarez explained in March, city staff went out for RFP No. 20-21-011 which was a request for on call multiple engineering and architecture services. The Commission voted on April 20, 2021 to award multiple firms. Those firms have been awarded, and we have been without a Procurement Officer in finance for a while, so now we that we have a new Procurement Officer we are in the process of awarding those contracts to each of the firms. This will enable staff to reach out to various on call firms if they need any type of engineering or architecture services. This is at no cost unless services are provided.

Commissioner Luna made a motion to approve the Contract with AKS Architecture for Multiple Engineering and Architecture Projects under a Single Contract. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

10. Discussion/Action: Approval of Contract with Desert Peak Architects for Multiple Engineering and Architecture Projects under a Single Contract:

Mayor Pro-Tem Forrister made a motion to approve the Contract with Desert Peak Architects for Multiple Engineering and Architecture Projects under a Single Contract. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

11.Discussion/Action: Approval of Contract with Huitt-Zollars, Inc. For Multiple Engineering and Architecture Projects under a Single Contract:

Mayor Pro-Tem Forrister made a motion to approve the Contract with Huitt-Zollars, Inc. For Multiple Engineering and Architecture Projects under a Single Contract. Commissioner Luna seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

12. Discussion/Action: Approval of Contract with Parkhill for Multiple Engineering and Architecture Projects under a Single Contract:

Mayor Pro-Tem Forrister made a motion to approve the Contract with Parkhill for Multiple Engineering and Architecture Projects under a Single Contract. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

13. Discussion/Action: Approval of Contract with Spears Horn Architects for Multiple Engineering and Architecture Projects under a Single Contract:

Commissioner Baca made a motion to approve the Contract with Spears Horn Architects for Multiple Engineering and Architecture Projects under a Single Contract. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

14. Discussion/Action: Approval of Contract with WHPacific Inc. for Multiple Engineering and Architecture Projects under a Single Contract:

Mayor Pro-Tem Forrister made a motion to approve the Contract with WHPacific Inc. for Multiple Engineering and Architecture Projects under a Single Contract. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

15. Discussion/Action: Approval of 2022 City of Truth or Consequences Holiday Schedule:

City Manager Swingle explained that this is the holiday schedule for 2022. It starts with December 31, 2021 through January 2, 2023. The holiday schedule is for all of the holidays for the year. We are looking at 13 holidays for the year, including a holiday this year, and a holiday in 2023 that is listed, and two half days for Spring Day/Good Friday and Fiesta Day.

Mayor Pro-Tem Forrister made a motion to approve the 2022 City of Truth or Consequences Holiday Schedule. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

### 16. Discussion/Action: Review and approval of take-home vehicle forms for the Truth or Consequences Police Department:

City Clerk Torres explained that the City of Truth or Consequences has two additional Police Officers who will be taking home a city vehicle. In accordance with Resolution No. 12 21/22, all take-home vehicle requests must be approved by the City Commission. The two take-home vehicle requests are from Officer Christopher Pinon Aguilar and Officer Alejandro Carreon. Staff recommends approval.

Commissioner Baca made a motion to approve the take-home vehicle forms for the Truth or Consequences Police Department. 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:

- Right now we've experienced a tremendous cases of COVID among city employees, and we've had a very challenging time in managing that and keeping offices open. We've purchased a number of rapid testing kits so that we can test employees to make sure that they are okay to come to work so we can keep services running, but if it continues at the rate that it is at this point, he knows it is going to impact us. It is impacting the schools, and they are closing for a period of time, and that is a reality of what we are all facing in the community, and the state. Don't be surprised if he calls you to let you know that one office or another is closed because of positive cases. We will do everything in our power, management wise to insure that we keep integrity offices up and running, but there is no guarantee right now.
- We had a SCRDA dispatcher, Keith Gonzales who passed away this week due
  to a short illness that he had. He had 7 years of service with SCRDA, and he was
  a joy, and a very nice guy to talk to. Everyone loved him. Between the law
  enforcement community, and dispatchers, there were a lot of tears shed. Please
  keep him and his family in your thoughts and prayers.
- We are cancelling our Senior Staff Meeting on Monday, November 22<sup>nd</sup> because he will be on a trip to meet with David Abby and the Legislative Finance Council to discuss some funding. Some members of the hospital and the Governing Board will be participating in a meeting to seek funding for the behavioral health unit, and that concept is being presented by the hospital to use the old hospital and that space. We want to secure the funding, and we've received a commitment from the Governor for the funding.
- The Governor just announced \$60 million dollars for the Veterans Home. We had that meeting a couple weeks ago with David Abby and a couple of cabinet secretaries and a very large legislative delegation. We are also looking at another \$40 million for the behavior health unit which will be a unit similar to what they have in Las Vegas New Mexico. This will be a regional health facility for in and out patient/residents.

- There have been a lot of vacancies for city jobs. There are two reasons for that. One being that there have been some personnel actions that have been taken against some employees, and we have some who are on the cuffs with leaving because of salaries. We still have employees making minimum wage or very close to it, and they have been here for a very long period of time. When you look at trying to keep costs down in the city; that is harming the employees. When you have an employee who has been here 11 years doing very hard, challenging work, and they are making \$13 an hour. That means that we are doing something wrong. That is across the board in departments. In regards to the salary study, we have submitted all of the information needed to conduct the salary study, and now the proposal is being written on what it is going to look like. and what it will cost us. We will take a look at that and digest it. We don't have the funding to make those jumps, and we will more than likely have to make some significant jumps in salaries for those employees, based on the study. The document will tell us additionally how much more revenue we need to generate. The community has gotten too comfortable with our employees making very little to no money when Walmart and McDonalds are paying more than what we are paying our employees. You can't get competent heavy equipment operators who start out at \$12 an hour. We've got to get them more money. It really bothers him that we've become so comfortable with paying the bare minimum to put a body in a position. It won't solve our problem with knowing how much we have to pay, but it will be a tool we'll use to understand how much revenue we need to grow for salaries.
- He commenced Spin Launch completed their first test flight of the prototype of sending a satellite into space. Spin launch is a system that uses kinetic energy which is a primary means of getting a satellite into orbit, and right now businesses are paying millions of dollars to get a satellite. Spin launch is looking at maybe doing it for \$100,000 or less to get these satellite's to orbit. This is a test site facility at the Spaceport.
- We some special military operations going out at the Spaceport, and it was a very good month for the Airport due to that. In October we sold over 11,000 gallons of fuel, and that is over \$46,000 in revenue. In September fuel sales were a little over 5,200 gallons at around \$21,000 worth of revenue. We are going to see an increase in revenue with the resolution change that you made at the past meeting, but under the \$.10 per gallon fee that we were getting, that was not even paying for all of the fuel services which included the fuel vehicle, fuel farm, and the staff that is doing the fueling. The new fee structure looks a lot more promising.
- In 2020 we ended up with 962 animals. This year through October 31st we are already at 1228 animals that the shelter has received. The facility was never designed or intended to handle this volume of animals. When animals are coming and going that is one thing, but we are having animals in the facility for a very long time. Anywhere from 3-6 months. Traci, Tara, and OJ are looking at options to fast track that a little bit. We are going to have to talk to the County about the agreement we have with them. We go out and pick up animals and the County wants to take care of enforcement action, but if no enforcement action

- occurs, these animals stay in our care and custody indefinitely and it is costing us \$30 a day for an animal. Our "save rate" for the year is 91.91% at the facility. The expansion of kennel area at the Animal Shelter was a project listed on the ICIP list. Everyone involved is doing an amazing job.
- In October we had 425 golfers at the Municipal Golf Course. We generated around \$4,500 in revenue from the 425 golfers. In September we had 365 golfers and the revenue was a little higher at \$7,590. Comparing the two months we show an increase in players in October, but we saw a decrease in revenue by \$3,000. Typically that is due to someone paying a membership fee, but we do not have a lot of annual memberships at the Golf Course.
- They had 182 swimmers for the month of October at the Municipal Pool, an average of 18.2 swimmers per day with revenue of \$1,000. They had 495 swimmers for the month of September, an average of 35.3 swimmers per day with revenue of \$955, and they had 844 swimmers for the month of August, an average of 42.2 swimmers per day with revenue of \$2,500. They are looking at ways to stay open for the winter and will monitor it on a monthly basis, but they may need to close the pool if the numbers do not increase.

### City Attorney Rubin had no reports.

### **City Commission Reports:**

### Commissioner Luna reported the following:

• She received a call regarding the recycle bins being dropped off from 8:00 a.m. to 3:00 p.m. and the individual who was complaining stated that individuals who work 8-5 or 9-5 are unable to utilize the drop off bins or facility due to the hours being in line with the working person's hours so they were wondering if there is a way that we can have the recycle bins go out at 7:00 a.m. or have a day where they would be able to drop off their recyclables.

### Commissioner Baca had no reports.

### Mayor Pro-Tem Forrister reported the following:

- She wished that the golf course people would have stayed around, because we
  raised rates at the Golf Course to be comparable to others, but she still thinks
  that we still have some of the lowest rates around. It's costing us \$200,000 to
  keep the Golf Course open, and we are only receiving \$40,000 in revenue so our
  option was to raise the rates or not have a Golf Course.
- She asked what the procedure will be when they fill Aragon's seat.

### Response to Golf Course comment:

City Manager Swingle stated that he met with most of the people who were here today, and frankly they just did not like his response. The Golf Course is running us a little over \$266,000 a year to operate, and we are receiving about \$40,000 in revenue from the Golf Course. Everything else is coming from the General Fund. They feel that historically the Commission willingly chose to keep the rates down so that people could

play golf, and we would absorb it out of the General Fund. That may have been a mindset in the past, but it can't be the mindset of the future. The numbers are consistent with all of the other Golf Courses, and they are in fact under the other Golf Courses. The patrons are not happy with that. They feel that they should be entitled to play golf at a very low rate and let the General Fund absorb it.

### Response to the procedure to fill the vacant City Commissioner seat:

City Clerk Torres stated if the Commission wants to ask specific questions, she can compile their questions before the meeting, and she can have the applicants wait in the Civic Center while each applicant is being interviewed. She can also designate a time frame for each applicant if that is the will of the Commission. It's really up to the Commission on how you all would like to proceed.

Mayor Pro-Tem Forrister would like for each Commissioner to submit 1-2 questions that they feel they want answered, and submit that to the Clerk so she can compile them, and then the applicants can stand up here and give us a brief introduction of themselves, and then we can ask them our questions.

Mayor Whitehead stated that is what they have done in the past.

### Mayor Whitehead reported the following:

- She congratulated the newly elected officials. She knows that they will all do a great job.
- She wished everyone a safe and Happy Thanksgiving holiday.

### J. EXECUTIVE SESSION:

- a. Limited Personnel Matters (Erica Baker Employment Appeal) Pursuant to 10-15-1(H.2).
- b. Threatened & Pending Litigation (City of T or C vs. Hot Springs Land Development) pursuant to 10-15-1(H.7).

Commissioner Baca made a motion to go into executive session at 12:09 p.m. to discuss Limited Personnel Matters (Erica Baker Employment Appeal) Pursuant to 10-15-1(H.2) and Threatened & Pending Litigation (City of T or C vs. Hot Springs Land Development) pursuant to 10-15-1(H.7). Mayor Pro-Tem Forrister seconded the motion. Roll call vote was taken by the Clerk-Treasurer. Motion carried unanimously.

Threatened & Pending Litigation (City of T or C vs. Hot Springs Land Development) pursuant to 10-15-1(H.7) was discussed first.

Mayor Whitehead was present for the discussion regarding Threatened & Pending Litigation (City of T or C vs. Hot Springs Land Development) pursuant to 10-15-1(H.7). She recused herself from the discussion regarding Limited Personnel Matters (Erica Baker Employment Appeal) Pursuant to 10-15-1(H.2).

### CITY COMMISSION NOVEMBER 17, 2021 REGULAR MEETING MINUTES

Mayor Pro-Tem Forrister reconvened the meeting in open session at 12:48 p.m.

Commissioner Luna certified that only matters pertaining to Limited Personnel Matters (Erica Baker Employment Appeal) Pursuant to 10-15-1(H.2) and Threatened & Pending Litigation (City of T or C vs. Hot Springs Land Development) pursuant to 10-15-1(H.7) was discussed in Executive Session.

Threatened & Pending Litigation (City of T or C vs. Hot Springs Land Development) pursuant to 10-15-1(H.7):

No action was taken.

Limited Personnel Matters (Erica Baker Employment Appeal) Pursuant to 10-15-1(H.2):

Mayor Whitehead recused herself, and was not present for the discussion or vote on the item.

Commissioner Baca made a motion to reject Erica Baker's appeal and accept City Manager Swingle's determination of termination. Mayor Pro-Tem Forrister seconded the motion. Motion carried unanimously.

### **K. ADJOURNMENT:**

Commissioner Baca moved to adjourn at 12:50 p.m. Mayor Pro-Tem Forrister seconded the motion. Motion carried unanimously.

Passed and Approved this <u>15<sup>th</sup></u> day of <u>December</u>, 2021.

Sandra Whitehead, Mayor

Angela A. Torres, CMC, City Clerk