

CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
CITY COMMISSION CHAMBERS, 405 W. 3RD St.
WEDNESDAY, NOVEMBER 18, 2020

A. CALL TO ORDER

The meeting was called to order by Mayor Sandra Whitehead at 9:00 a.m., who presided and Angela A. Torres, 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. Randall Aragon, Commissioner
Hon. Frances Luna, Commissioner

Also Present: Morris Madrid, City Manager
Dawn Barclay, Deputy City Clerk

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

2. SILENT MEDITATION:

Mayor Whitehead called for fifteen seconds of silent meditation.

3. PLEDGE OF ALLEGIANCE:

Mayor Whitehead called for City Manager Madrid to lead the Pledge of Allegiance.

4. APPROVAL OF AGENDA:

Commissioner Luna moved to approve the agenda with the removal of item C.2 and item G.4. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

C. PRESENTATIONS:

1. Proclamation naming November 28, 2020 as Small Business Saturday:

Mayor Whitehead read the presented proclamation naming November 28th, 2020 as Small Business Saturday.

2. Presentation related to Crosswalk adjustments to better assist the needs of the visually impaired and increasing number of pedestrians:

Item was removed from the agenda.

3. Presentation related to MainStreet Truth or Consequences receiving recognition from the New Mexico House of Representatives:

Rebecca Dow gave recognition to MainStreet Truth or Consequences for their thoughtful and valuable contributions to its historic downtown and community.

D. PUBLIC COMMENT:

Lillis Urban virtually addressed the Commission with comments related to a letter signed by 35 people regarding the preservation and protection of the historic downtown night sky, and the mechanisms for downtown development. They feel that the lightbulbs in the overhead fixtures in the historic district of T or C are being changed out with LED's that are brighter and impact the night skies. It also changes the atmosphere of our historic downtown.

Sophia Peron virtually addressed the Commission with comments related to:

- (1) She disagrees with Ms. Urban's comment. She feels that the new LED light fixtures are fantastic, and she doesn't see how they impact the night skies.
- (2) She feels that removing all of the substandard buildings is a great idea. She then recommended that the city create a committee that deals with nuisance properties in T or C.
- (3) She commented on Main Street improvements and said she doesn't see where \$350,000 has been spent on Main Street within the last 10 years.
- (4) She mentioned that we have a Healing Waters Plaza that nobody uses so she has a concert series set up in the spring to hopefully get some use out of the plaza.
- (5) She commented about her frustration with Windstream chopping down trees and digging holes without giving people a heads up.

Linda De Marino, MainStreet Truth or Consequences addressed the Commission with comments related to:

- (1) She thanked everyone who contributed to the Trick or Treat Downtown event. \$1,500 was donated, and they were able to put together 1200 bags of candy for

the kids. She also thanked all of the volunteers who helped put the haunted house together.

- (2) MainStreet Truth or Consequences, along with several other organizations are working on the MainStreet brand.
- (3) MainStreet Truth or Consequences will be holding a virtual cash mob that will be called the 12 Days of Christmas. It will support several local downtown businesses by helping them sell their merchandise through the MainStreet Truth or Consequences Facebook page.

City Manager Madrid read public comment submitted by Nate Stevens. (Complete copy attached hereto and made a part hereof).

City Manager Madrid read public comment submitted by Barbara Humble. (Complete copy attached hereto and made a part hereof).

E. RESPONSE TO PUBLIC COMMENT:

City Manager Madrid responded to Lillis Urban's public comment by saying the light fixtures that are being replaced throughout the city have been certified as night sky friendly. They are brighter, but they do not project into the night sky. There are different patterns that we use, and the LED's allow you to shape the lighting so they are not a nuisance. You could not do that with the old style lighting.

F. CONSENT CALENDAR:

1. **City Commission Regular Minutes, October 28, 2020**
2. **Acknowledge Regular Recreation Advisory Board Minutes, October 5, 2020**
3. **Accounts Payable October 2020**
4. **Subrecipient Funding 1st Quarter Reports:**

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

G. ORDINANCES/RESOLUTIONS/ZONING:

1. **Discussion/Action: Publication of Ordinance No. 717 Authorizing the sale of real property pursuant to §NMSA 1978 3-54-1:**

City Manager Madrid explained that they had a visit from a party who was interested in re-developing the dirt track that used to exist years ago. That party was also interested in developing the property adjacent to the track. While advertising some city property that was vacant, we were contacted by Mr. Randy Ashbaugh who owns the property the dirt track is on. He informed us that he was interested in acquiring some city property near the golf course for the development of an RV Park. We then went through the entire process, but because of the value of the property, they had to make a general offering so anyone interested would be able to make an offer on that property as well as

a few others that we had available. Mr. Ashbaugh then responded with an offer that involved an exchange of property and value. The discussion initially was to exchange property and have Mr. Ashbaugh's company install sidewalks and lighting along Marie Street by the Golf Course because that has been a priority of the city for a while. However, the construction of the sidewalks and the dam area by the Golf Course is a little more complicated than we wanted, so Mr. Ashbaugh amended his offer to be for cash only. We do need sidewalks and lighting on Marie Street, so the proceeds from this will be dedicated to that. This ordinance only addresses an exchange of property in cash of equal value. This item is for initial publication of the ordinance to get that done.

City Attorney Rubin stated that the legal authority for this is Section 3-54-1. Since we are changing our title of a property, and getting something exchanged, that wouldn't really be considered a sale under Section 3-54-1. We are proposing to convey three (3) separate properties and the legal descriptions are attached to the ordinance. The surveys were done by Chaparral Surveying in April of this year, and an appraisal was also done for each property. The first property was appraised at \$71,000. The second property was appraised at \$18,500, and the third property was appraised at \$133,000. The proposal is to convey all three properties in a formal closing in exchange for a property that is described as Exhibit (4) in your packet. The property to be exchanged is 17.24 acres of land, and that property was appraised at \$136,000. If you add up all three of the city owned properties, and subtract the amount of the proposed 17.24 acres appraised at \$136,000, that will leave a difference of \$86,500 which would be received in cash at the time of the closing. Ashbaugh Construction Company has agreed to allow us to have an easement over the 2.312 acre track for flood work control, and drainage infrastructure. The closing cost will be equally divided and we would be closing this transaction through Ekmar Abstract.

The reason why we are doing this by ordinance is because the state statute provides that if you have property that the city wishes to sell, and the appraised value exceeds \$25,000, we have to go by the ordinance procedure. Like with any other ordinance, we would propose this ordinance for publication, and if approved by the Commission it would go through the publication process, and then we would have the final hearing. If the ordinance is then adopted, we still have to wait 45 days before the sale can go through.

Traci Alvarez, Grant Projects Coordinator/Zoning Official explained that the city owned property was placed for sale in the local newspaper in the non-legal section, and we only received one offer (which was from Mr. Ashbaugh) on that property. She also added that surveys and appraisals were done on the property as required.

Commissioner Luna moved to approve the Publication of Ordinance No. 717 Authorizing the sale of real property pursuant to §NMSA 1978 3-54-1. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

2. Discussion/Action: Resolution No. 20 20/21 Budget Adjustment.

City Manager Madrid stated that DFA requires that this budget adjustment be approved by the Commission before it is sent to them for their approval. He also explained that this item is regarding the Electric Department and the Electric Fund and it has a couple of pieces to it which include:

- (1) The first piece addresses a portion of the ordinance that requires us to re-invest in our electric infrastructure when our investments get to a certain amount. The amount we are asking for appropriation today is way above the required investment amount. We have investments in the overnight account with the State Treasurer's Office that we will be redeeming, and we will be replenishing those investments throughout the year. However, these investments need to be appropriated for infrastructure replacement or improvement.
- (2) The area covered by this project starts in the alley behind Bullocks to BBQ on Broadway. We need to replace the conductors, poles; transformers and we need to update the service to that area. That is the first and major portion of what we are trying to do here. This will upgrade the service and increase the capacity in the downtown area.
- (3) \$123,000 is for the engineering portion of the re-design of our electrical system, and the \$233,416 is for the construction portion. The \$233,000 includes not only that portion, but two other endeavors that we have going. We also need to replace a couple of poles that are by the City Golf Course.
- (4) The final part is the ongoing replacement of the antiquated lighting with the LED lighting throughout the town. The smaller wattage used in residential areas can run around \$200, and the larger industrial lights can be anywhere from \$300-\$400. This will allow us to purchase a lot more LED lighting that are night sky friendly.

Commissioner Baca moved to approve Resolution No. 20 20/21 Budget Adjustment. Commissioner Aragon seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

3. Discussion/Action: Authorizing adoption of Resolution No. 21 20/21 for the Municipal Wastewater Asset Management Plan for the City of Truth or Consequences:

Traci Alvarez, Grant Projects Coordinator/Zoning Official explained that the city applied for, and was awarded funding from the New Mexico Finance Authority for the purpose of the Municipal Wastewater Asset Management Plan. The Finance Authority requires certain action be taken by the Commission prior to closing and dispersing the grant amount to the city. The adoption of this resolution would mean that the Commission is committing to the development and implementation of the plan, as well as designating an asset management steering committee. The committee would consist of our City Manager, herself, our Wastewater Director or designee, our Finance Director or designee, as well as our Engineer. With that being said, we request that you approve Resolution No. 21 20/21 for the Municipal Wastewater Asset Management Plan.

Commissioner Luna moved to approve the adoption of Resolution No. 21 20/21 for the Municipal Wastewater Asset Management Plan for the City of Truth or Consequences. Commissioner Aragon seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

- 4. Discussion/Action: Resolution 22 20/21 requiring the prompt removal of weeds, junk, trash and refuse from the property at 212 Austin, Truth or Consequences, NM.**

This item was removed from the agenda.

- 5. Discussion/Action: Resolution 23 20/21 finding the property at 724 Van Patten, Truth or Consequences, NM to be a dangerous and unsafe structure and authorizing demolition:**

Traci Alvarez, Grant Projects Coordinator/Zoning Official explained the following process for the next five resolutions:

- (1) If the resolutions are approved, they will have a title search done to identify every person having any other interest in the building as shown by the land record.
- (2) We will then attempt contact by certified mailing to any of the last known addresses.
- (3) The resolutions will then be posted on the property.
- (4) They will be sent by certified mail to all last known addresses.
- (5) They will also be published in our newspaper. That will give the property owners 10 days of the posting and publishing of the Resolution to notify the Clerk's Office or file a written objection.
- (6) If do not receive notice after the 10 days, we will then proceed with quotes and arranging dates for property abatement.
- (7) Once everything is abated, we will place a lien against the property to pay for some of funds that we have used.

Ms. Alvarez then reviewed Resolution 23 20/21. She explained that this resolution finds the property at 724 Van Patten to be a dangerous and unsafe structure. The property has been posted, and certified mailings have been sent to the addresses on file with the Sierra County Assessor's Office and the various addresses we found on file at the City Utility Office. All mailings were returned with an attempt and were returned undelivered or unable to forward. The property has not had utilities on since January 2018, and it is behind in taxes for 2017, 2018, 2019 and 2020. The pictures in the packet show that the property has become a harbor for vagrants, has been vandalized, and we've had numerous calls and complaints from neighboring properties requesting that this property be addressed in concerns of their safety. With that being said, she recommends approval of Resolution 23 20/21.

Commissioner Luna moved to approve Resolution 23 20/21 finding the property at 724 Van Patten, Truth or Consequences, NM to be a dangerous and unsafe structure and authorizing demolition. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

6. Discussion/Action: Resolution 24 20/21 requiring the prompt removal of weeds, junk, trash and refuse from the property at 724 Van Patten, Truth or Consequences, NM:

Traci Alvarez, Grant Projects Coordinator/Zoning Official explained that this resolution is also for 724 Van Patten Street. This request is for the approval to clean up all of the junk, weeds, and refuse on the property. The pictures included in the packet show that the weeds are almost taller than the structure, which creates a fire hazard for all of the surrounding properties. With that being said, she recommends approval of Resolution 24 20/21.

Commissioner Luna moved to approve Resolution 24 20/21 requiring the prompt removal of weeds, junk, trash and refuse from the property at 724 Van Patten, Truth or Consequences, NM. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

7. Discussion/Action: Resolution 25 20/21 finding the property at 1515 Corzine, Truth or Consequences, NM to be a dangerous and unsafe structure and authorizing demolition:

Traci Alvarez, Grant Projects Coordinator/Zoning Official explained that this resolution finds the property at 1515 Corzine to also have dangerous and unsafe structures. The pictures included in the packet show three structures which are all mobile homes that need to be demolished. The property has been posted, and certified mailings have been sent to the addresses on file with the Sierra County Assessor's Office and City Utility Office. The letter was returned with an attempt and was deemed undelivered or unable to forward. No utilities have been on since September 2019, and taxes are delinquent for 2019 and 2020. One of the structures was damaged by a fire, and the other two have broken windows, busted doors, and unsecured skirting which is providing a harbor for pests and rodents. We also received continuous calls and reports from neighboring properties regarding suspicious activity and a complaint about the smell from two of the units. With that being said, she recommends approval of 25 20/21 to demolish all three structures.

Mayor Pro-Tem Forrister moved to approve Resolution 25 20/21 finding the property at 1515 Corzine, Truth or Consequences, NM to be a dangerous and unsafe structure and authorizing demolition. Commissioner Aragon seconded

the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

8. Discussion/Action: Resolution 26 20/21 requiring the prompt removal of weeds, junk, trash and refuse from the property at 1515 Corzine, Truth or Consequences, NM:

Traci Alvarez, Grant Projects Coordinator/Zoning Official explained that this resolution is also for 1515 Corzine. This is for abatement of the weeds, junk, and refuse that is taking over the property. This area is surrounded by other mobile homes, which makes it a dangerous fire hazard for the surrounding properties.

Mayor Pro-Tem Forrister moved to approve Resolution 26 20/21 requiring the prompt removal of weeds, junk, trash and refuse from the property at 1515 Corzine, Truth or Consequences, NM. Commissioner Aragon seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

9. Discussion/Action: Resolution 27 20/21 requiring the prompt removal of weeds, junk, trash and refuse from the property at 1101 Bosque, Truth or Consequences, NM:

Traci Alvarez, Grant Projects Coordinator/Zoning Official explained that this resolution is for the property at 1101 Bosque. The property owner has been determined to be deceased. Utilities were disconnected for non-payment in 2015, and since that time the property has been a nuisance property with the accumulation of junk, trash, and refuse. The property taxes are delinquent for 2018, 2019 and 2020. Someone was previously paying property taxes, but the County Assessor's Office only has a name. They do not have contact information or an address on file for that individual. A title search has already been done on this property, and it revealed no other interested parties on file. The Police responded to this residence multiple times to remove vagrants from the property and issue no trespassing. The request for this item is the removal of refuse, weeds, junk, and trash on the property. Once this resolution is approved and we get rid of all of the junk and trash on the outside of the residence, as per Chapter 6, Section 6-22 we can enact an inspection by the City Manager and the Police Department to investigate the premises for a determination on structure of abatement.

Commissioner Luna moved to approve Resolution 27 20/21 requiring the prompt removal of weeds, junk, trash and refuse from the property at 1101 Bosque, Truth or Consequences, NM. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

H. NEW BUSINESS:

- 1. Discussion/Action: Appointment of a Board Member to fill the position formerly held by Brendan Tolley on the Sierra County Recreation & Tourism Advisory Board:**

Mayor Pro-Tem Forrister made a motion to volunteer to serve as a member on the Sierra County Recreation & Tourism Advisory Board. Commissioner Luna seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

- 2. Discussion/Action: Appointment of an Alternate Board Member to fill the position formerly held by Brendan Tolley on the South Central Council of Governments (SCCOG) and the Regional Planning Organization (RPO) Board:**

Commissioner Luna made a motion to volunteer to serve as an alternate member on the South Central Council of Governments (SCCOG) and the Regional Planning Organization (RPO) Board. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

I. REPORTS:

City Manager Madrid reported the following:

- The swimming pool still has issues regarding leaks. In the development of priorities, this governing body stated that they would like to take the direction of not investing additional money in that facility, and develop a new one. The approach we are going to take with the pool is to have an engineer give us a set of specifications to prepare the pool so it will last long enough build a new facility. We are trying to develop different ideas for what the facility will look like. We are also looking into how we can finance a new facility, and what we can afford. We are also incorporating Commissioner Luna's inquiry on Gross Receipts Tax and our ability to do so. We will also explore what our bonding capacity and rating is. We are compiling all of the financial information so we can incorporate an entire package. We want to consider our capital request priorities for the legislative session at our next meeting, and hopefully we will have enough of a concept for you all to consider this as one of our priorities.

City Commission Reports:

Commissioner Luna reported the following:

- There will be a public forum on the hospital districting tomorrow at 4:00 p.m. via zoom. It will be hosted by Representative Rebecca Dow, and the New Mexico Hospital Association. County Commissioner/Chairman Jim Paxton will be on the zoom conference as well as the Hospital Ownership Board/Chairman Kim Skinner, CEO Eric Stokes, and the County Attorney who drafted the documents. The link can be found online if anyone is interested.

- She thinks it's great we are having a planning meeting to talk about their requests. She would prefer to have it in a workshop setting at some point, and not in such a formal setting. A workshop will allow us to hammer out some ideas. She then requested that they have a workshop preceding the meeting or move the meeting time back a little bit so they can draw out their ideas.
- She informed City Manager Madrid that there was some work done with the school a few years back to create a Recreational Complex that was supposed to be co-owned, operated, and open to the public, but the idea was downsized due to the City Commission pulling out of the agreement. A lot of those documents already exist, and the wheel is already invented, so we can just take that wheel, modify it, and update it. That will make us that much further ahead and well presented for Santa Fe.
- As far as our Legislative requests and desires, she doesn't understand how Santa Fe is considering postponing the 60 day legislative session. New Mexico cannot wait for that. This is the time we get stuff done during those 60 days and we desperately need it, so if any of us get the opportunity to talk to our legislators it's crucial that we have that time to explain to them how important it is.

Commissioner Aragon reported the following:

- He was in a city that had a Sports Complex and he envisions this as something we could have here, whether it be at the school or wherever else.
- He also thanked his fellow Commissioners for assisting with the Veterans Services Officer (VSO) Resolution. Our resolution was sent to the Veterans Services Officer at the state level. The County, Williamsburg, and Elephant Butte are also on board, so he feels we will get a lot of traction out of that.


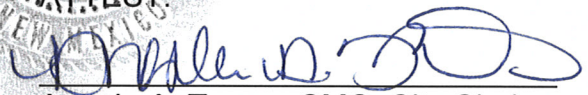
Mayor Whitehead reported the following:

- She extended a big thank you to everyone who participated in the Halloween events for the kids. Everyone did a great job. Our community always comes together and does great things.
- We are shut down for a couple of weeks, but she knows that we can be strong together, and we can get through this and help our small businesses. She then reminded everyone to always remember to shop at home and to shop locally.
- She also extended a big thank you to the Sierra County Clerk's Office. They did a fabulous job at the general election. They had lots of voters, and they were on the ball, and on top of things. She then congratulated all of our local winners.
- She announced that they did not have a Mayor's caucus last week. The last few times that they did not have a Mayor's caucus they just listened to the Governor's update, and reiterated what the Governor and the state is doing. She encourages everyone to stay at home and work from home if you can during this lockdown. Please also wear your masks, and wash your hands. As of yesterday we had 2,112 cases in the state, and we had an additional two cases in our county bringing us up to 200 cases in Sierra County.
- She wished everyone a safe and Happy Thanksgiving and reminded everyone that our next meeting will be held December 16, 2020.

J. ADJOURNMENT:

Commissioner Luna moved to adjourn at 10:47 a.m. Mayor Pro-Tem Forrister and Commissioner Baca seconded the motion. Motion carried unanimously.

Passed and Approved this 18th day of December, 2020.


Sandra Whitehead, Mayor

Angela A. Torres, CMC, City Clerk