

**CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
CITY COMMISSION CHAMBERS, 405 W. 3RD St.
WEDNESDAY, MARCH 9, 2022**

A. CALL TO ORDER:

The meeting was called to order by Mayor Amanda Forrister at 9:00 a.m., who presided and Angela A. Torres, City Clerk-Treasurer, acted as Secretary of the meeting.

B. INTRODUCTION:

1. ROLL CALL:

Upon calling the roll, the following Commissioners were reported present.

Hon. Amanda Forrister, Mayor
Hon. Rolf Hechler, Mayor Pro-Tem
Hon. Destiny Mitchell, Commissioner
Hon. Merry Jo Fahl, Commissioner
Hon. Shelly Harrelson, Commissioner

Also Present: Bruce Swingle, City Manager
Angela A. Torres, City Clerk-Treasurer
Traci Alvarez, Assistant City Manager
Victor Rodriguez, Chief of Police
Jay Rubin, City Attorney

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

2. SILENT MEDITATION:

Mayor Pro-Tem Forrister called for fifteen seconds of silent meditation.

3. PLEDGE OF ALLEGIANCE:

Mayor Forrister called for City Manager Swingle to lead the Pledge of Allegiance.

4. APPROVAL OF AGENDA:

Commissioner Mitchell moved to approve the agenda as submitted. Commissioner Fahl seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

C. PRESENTATIONS:

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

City Manager Swingle and OJ Hechler, Community Services Director presented an Employee Service Anniversary Award to Wes Owens for 1 year of service with the City of Truth or Consequences.

City Manager Swingle presented an Employee Service Anniversary Award to Landen Bilyeu for 1 year of service with the City of Truth or Consequences.

City Manager Swingle and Wes Owens presented an Employee Service Anniversary Award to Martin Towner for 2 years of service with the City of Truth or Consequences

City Manager Swingle and Bo Easley, Electric Division Director presented an Employee Service Anniversary Award to Crispin Bush for 2 years of service with the City of Truth or Consequences.

City Manager Swingle presented an Employee Service Anniversary Award to Jesse Cole for 3 years of service with the City of Truth or Consequences.

City Manager Swingle and Andy Alvarez, Sanitation Director, presented an Employee Service Anniversary Award to Joseph Daley for 4 years of service with the City of Truth or Consequences

City Manager Swingle and Sonya Williams, Utility Office Manager presented an Employee Service Anniversary Award to Chelsea LeClair for 6 years of service with the City of Truth or Consequences.

City Manager Swingle presented an Employee Service Anniversary Award to Bo Easley for 21 years of service with the City of Truth or Consequences.

D. PUBLIC COMMENT (3 Minute Rule Applies):

Rick Dumiak addressed the Commission with comments related to:

- (1) He commented on the development on Wyona Street. His neighbors have voiced a number of concerns, and he is all for development so he hopes that we can look for some sort of mitigation for traffic on Post Street if the development does go through.
- (2) He still opposes the \$50 trip fee.

Ron Pacourek addressed the Commission with comments related to:

- (1) He thinks it's great that the city is recognizing the staff. That is awesome.
- (2) He feels that there should be a Disc Golf Advisory Board.

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- (3) We need tourism in our community and he feels that a car show would be a great way to do that. He read about different areas who are having car shows.
- (4) He asked about the Rodeo Arena.

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

Nate Stephens addressed the Commission with comments related to:

- (1) He is one of the contractors who are doing the Wyona Street development. Their intention is to build new houses, and bring renewal the downtown district. He is paying for the infrastructure and the bridge for the casitas on the other side of the ditch. They are 100% paying for the whole thing. He gave his number to anyone who has concerns and would like to discuss the matter.

Commissioner Mitchell read a comment submitted by Ron Fenn. (Complete copy attached hereto and made a part hereof).

E. REPORTS:

City Manager Swingle reported the following:

- We are still distributing COVID kits to the public.
- The Commission Retreat is scheduled for April 19, 2022 from 8-5 at the Holiday Inn Express.
- We still have vacancies on various city boards. We have two vacancies for the Airport Advisory Board. We have five vacancies on the Golf Course Advisory Board. We have two vacancies on the Lodgers Tax Advisory Board. We have two vacancies on the Impact Fee Advisory Board, and we have two vacancies on the Planning & Zoning Commission.
- He received an email from the SJOA. They have been shut down for the most part since the pandemic started. They will open their doors for dining-in on March 21, 2022. They will have a number of caveats that they are going to impose. They are asking for patients from the seniors and the community. It won't be like it was for a while with unlimited access to the building. They will only have one entrance and exit which will be in the front of the building.
- Yesterday was the last day for the Governor to sign the bills or pocket veto them. As far as Capital Outlay is concerned, we received \$213,000 for the Ralph Edwards Park. We were not involved in determining how much money was needed. The SJOA received some funding as well to pave the parking lot, and additional vehicles.
- The Public Utility Advisory Board completed their work on the Solar Renewable Ordinance (No. 664). The Solar Ordinance is going to impose requirements on the city and paying out revenue to individuals generating more solar than what they are consuming on a regular basis. We don't have that ability in the computer system at this point, and we are trying to make those changes to get that ability. He told the Public Utility Advisory Board that it would be a nightmare if we tried to get the Commission to approve that ordinance as is. The issue of what is in

Public Comment – Ariel Dougherty City of Truth or Consequences Commission March 9, 2022

Greetings Commission. 27 months have passed since I first brought problems with the City Renewable Ordinance 664 before this Commission. As 2021 closed it seemed the long deliberated revisions might finally be presented to you. Three months later, this ordinance still is not on your agenda.

It was distressing to hear the City Manager at the last PUAB meeting say he might not recommend passage of this long awaited and over worked document. His reason: there are problems in billing.

I REMIND you the current ordinance violates state law. It has always violated state law: **Article 18 - Powers of Municipalities Section 3-18-32.** (attached). Fix billing. But as a separate issue. Not as a delay in this necessary correction to the City being at odds with State law.

The problem is a three way process. Solar installing businesses actually make the applications for potential renewable producers. These installers feel compelled to follow existing City Code even though it violates state law and walks all over our solar rights.

I have been patient over these two years trying my best to work with everyone to make the best ordinance that serves the City and producers. I have lost my patience.

One of you Commissioners, please step forward and take command of this issue. Get the revised Renewable ordinance before this Commission as soon as possible. Get compliant with state law. Stop trampling over my right to have as much solar as I need now and into the future. Stop making my renewable installation more and more expensive. Get with state laws to be renewable energy compliant. Fighting to keep oil flowing is dangerous for the world.

JUSTIA

View the 2020 New Mexico Statutes | View Previous Versions of the New Mexico Statutes

2013 New Mexico Statutes Chapter 3 - Municipalities Article 18 - Powers of Municipalities Section 3-18-32 - Limitation of county and municipal restrictions on solar collectors. (2007)

Universal Citation: NM Stat § 3-18-32 (2013)

3-18-32. Limitation of county and municipal restrictions on solar collectors. (2007)

A. A county or municipality shall not restrict the installation of a solar collector as defined pursuant to the Solar Rights Act [47-3-1 through 47-3-5 NMSA 1978], except that placement of solar collectors in historic districts may be regulated or restricted by a county or municipality.

B. A covenant, restriction or condition contained in a deed, contract, security agreement or other instrument, effective after July 1, 1978, affecting the transfer, sale or use of, or an interest in, real property that effectively prohibits the installation or use of a solar collector is void and unenforceable.

History: Laws 2007, ch. 232, § 1.

Disclaimer: These codes may not be the most recent version. New Mexico may have more current or accurate information. We make no warranties or guarantees about the accuracy, completeness, or

Public Comment by Ariel Dougherty to City of Truth or Consequences Commissioners
December 11, 2019

Thank you for this opportunity to speak. I seek a more inspiring, Renewable Energy ordinance from the City than Ordinance 664. One that is equitable.

COP25 is taking place in Madrid, Spain as we meet here today. The escalation of climate change is alarming, far more rapid than thought when the City approved Ordinance 664 in 2015. Demands made by youth, HOW DARE YOU are inspiring.

I have looked into installing solar panels on my roof. It is an expense I am willing to undertake. But the restrictions that Ordinance 664 place on me tie my hands to the fossil fuel grid. These restrictions make me double pay. Ordinance 664 does not address the needs of our community nor our planet. Nor our children's children's children's future. It is not a GREEN NEW DEAL.

We have an imperative and moral obligation to reduce our use of fossil fuels as swiftly as possible. Here in Truth or Consequences we are blessed with an abundance of solar, wind and thermal energy that make it feasible for us to be completely free from use of fossil fuels. We are not immune from Climate Change.

It is time to carve out the political will to create a plan to tap into these resources and eliminate our use of fossil fuels. We need to take this action now.

Ordinance 664 restricts renewable capacity to 90% of current electrical uses. It does not account for the possibility – really the necessity – of a citizen moving off of natural gas heating or gasoline or diesel automobiles or trucks without greatly increased costs.

In a community with a poverty rate of 26% and reliant on considerable personal travel for a number of basic services like medical care and healthier foods the ability for an affordable way to cut all green house emissions is mandatory. Ordinance 664 does not allow for that possibility.

The wonderful array of renewables at our doorstep give us a fantastic opportunity to become a renewable resources mecca, a model green town that other communities would want to emulate. Our city would prosper encouraging new residents.

Let's come together to make that feasible. Let's repeal ordinance 664 and devise a new one that is truly abundant with renewables and not a double financial burden in the process. Let's make the GREEN NEW DEAL bloom.

01+000LAS CRUCES CAR COUNCIL EVENTS CALENDAR 2022

J. Erickson 575-521-4339 W. Brown 575-640-5920

| 1st Sat | Albuquerque, NM | Cars & Coffee | Owl Café | Jul-Dec | open | Ski Martin | 505-291-4900 | |
|-----------|------------------|---------------------------------|-----------------------------|---------|---------|---------------|--------------|------------------------|
| 2nd Sat | El Paso, TX | Caffeine & Octane | P. Piper Pizza in Coronado | | open | Chas Roybal | | car408w@gmail.com |
| 3rd Sun | Las Cruces, NM | LC Sunday Cruise | Downtown Plaza tp | ??? | open | Hector Castro | 575-650-4018 | |
| TBD | Las Cruces, NM | Cruces Cars & Coffee | Milagro's Coffee | | open | ??? | ??? | |
| 3rd Sun | Las Cruces, NM | Pancake Breakfast | EAA Hangar | | open | Wes Baker | 575-520-0451 | |
| Sat Nites | Las Cruces, NM | Sonic-Apr/Oct | Sonic-Foothills/Dions-Lohm | | open | Rex Porter | 575-650-8547 | |
| 1st Sat | El Paso, TX | super swap @ SU | 6500 Montana AV #3 | | open | | 915-313-7310 | |
| Jan 13-16 | Laughlin, NV | Cruizin' on the Rvler | Tropicana Casino | | open | Jim Barquist | 509-590-5725 | |
| Jan 14-16 | Mesquite, NV | Mesquite Motor Mania 2022 | Mesquite Resort Assn. | | | | 702-643-0000 | mesquitecarshows.com |
| Jan 22 | Casa Grande, AZ | Annual Street Fair/Car Show | 2nd & Florence St | | open | Main Street | 520-836-8744 | cgmaintstreet.org |
| Jan 22-30 | Scottsdale, AZ | Barrett-Jackson Auction | Westworld | | open | B-J | 480-663-6255 | barrett-jackson.com |
| Jan 26-27 | Tempe, AZ | Worldwide Scottsdale Auction | Singh Meadows | | open | Worldwide | 260-925-6789 | worldwideauctioneers. |
| Jan 26-30 | Scottsdale, AZ | Russo & Steele Auction | 18601 N. Scottsdale Rd | | open | R & S | 888-482-5315 | russoandsteele.com |
| Jan 27 | Scottsdale, AZ | The Scottsdale Auction | Westin Kierland Resort | | open | Bonhams | 415-391-4000 | bonhams.com |
| Jan 27 | Scottsdale, AZ | Arizona Auction | Biltmore Resort | | open | RM Auctions | 310-559-4575 | rmsotherbys.com |
| Jan 28-29 | Scottsdale, AZ | Gooding & Co Auction | Fashion Square Mall | | open | Gooding & Co | 310-899-1960 | goodingco.com |
| Jan 28-30 | Ft. McDowell, AZ | Winter Auction | We-Ko-Pa Casino Resort | | open | Motorsport Gp | 602-596-4060 | motorsportauctiongroup |
| Jan 29 | Sahuarita, AZ | 27th Classic Car Show | Quill Creek Vet's Muni Park | | open | Bob Smith | 719-649-6895 | carcuts.org |
| Jan 29-30 | Pomona, CA | 72nd Grand Ntl Roadster Show | LA County Fairplex | | | | 877-763-7469 | rodshows.com |
| Feb 12 | Indian Wells, CA | Dr. George Charity Car Show | Indian Wells Tennis Garden | | open | Jules Varga | 760-625-8191 | CANCELLED |
| Feb 18 | Lake Havasu, AZ | 14th Annual Rockabilly Rod Show | Lake Havasu State Park | | | Kennie | 928-846-0335 | rockabillyreunion.com |
| Feb 19 | Florence, AZ | 5th Custom Car & Cycle Show | Historic Main Street | | open | Roger Biede | 520-868-9433 | florenceazchamber.com |
| Feb 25-27 | Decatur, TX | 47th Annual Decatur Swap Meet | Wise Co. Fairgrounds | | open | Auto Club | 940-389-0054 | wcaac.com |
| Mar 3-5 | Lake Havasu, AZ | 7th Annual "The Deuce Show" | Rotary Park | | pre '58 | Joe Mitchel | 707-372-2843 | havasudeuces.com |
| Mar 11-13 | Ft. Worth, TX | 12th Spring Lone Star Nationals | Texas Motor Speedway | | pre '98 | Goodguys | 925-838-9876 | good-guys.com |
| Mar 16-19 | Glendale, AZ | Mecum Glendale Auction | State Farm Stadium | | open | Mecum | 262-275-5050 | mecum.com |
| Mar 18-20 | Scottsdale, AZ | 12th Spring Nationals | Westworld | | pre '98 | Goodguys | 925-838-9876 | good-guys.com |
| Mar 19 | Benson, AZ | "Classic Cars Off Main Show" | Lions Park | | open | Cindy Allen | 520-631-5507 | |
| Mar 19 | Tempe, AZ | 16th "Catch-A-Wave" Car Show | Kiwanis Park | | | Dick Caley | 480-345-9521 | kiwanisnuevo.org |
| Mar 20 | Tucson, AZ | Fords on Fourth | 4th Ave betw 6-9th Sts. | | Fords | Dave Carroll | 520-668-0402 | |
| Mar 26 | Tucson, AZ | Chevy Showdown Car Show | Desert Diamond Casino | | Chevys | Frank Pella | 520-437-2481 | |
| Apr 1-2 | Artesia, NM | Main Event Car Show & Cruise | Heritage Plaza | | open | Cham of Com | 575-746-2744 | artesiachamber.com |
| Apr 1-3 | Del Mar, CA | 21st Del Mar Nationals | Del Mar Fairgrounds | | pre '98 | Goodguys | 925-838-9876 | good-guys.com |
| Apr 2 | Deming, NM | Smokin' Oldies Car Show | Courthouse Park | | open | Dorinda | 575-494-7072 | |
| Apr 23 | Tucson, AZ | 47th TSRA Rodders Days | Pima Community Campus | | pre '92 | Ken Burk | 520-282-3494 | |
| Apr 28-30 | Ft. Worth, TX | 51st Pate Swap Meet | Texas Motor Speedway | | open | | 713-649-0922 | pateswapmeet.com |

01+000LAS CRUCES CAR COUNCIL EVENTS CALENDAR 2022

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| | | | | | | | |
|--------------------|------------------|---------------------------------|---------------------------|----------|---------------|--------------|--------------------------|
| Apr 29-30 | Moab, UT | 29th Annual April Action Show | Swanny City Park | open | John Fogg | 435-260-1948 | moabcarshow.org |
| May 1 | Albuquerque, NM | Honor Fight Car Show | Vet's Memorial | open | Shirley | 505-410-3978 | |
| May 13-15 | Bakersfield, CA | Woody's Western Invasion | Famoso Dragstrip | Tri-5's | Tri-5 Assn | 855-567-1957 | americantrifive.com |
| May 15 | Albuquerque, NM | Museum Auto Show | Museum-Old Town | open | Joyce | | nmcarcouncil.com |
| May 28 | Albuquerque, NM | Land of Enc GTO Show | Ray Sanchez Com Center | open | Michelle | 505-459-8719 | michelle67gto@yahoo.c |
| May 28-29 | Albuquerque, NM | MCA Regional Car Show | Marriott Pyramid Hotel | Fords | Eric Shirley | 505-268-2595 | riograndemustangs.org |
| Jun 4 | Red River, NM | 23rd Classic Car Show | Brandenburg Park | open | Tourism Dept | 575-754-3030 | redriver.org |
| Jun 17-19 | Ruidoso, NM | Tattoo & Car Show Expo | Ruidoso Convention Center | | James Flores | 575-937-2416 | ruidosotattoexpo.com |
| Jun 17-19 | St. Paul, MN | 48th Back to the 50's Show | Minnesota State Fairgrds | pre '65 | MSRA | 651-641-1992 | msra.com |
| Jun 18 | Rio Rancho, NM | 25th annual Mopar Fest | Haynes Park | mopars | Paul | 505-896-8115 | moparclub.com |
| Jun 19 | Alamogordo, NM | Father's Day Car Show | Alameda Park | open | Jack Harris | 575-491-9804 | |
| Jun 19 | Milwaukee, WI | 41st Father's Day Car Show | Borchardt Speed Auto | open | Mike | 414-282-2390 | |
| Jun 24-26 | Pueblo, CO | 37th Rocky Mountain Nationals | Colorado St. Fairgrds | pre '93 | NSRA | 719-327-0827 | nsra-usa.com |
| Jun 25 | Kenosha, WI | Cafelne & Chrome 9a-12noon | Gateway Classic Cars | open | Gateway | 262-220-7545 | gatewayclassiccars.com |
| Jun 26 | Kenosha, WI | Kenosha Car Club Cruise-In | Fireside Restaurant | open | Tom Zoerner | 262-818-8150 | |
| Jul 22-24 | Puyallup, WA | 34th Pacific NW Nationals | Washington State Fairgrds | pre '98 | Goodguys | 925-838-9876 | good-guys.com |
| Aug 11-13 | Bowling Gm, KY | Danchuk Tri-Five Nationals | Beech Bend Park | Tri-5's | Tri-5 Assn | 855-567-1957 | americantrifive.com |
| Sept 3 | Las Cruces, NM | Swap Meet & Vet's Car Show | TBD | open | Jim Erickson | 575-521-4339 | |
| Sept 9-11 | Loveland, CO | 24th Colorado Nationals | The Ranch Events Complex | pre '98 | Goodguys | 925-838-9876 | goodg-guys.com |
| Sept 16-18 | Ft. Worth, TX | 28th Lone Star Nationals | Texas Motor Speedway | pre '98 | Goodguys | 925-838-9876 | good-guys.com |
| Sept 17 | Benson, AZ | Classic Cars Off Main | Lion's Park | open | Cindy Allen | 520-631-5507 | nmcarcouncil.com |
| Sept 23-25 | Albuquerque, NM | NMCCC Swap Meet | ??? | open | Joyce | | |
| Sept 23-25 | Pinetop, AZ | 38th Run to the Pines | Pinetop Lakes Co. Club | pre '73 | Randi Corbin | 928-358-9666 | |
| Sept 30-2 | Del Mar, CA | 1st So-Cal Nationals | Del Mar Fairgrounds | pre '98 | Goodguys | 925-838-9876 | good-guys.com |
| Oct 1 | Mescalero, NM | 35th Run to the Inn of Mtn Gods | Inn of the Mountain Gods | pre '78 | Ron Dusch | 915-598-0621 | earlytimesstreetrodders. |
| Oct 1 | Winslow, AZ | 21st Just Cruis'n Car Show | Downtown Winslow | open | TJ | 928-606-2244 | |
| Oct 8 | Sierra Vista, AZ | 34th Annual Cars in the Park | Vet's Memorial Park | open | Janet Forbes | 520-249-9756 | sierravistacarclub.org |
| Oct 15 | Tucson, AZ | 16th Annual Classics Car Show | The Gregory School | pre 2000 | Rotary Club | 520-440-4503 | rotarytccs.com |
| Oct 19-23 | Lake Havasu, AZ | 44th Run to the Sun | Bridgewater Golf Course | open | Relics & Rods | 928-855-0833 | relicsandrods.com |
| Oct 22 | Las Cruces, NM | 15th Donate for Life Car Show | Young Park | open | Lupe Rios | 575-649-7814 | |
| Oct 29 | Alamogordo, NM | 32nd Last Chance Fun Run/Show | Alameda Park | open | Jack Harris | 575-491-9804 | |
| Nov 5 | T or C, NM | 24th Annual Vet's Day Car Show | Veteran's Home | open | Sam Shannon | 575-740-3904 | |
| Nov 5 | Tucson, AZ | 14th Cops & Rodders Car Show | Kino Sports Complex | open | Bonnie | 520-207-2878 | soazief.org |
| Nov 18-20 | Scottsdale, AZ | 25th SAW Nationals | Westworld | pre '98 | Goodguys | 925-838-9876 | good-guys.com |
| Dec 3 | Las Cruces, NM | Salvation Army Toy Drive | K-Mart (hwy 70) - Rudy's | open | Noel | 575-524-4713 | |
| RED - NEW MEXICO | | BLACK - ALL OTHER STATES | GREEN - GOODGUYS EVENTS | | | | |
| WHITE - LAS CRUCES | | ORANGE - NSRA EVENTS | AQUA - AUCTIONS | | | | |

TorC City Clerk

From: Ron Fenn <fenwron234@gmail.com>
Sent: Tuesday, March 08, 2022 10:41 AM
To: TorC City Clerk
Subject: Public Comment March 9, 2022

Follow Up Flag: Follow up
Flag Status: Completed

As I am unable to attend Please read into the record at Public Comment

Dear Commissioners,
Regarding Item 1 New Business

Whereas the City supplies 3 Porta Potty's for the tennis courts, which by observation are much less frequently used than the Dog Park, I highly support such a proposal.

Given that the City has recently spent over \$30,000 for a bathroom for 1 female clerk at the electric dept and that the Public facilities at the West entrance to Ralph Edwards Park have been closed since the Park reopened. It appears that the public that you serve are being denied facilities for their wellbeing in inexplicable favor of a City employee. It is time to consider your obligation to the people of T or C who put you in your positions (for their sole good) under the NM Constitution, and begin fixing this policy.

Thank you,

Sincerely

Ron Fenn Co-CEO, City of Truth or Consequences, NM
575-894-1543

and "JUSTICE for ALL"...not "JUST THIS " for so many!

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violation of state law in the ordinance is that we have a maximum capacity that is only allowed to be billed up to 90% of the consumption of solar. However, state law says that you cannot have that. We are not harming anything by not acting on the ordinance at this time, but if we do act on it and we allow for the pay out on those credits when we don't have net metering in place, it will be a nightmare for billing, and the Public Utility Advisory Board understood the issue.

- The New Mexico Municipal League will be having the Newly Elected Officials training on April 7th and April 8th. They strongly recommend that all newly elected officials attend the training. We are looking at \$809 per Commissioner to attend the training. That includes the price of the course, fuel, food, and a hotel room. We don't have money budgeted for this, however this is a very important training so we find the funds.

City Attorney Rubin reported the following:

- He is pleased that City Manager Swingle clarified our position regarding the Renewable Energy Ordinance. Since it is a conflict with our state statute as explained by City Manager Swingle, he feels that we are ok in taking out time to make sure we have the ordinance passed at the appropriate time.

City Commission Reports:

Commissioner Fahl reported the following:

- She would like to attend the Newly Elected Officials training.

Commissioner Harrelson had no reports.

Commissioner Mitchell reported the following:

- She would also like to attend the Newly Elected Officials training. She suggested maybe carpooling and maybe sharing a suite.
- They will be having a cash party to fundraise money for Fiesta. It is scheduled for April 2nd. The tickets are \$125 per couple, with a chance to win \$10,000. It is a reverse drawing cash party, and food and drinks will be served. There was a Lodgers Tax Board meeting on Monday, and they awarded us a little over \$11,600 for advertising, promotions, sanitation, and security for the Fiesta event. That is the most money that Fiesta has ever received from Lodgers Tax. That is not the usual amount that the Lodgers Tax Board usually gives out. This was a very special circumstance. The Fiesta Board had to really promote this as our signature event for the City of Truth or Consequences. Everything is moving along. We have our bands in place, and the entire weekend almost set up. We also have a brunch coming up on March 20th at the Brewery to support the Fiesta event. Those tickets are \$15.

Mayor Pro-Tem Hechler reported the following:

- He is really proud of the people who have been stepping up to assist with Fiesta. We not only have the main Fiesta committee, but we also have subcommittees that are branching out and working hard to further Fiesta this year.

Mayor Forrister reported the following:

- She was able to go and look at the courtesy car that the LaFont's donated to the Airport. It is a very nice Lexus, and she thinks that we are going to put that to good use out at the Airport. It is very well needed.
- She commended the Fiesta Committee for putting on a cash party. She knows what kind of work that goes into having one of those.
- The Friday prior to Fiesta will be the kick off, and they will have an Ag Day for the kids (3rd, 4th, and 5th graders), and the second half of the day will be for the community.
- She would also like to attend the Newly Elected Officials training. When she first came on she was scheduled to go, and then Covid hit so she wasn't able to attend, and they haven't had one since.

F. CONSENT CALENDAR:

1. **City Commission Regular Minutes, February 23, 2022**
2. **Acknowledge Regular Public Utility Advisory Board Minutes, January 10, 2022**
3. **Accounts Payable, February 2022**
4. **Take-home vehicle form for the Water Department.**

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

G. PUBLIC HEARINGS:

1. **Public Hearing/Discussion/Action: Final Adoption of Ordinance No. 726 amending Chapter 11-11-6 of the Municipal Code of Ordinances pertaining to RV Dwellings:**

Assistant City Manager Alvarez explained that Ordinance No. 726 was approved for publication by the City Commission on February 9th. The Commission requested that we amend the draft ordinance to include provisions for temporary parking at Special Events. In your packet you will see the amendment highlighted in yellow. Staff is requesting final adoption.

Mayor Pro-Tem Hechler asked if there was any work done for people who have an half an acre to an acre or more within the city limits who have a separate ability to set up an RV on a temporary basis, and if not maybe that should be a consideration. For instance if someone has that large of a property, and they have company coming in for a couple of days, and put their RV on the site and hook up to electric and water. He doesn't really see a big issue with that.

Police Chief Rodriguez explained that Mayor Pro-Tem Hechler's suggestion may be feasible if we were to set a minimum of how big the property has to be if you allowed that because if you don't do that he feels that all of these people who have RV's in town

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already would be hooking up their RV's to separate utilities, and using it as a residence or temporary residence which is a huge issue right now. What we are trying to do with this ordinance is to avoid people living in their RV or recreational vehicles on a permanent basis that are not in an RV park. However, he does see where Mayor Pro-Tem Hechler is coming from.

City Manager Swingle explained to the Commission that the intent of this ordinance is to prohibit that type of circumstance. At this point he does not believe that it offers any kind of mechanism for that to happen under the existing language. Some special event circumstances have been carved out in the ordinance, but that is for special events. It is not for individual folks. The intent of this ordinance is to not allow that.

Mayor Pro-Tem Hechler agrees 100% with the intent of the ordinance for specific situations. Especially in those congested areas in the downtown area, but for those individuals who have half an acre, or an acre or more in town, then there is a way that they can do that safely on a temporary basis. If there is a way to be compliant with our ordinance somehow, then he thinks that should be looked at.

Assistant City Manager Alvarez stated one thing that we have to be careful of is if we allow people to use RVs at their house, how do we determine whether that is a family member staying there or whether they are renting it out on as an Airbnb site, and not following our Short-Term Rental regulations. We've run into similar situations like that in the past.

Mayor Forrister asked if someone has an RV that is hooked up to electric, and full utilities, could they go and get a \$30 business license for an RV park.

Assistant City Manager explained that an RV park has to be done by special unit. She would caution that because of the whole Airbnb thing. What we are trying to do is target all of the areas that we are having a lot of issues with. We have had RVs that have caught fire and burned down very close to other housing units. We are really trying to clean this up because the current code is so broad.

Mayor Forrister opened the public hearing.

Proponents:

Rick Dumiak stated that he lives in the bath district, and he doesn't like to see the RV's hooked up temporarily. Most RVs have holding tanks, and they are really self-supporting units. They don't even really need electricity if they have solar panels and what not. He also agrees with the safety issue, so if we can find a compromise that would be good.

Opponents:

Rick Dumiak is opposed of having an exception for properties that have a certain amount of acres, because that is saying that you have to be at a certain wealth level to be able to do this, and that doesn't sit right with him.

Mayor Forrister closed the public hearing.

Commissioner Mitchell moved to approve adoption of Ordinance No. 726 amending Chapter 11-11-6 of the Municipal Code of Ordinances pertaining to RV Dwellings. Commissioner Fahl seconded the motion. Roll call was taken by the Clerk-Treasurer.

Hon. Destiny Mitchell, Commissioner voted aye

Hon. Merry Jo Fahl, Commissioner voted aye

Hon. Rolf Hechler, Mayor Pro-Tem voted nay

Hon. Amanda Forrister, Mayor voted aye

Hon. Shelly Harrelson, Commissioner voted aye

Motion carried with a 4-1 vote.

2. Public Hearing/Discussion/Action: Final Adoption of Ordinance No. 727 amending Chapter 7, Article 2 of the Municipal Code of Ordinances pertaining to registered businesses within the city limits:

Assistant City Manager Alvarez explained that this ordinance was also approved for publication on February 9, 2022. There were no revisions to this ordinance. Staff is requesting approval of the ordinance with the effective date being July 1, 2022 as requested by Commission on February 9, 2022.

City Attorney Rubin stated that this amendment is for everyone doing business within the city to be required to obtain a city business registration, rather than just those who have a branch, building or location within the city.

Mayor Forrister opened the public hearing.

Opponents:

There were no opponents.

Proponents:

There were no proponents.

Mayor Forrister closed the public hearing.

Mayor Pro-Tem Hechler moved to approve adoption of Ordinance No. 727 amending Chapter 7, Article 2 of the Municipal Code of Ordinances pertaining to registered businesses within the city limits with the affective day of July 1, 2022. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

H. ORDINANCES/RESOLUTIONS/ZONING:

1. Discussion/Action: Resolution No. 49 21/22 Budget Adjustment Resolution:

Carol Kirkpatrick, Finance Director reviewed the Budget Adjustments provided in the packet.

Commissioner Mitchell moved to approve Resolution No. 49 21/22 Budget Adjustment Resolution. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

I. NEW BUSINESS:

1. Discussion/Action: Request for the placement of a Porta Potty at the Carole Wheeler Dog Park:

Carole Wheeler gave a presentation on why she feels that the Carole Wheeler Dog Park needs a Porta Potty. (Complete copy of proposal attached hereto, and made a part hereof).

Discussion ensued regarding the pros and cons of having a Porta Potty at the Carole Wheeler Dog Park.

Commissioner Mitchell moved to take no action on the item and table it until further information is provided for a Porta Potty to be placed at the Carole Wheeler Dog Park. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

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

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

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



CITY OF TRUTH OR CONSEQUENCES

AGENDA REQUEST FORM

MEETING DATE: _____

SUBJECT: Carole Wheeler Dog Park Portable Toilet

DATE SUBMITTED: _____

SUBMITTED BY: Carole Wheeler

Summary/Background:

My name is Carole Wheeler, the unofficial coordinator between the City of T or C and the Carole Wheeler Dog Park.

I am here to request the City Manager's and City Commissioner's consideration for the placement of a portable toilet at the dog park. Our dog park is a very busy site year round, for our residents to share some social time with other people and their pets. The dog park is intended to be a clean and healthy environment for our canine citizens and their owners.

As you are aware our City has a very large population of seniors, which also carries over to the dog park patron's demographics. Additionally, there is a significant amount of tourists and winter visitors who visit the dog park. These "snowbirds" are also seniors.

Unfortunately with the senior designation comes the inability to easily walk, bend, stand, and otherwise move.

At the present time, there is no close, accessible restroom facility to serve the dog park. Patrons have to cut their visits short, leash up their pets and leave, either to go home or to find a facility.

Within this City, there are other recreation areas utilizing a porta potty facility, such as Rotary Park, and the Gene Speer tennis court area. There are two potties at the tennis courts, which are placed in the parking lot adjacent to the Municipal Court.

This request is for one porta potty at the dog park. Placement would be at the north side of the large dog area outside of the fence. There is an approximately 32 ft. long by 7 ft. wide, grassy area for placement. Open access for servicing is available from the marked parking area on Date St. Visibility from Date St. would be minimal for drivers negotiating the turn from Broadway to Date St.

Servicing costs for 1 porta potty is \$100.00 per month, and includes service every two weeks. The PALS volunteer organization could help offset the costs of servicing if required by the City.

DRAFT

**CITY OF TRUTH OR CONSEQUENCES
RECREATION ADVISORY BOARD
MINUTES OF THE REGULAR MEETING
FEBRUARY 7, 2022**

CALL TO ORDER: The meeting was called to order at 6:10 P.M. by Chairman, Ingo Hoepfner at the City of T or C Commission Chambers.

ROLL CALL

Ingo Hoepfner, Chair
Carole Wheeler, Board Member
David Dawdy, Board Member
Greg D'Amour, Board Member

OTHERS IN ATTENDANCE: Chuck Wentworth, Sentinel, Tracy Alvarez, City of T or C, O.J. Hechler, Dir. Public Svcs, City of T or C.

PLEDGE OF ALLEGIANCE - was recited.

The Agenda was approved with a motion by Carole and second by Greg.

The Minutes of the Regular Meeting of January 3, 2022 were approved with a motion by Carole and a second by Greg.

Recreation Advisory Board Master Plan continuation -

Ingo Hoepfner, Chair, presented a preliminary plan for the development of ad hoc committees to assist the City with various venues within the City. He explained ways a specialized committee might enhance public input through additional social media connections, and by conducting more focused public meetings and/or discussions. After much discussion, the Board Recognized that moving forward would first require a clarified approach. The Board agreed to return to the issue and to discuss potential action during the next regular meeting.

COMMENTS FROM THE PUBLIC

Candace Stokes, local resident and one of four residents attending the meeting, spoke regarding more information for Ingo's long range plan. She indicated a desire to learn more and offered encouragement.

RECREATION DEPARTMENT NEEDS ASSESSMENT UPDATE

Swimming Pool Update - O.J. Hechler indicated the pool is closed for the winter, and planned to open in April, depending upon adequate pool employees.

Dog Park Update - Carole presented a request to be on the City Commission Agenda to be allowed to have a portable toilet at the dog park. Photos showing an area for the placement, as well as adequate space for servicing. The Board voted unanimously to forward the request to the City Commission for placement on its agenda.

Ball field and Parks Update - O.J. stated that Little League registration is currently in process until the end of this month. As of this meeting date there have been no hires for the Parks and Rec Dept. vacancies. There are a few applicants to be interviewed.

OTHER DISCUSSION -

O.J. told the Board that beginning Thursday, February 17th, the Dog Park will be closed for City maintenance, and every Thursday thereafter. This set schedule will enable the Parks Dept. to better utilize its time.

ADJOURNMENT - The meeting was adjourned at 7:00 p.m. with a motion by Carole and second by Ingo.

3. Discussion/Action: Consideration to appoint Art Burger to serve as a city representative on the Sierra Vista Hospital Governing Board:

City Manager Swingle explained that the city has a vacancy for a city representative to serve on the Sierra Vista Hospital Governing Board. This vacancy is usually filled by a member of the public, and is appointed by our Governing Body. This vacancy has been advertised, and has also been announced during the past few Commission Meetings. Art Burger submitted a letter (email) of interest to serve as a city representative on the board, and no other letters were received. He feels that Art would be an outstanding addition to the hospital board.

Commissioner Mitchell Hechler made a motion to appoint Art Burger to serve as a city representative on the Sierra Vista Hospital Governing Board. Commissioner Fahl seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

Note: Executive session was moved and discussed before item H5 due to the fact that City Attorney Rubin had to leave early.

J. EXECUTIVE SESSION:

- 1. Threatened & Pending Litigation (Erica Baker vs. City of T or C) pursuant to 10-15-1(H.7).**
- 2. Threatened & Pending Litigation (George Henson) pursuant to 10-15-1(H.7).**

Commissioner Fahl made a motion to go into executive session at 10:25 a.m. to discuss Threatened & Pending Litigation (Erica Baker vs. City of T or C) pursuant to 10-15-1(H.7) and Threatened & Pending Litigation (George Henson) pursuant to 10-15-1(H.7). Commissioner Mitchell seconded the motion. Roll call vote was taken by the Clerk-Treasurer. Motion carried unanimously.

Mayor Forrister reconvened the meeting in open session at 10:49 a.m.

Mayor Pro-Tem Hechler certified that only matters pertaining to Threatened & Pending Litigation (Erica Baker vs. City of T or C) pursuant to 10-15-1(H.7) and Threatened & Pending Litigation (George Henson) pursuant to 10-15-1(H.7) was discussed in Executive Session.

No action was taken.

Mayor Pro-Tem Hechler made a motion to go back into open session at 10:50 a.m. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

H. NEW BUSINESS: Continued...

5. Discussion/Action: Request to purchase Microsoft Word and carrying cases for the Commissioner's tablets.

City Manager Swingle explained that various Governing Body Members requested carrying cases for their city issued tablet, as well as having Microsoft Word installed on their tablets. We requested a quote from IT, and they informed us that a Microsoft Word License for each tablet would be \$275 each, and the cases would cost anywhere from \$29-\$40 per case. If this is something the Commission would like to proceed with then we will need a formal action to budget the funds.

Mayor Forrister suggested maybe using google docs as a better alternative because it is free.

Commissioner Mitchell also suggested openoffice.org.

Mayor Pro-Tem Hechler asked for a tutorial on the suggested word document software.

Commissioner Harrelson stated that one of the benefits when using google docs is when you create something in your own google account, it stays with you.

Commissioner Mitchell stated that she is definitely interested in a case because she is afraid of breaking the tablet. She also wants a keyboard and a mouse.

Commissioner Mitchell made a motion to allow city staff to budget for FY 22/23 for carrying cases and keyboards for the City Commissioner tablets. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

6. Discussion/Action: Request from AT&T and MD7 to facilitate modifications to the current cell site tower lease on Kopra Street:

City Manager Swingle explained that we received a request to continue our agreement with AT&T for the Kopra Street tower out by the lake. They are offering \$456.25 per month with a 10% rent increase every 5 years commencing May 1, 2030. They are also requesting to extend their lease through October 20, 2060. He asked that the Commission reject the offer so he can have the opportunity to negotiate with them. We have contracts with much less infrastructure in place for some of these towers where we are getting over \$8,000 or \$9,000 a year from them. A request to lock us into an agreement for the next 38 years on that property is ridiculous. If we can't get them to get serious on the dollar value, then we reduce the term because we have no idea what we could use that property for in the next 38 years.

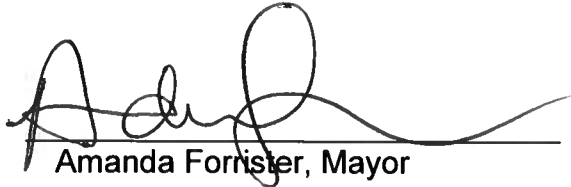
CITY COMMISSION MARCH 9, 2022 REGULAR MEETING MINUTES

Commissioner Mitchell made a motion to reject the request from AT&T and MD7 to facilitate modifications to the current cell site tower lease on Kopra Street as recommended by staff. Mayor Pro-Tem Hechler seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

J. ADJOURNMENT:

Mayor Pro-Tem Hechler moved to adjourn at 11:04 a.m. Commissioner Mitchell seconded the motion. Motion carried unanimously.

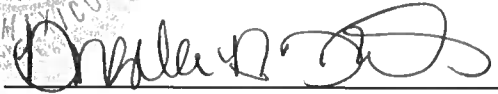
Passed and Approved this 23rd day of March, 2022.



Amanda Forrister, Mayor



ATTEST:



Angela A. Torres, CMC, City Clerk