CITY COMMISSION MEETING MINUTES CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO CITY COMMISSION CHAMBERS, 405 W. 3RD St. WEDNESDAY, APRIL 28, 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. Randall Aragon, Commissioner Hon. Frances Luna, Commissioner

Also Present: Traci Alvarez, Acting 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 she asked that everyone keep Eloy Armijo and his family in their thoughts and prayers. Mr. Armijo sadly passed away over the weekend on April 24th. He worked for Sierra County as the GIS Coordinator for 22 years, and prior to that he worked faithfully for the City of Truth or Consequences for 4 years.

3. PLEDGE OF ALLEGIANCE:

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

4. APPROVAL OF AGENDA:

Acting City Manager Alvarez asked that items F2 and G7 be removed from the agenda.

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

C. PUBLIC COMMENT:

Rick Dumiak virtually addressed the Commission with comments related to:

(1) He thanked the city for cleaning up 630 Charles Street.

Ron Fenn virtually addressed the Commission with comments related to:

- (1) He feels that the Commission hardly ever responds to his questions.
- (2) He has multiple comments in regards to the Electric Department and their certifications. He stated that the lowest paid employee is the only one with a certification.

Susan Crow virtually addressed the Commission with comments regarding Smart Meters. (Complete copy attached hereto and made a part hereof).

D. RESPONSE TO PUBLIC COMMENT:

There were no responses to public comment.

E. CONSENT CALENDAR:

- 1. City Commission Regular Minutes, April 14, 2021
- 2. Acknowledge Regular Public Utility Advisory Board Minutes, March 15, 2021
- 3. Acknowledge Regular Recreation Advisory Board Minutes, March 1, 2021

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.

F. ORDINANCES/RESOLUTIONS/ZONING:

1. Discussion/Action: Resolution No. 38 20/21 Budget Adjustment Request:

Carol Kirkpatrick, Finance Director explained that the budget adjustment is to move \$35,299 from roadway maintenance to vehicles. We approved a purchase of a large trailer that we were going to try and purchase in FY 2021/2022, but the funds are available in the Municipal Streets Funds now. Therefore, we are requesting to move funds to purchase the trailer. We are wanting to bring big ticket items before you for approval so you are kept aware.

Susan Crow

April 28, 2021 Public Comment

On February 24th, Bo Easley, Morris Madrid and Tracy Alvarez were brought into default and dishonor in a conditional acceptance contract I delivered to these men and women in order to keep my analog meter. The contract required that they disprove, by sworn oath, the dangers of smart meters from: fire and explosion pulsed low frequency radiation dirty electricity hacking vulnerability and loss of privacy from 24/7 surveillance and data collection. This affidavit of Truth has now been established in the jurisdiction of the City of Truth or Consequences, in the State of New Mexico. Your utility service must be safe and lawful and is not safe and lawful if you are putting electronic utility meters on homes. The laws you are violating by installing electronic utility meters on private homes and businesses without consent and full disclosure are, in general, Public Endangerment, Trespass, Extortion, Fraud, Assault, Arson and a violation of FCC regulations requiring consent of property owners for installation of radio transmitters on their homes. In light of those violations and the hazards and harm they cause, you must provide, a record of insurance naming myself and every utility account holder in the city of T or C whose home or business houses a smart meter, as beneficiary in order to provide full and speedy remedy, reimbursement and penalties for all hazards and harm listed above. Absent such insurance, you are agreeing by the installation of any electronic utility meter to personally and promptly pay all claims and satisfy all demands which may arise from the dangers, nuisances, damages and harm that may be caused by any such electronic utility meter and you are agreeing that the above list is generally true and represents intentional hazard and harm perpetrated upon any utility customer who receives an installed AMI or smart meter. You may avoid this liability by allowing myself and any T or C utility customer to keep or have, reinstalled, the safe and lawful, analog meter. However, utility service shall not be altered nor discontinued without specific written instruction, and No additional fees may be charged to the Claimant/utility customer for not receiving a so named "smart meter, advanced meter, and or Trespassing Technology." We agree to record our utility service usage on a monthly basis, through postcard or email delivery with photo documentation.

Commissioner Luna moved to Resolution No. 38 20/21 Budget Adjustment Request. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

> 2. Discussion/Action: Resolution No. 39 20/21 acceptance of grant offers made by the Federal Aviation Administration for 90% of the total project cost, and New Mexico State Aviation Division for 5% of the total project cost for the Runway 13/31 Pavement Preservation Project and authorize executing and submitting of all documents pertaining to the grant offers and contract award as may be required.

Item was removed from the agenda.

G. NEW BUSINESS:

1. Discussion/Action: Initiating a Plan for Frisbee Golf:

Greg D'Amour, Recreation Advisory Board Chairman, Jenni Neeley, Ryan Lawyer and Alan Begg and presented their plan for Frisbee golf. (Presentation attached hereto and made a part hereof).

Mayor Pro-Tem Forrister made a motion to initiate a plan and move forward with the proposed plan for Frisbee Golf. Commissioner Aragon seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

2. Discussion/Action: Beginning Development of a Community Recreation Master Plan:

Greg D'Amour, Recreation Advisory Board Chairman explained that the board and city staff are trying to figure out how to get community input. The city master plan has a section in it that describes what our current recreation process, availability, and items are. Outside of just looking at that, we don't really have a direction of where we are wanting to go. Thanks to public input, the Recreation Advisory Board committee members, and our active recreation department, we are working to get things done. The goal is to look at things to do in this community, and have an actual plan. The first thing that always pops up from public input is that we need a Recreation Center with a swimming pool, but that is something that is a major project, and will have to be figured out sometime in the future. We would like to build, and develop a community plan by having some public meetings, and we talked with Acting City Manager Alvarez on how we can do that.

No action was taken on this item.









TYPICAL ROUND:

- 18 Holes / Baskets
- 200-300' (varies by course)
 - Par S (varies by hole length)
- 60-90 Minutes
- Lowest Score Wins
- Fewest Total Shots/Throws



- Disc golf is played much like traditional golf.
 Instead of hitting a ball into a hole, you throw a disc into a metal basket.
- The goal is the same: to complete the course in the fewest number of shots

DISC GOLF COURSES IN NEW MEXICO

Cloudcroft Community Mountain, Alamogordo Doc Coop's Black Range Lodge, Kingston Eastern New Mexico University, Roswell **Civitan Disc Golf Course, Farmington** Conchas Dam DGC, Conchas Dam Animas Parklands DGC, Farmington Brent Baca Memorial, Albuquerque Aztec Municipal Golf course, Aztec Desert Emerald DGC, White Sands Arroyo Chamisos DGC, Santa Fe Enchanted Lands DGC, Roswell Camp Chimney Spring, Mayhill Camp Cerro Gordo, Santa Fe Club Rio Rancho, Rio Rancho Camp of the tall Pines, Weed Alameda Park, Alamogordo Angel Fire Resort, Angel Fire **Bataan Rec Area Carlsbad** Brookside Park, Farmington Canyon Park, Rio Rancho Ashbaugh Park, Santa Fe Carlsbad DGC, Carlsbad Chaparral Park, Loving **Civitan DGC**, Carlsbad Berg Park, Farmington Eagle Nest, Eagle Nest Bonita Park, Capitan Albatross, Santa Fe

New Mexico Highlands University DGC, Las Vegas nstitute of American Indian Arts DGC, Santa Fe North Mesa Picnic Grounds, Los Alamos Portales Sports Complex DGC, Portales San Juan College HHPC, Farmington Gene Torres Golf Course, Tucumcari Ned Houk Park Main Course, Clovis Majestic Enchantment DGC, Turley Grindstone Campground, Ruidoso ions Wilderness DGC, Farmington Picuris Pueblo DGC, Picuris Pueblo adera Golf Course, Albuquerque. Pendaries Village DGC, Rociada Ned Houk South Course, Clovis Moon Mountain DGC, Ruidoso Sunrise Springs DGC, Santa Fe Red River Ski Area, Red River Harry McAdams Park, Hobbs Sunrise Terrace, Las Cruces Raton Country Club, Raton MLK Rec Complex, Artesia Enchanted Lands, Roswell Glorieta Camps, Glorieta Five Mile Park, Tucumcari Mallette Park, Red River Philmont Scout Ranch Sipapu DGC, Vadito aos Roc Pit, Taos

Taos Ski Valley DGC, Taos The Whistle Stop, Raton Towa-Builder-A Layout, Santa Fe Tucumcari DGC, Tucumcari Two Gray Hares DGC, Vadito **UNM Tournament DGC, Albuquerque** Vista Hills Park, Rio Rancho Zenith Park, Cloudcroft



WHY DISC GOLF ON THE GOLF COURSE?	 1. Get a whole new group of citizens to enjoy the beauty of the golf course 2. new revenue from disc rental and sales in pro shop 3. 18 hole disc golf course will draw people from El Paso, Las Cruces, Albuquerque and beyond 4. good opportunity to learn rules before playing 5. way to track how many people are playing the course. 6. \$100.00 off each additional basket (good for 1 year) 7. 18 new tees, fairways and greens to enjoy! 8. disc golf course follows the same course route as the golf course 9. no disc golf baskets within 60 feet of golf greens 10. dlways have a clear line of sight to be sure to NOT interfere with golf. 11. El Paso just had their first PDGA event in the last few months! disc golf is growing in the area. 13. Opportunity for fund-raisers, memorials, and benefit events 	
	 1. Get a v 2. new rev 3. 18 hole 4. good a 5. way to 5. way to 6. \$100.00 8. disc go 9. no disc 10. alway 11. El Pase 12. fun, cl 13. Oppo 	



Alternate Disc Golf Course

SUCCESS STORIES FROM OTHER COMMUNITIES

Sherwoood Hills Golf course, Ogden, Utah - Established DGC in 2016

- Brought in an added revenue for facility
 - Disc golf does not interfere with "ball" golfer's games
- Provided an affordable outdoor activity for families





Ladera Golf Course, Albuquerque, NM – Established DGC in May 2020

- Experimental course for Albuquerque area, Summer 2020
- Became so popular, additional course may be installed at Los Altos Golf Course



- First Saturday in August is "National Disc Golf Day"
- "Steady" Ed Hedrick, an employee of Wham-O, invented the Frisbee in 1966
- More Frisbees are sold annually in the U.S. than footballs, basketballs, and

soccer balls combined

During the COVID-19 pandemic, disc golf was the largest growing sport of 2020



3. Discussion/Update: Recreation Advisory Board Membership:

Greg D'Amour, Recreation Advisory Board Chairman explained that last year rolled by, and we didn't get any additional members who applied. The way the bylaws are written for the Recreation Advisory Board is if nobody gets re-appointed, the people who are currently in their positions just keep rolling on. They are hoping to get extra applications turned in, and then they can look at them, and make a recommendation with new terms and time frames since everybody could technically be rotated this year. Things are looking up, and it's time for the community to wake up and get moving again.

Mayor Pro-Tem Forrister suggested that they reach out to The CLUB to see if they would like to be involved in recreation projects because they like to do a lot of recreational projects for our community.

4. Discussion/Update: Update on proposed changes to the (WIOA) Workforce Innovation Opportunity Act Board:

Gary Whitehead, WIOA Representative explained that the WIOA is landmark legislation that is designed to strengthen and improve our nation's public workforce system and help get Americans, including youth and those with significant barriers to employment, into high-quality jobs and careers and help employers hire and retain skilled workers. WIOA also brings together, in strategic coordination, the core programs of Federal investments in skill development. He continued by explaining that the City of Truth or Consequences has liability for the Federal Funds, and appoints members to serve on the board. Then the board creates policies and procedures that is forwarded to the Chief Elected Officials for review and oversite. The state has proposed changing the current four districts into two. COVID has taught us that we can do a lot with zoom, but it's not the best. There is magic that takes place when we can look each other in the eye. One concern is if the change took place, we would be going backwards, and not forward. We like regions because they are the hub of what we do, and we focus a lot of our training through them. The other change is that they feel that the County is the entity that should be most financially liable, and should have the most input in how the funds are spent locally. For 25 years we've taken municipalities and counties and put them together. They are proposing eliminating the municipalities from the Chief Elected Officials Board which means we would have 28 County Commission Chairs for the board, and if a Mayor wanted to serve on that board, they could replace the County Commission with the Mayor. We feel that is a weakness in input and marketing. We want to give the Governor and the Department of Workforce Solutions the benefit of the doubt, because if the Governor approves the change concept, then it will come back out to us for public input and any changes. However, it may not pass, but we felt it was important to brief you so you can have a concept of what is going on. Workforce in New Mexico is a challenge, and we rarely spend all of the money that we have, and because of that we are always a little bit in trouble, because they want us to train people, but it is difficult to find a people who are interested. The state believes by putting it all together,

maybe we can move the money, and do different things. We feel as a board that we need to fix it within our board, and work together.

5. Discussion/Action: Lodgers Tax Funding Allocations for Chamber of Commerce, Sierra Arts Council and Veterans Memorial Park and Museum:

Kristin Saavedra, Chief Procurement Officer explained the Lodgers Tax Advisory Board recommended allocations to the Chamber of Commerce, Sierra Arts Council and Veterans Memorial Park and Museum. However, for the Veterans Memorial Park and Museum the recommendation was \$2,282.64 for the printing of the brochures, and new vinyl on the I-25 billboard. The city paid for the billboard out of our portion of the lodger's tax, and we're recommending \$1,106.64 to be allocated to them for the printing of their brochures. The total allocation recommended for the Chamber of Commerce is \$1,495.44 for funding for their website and business information. \$1,440.00 is for website, and \$55.44 is for business information. The total recommended allocation for Sierra County Arts Council for the reprint of the Mural and Gallery Brochures is \$1,130.00.

Mayor Pro-Tem Forrister made a motion approve the allocations as mentioned. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer.

Hon. Frances Luna, Commissioner abstained Hon. Randall Aragon, Commissioner voted aye Hon. Amanda Forrister, Mayor Pro-Tem voted aye Hon. Paul Baca, Commissioner voted aye Hon. Sandra Whitehead, Mayor voted aye

Motion carried with a 4-0 vote and 1 abstained.

6. Discussion/Action: Approval of changes to the Lodgers Tax Application Process:

Kristin Saavedra, Chief Procurement Officer explained that the previous applications we used were a little confusing to our organizations that apply for funds. Lodger's Tax Board Member Linda DeMarino came up with an amazing idea to re-format the applications, and what she came up with streamlines it, and gives our organizations more understanding of the application, and the process. They also introduced a step by step process checklist so they will know what to do when they submit their documents. Ms. DeMarino also re-did the reimbursement form to make it easier for our organizations who apply for funding. We are requesting approval of the changes, as well as publishing of the application and checklist, and reimbursement form to our city website. That way anybody who wants to apply and qualifies can go onto the website, and print and download it themselves.

Lodgers Tax Chairman Jake Forrister stated that he is really happy with the current city staff that we have. Angela, Dawn, and Kristin have been a big help. We are trying to get things moving, make things more streamlined, and a little bit simpler. We are now meeting every other month, and we are asking people to apply project by project, rather than one large lump of projects where there was little follow up on. We are asking for tracking for events and projects, and there will be a little bit more follow up because our main goal is to put heads on beds.

Commissioner Luna feels that the sections under PART 6: ASSURANCES AND CERTIFICATIONS "an evaluation report to the City no more than (60) days after the event or project completion or on or before the last business day in May" should be changed to "no more than (60) days after the event or project completion" and remove the part that says "or on or before the last business day in May".

City Attorney Rubin suggested that it say "*no more than (60) days after the event or project completion, except when the events or projects occur between April 1st and May 15th such evaluations must be submitted by the last day of May."*

Mayor Pro-Tem Forrister made a motion approve the proposed changes and addition as mentioned by City Attorney Rubin to the Lodgers Tax Application Process. Commissioner Luna seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

7. Discussion/Action: Award of RFP Award Schedule I – Re-habilitate Runway 13/31 (Preservation):

Item was removed from the agenda.

8. Discussion/Action: Award RFP for Multiple Engineering and Architecture Projects:

Traci Alvarez, Acting City Manager explained with a majority of the grants and projects that she applies for, engineering services is required for some of the application processes. Some of those grants require some type of a preliminary engineering report, or certified engineering cost and design analysis report. Occasionally there might be some type of mechanical failures that require some type of engineering oversite or guidance. Typically, we have not had any type of engineering services on call. We have gone out to RFP for specific projects, then we procure our engineering services through a Cooperative Educational Services (CES) contract which comes with an associated fee which is around 1.5%. We put out a request for proposals, and we've had 12 different engineering services, architecture, and airport services that applied, and put in their proposals. All 12 of those proposals were reviewed, and we picked the top 6. We would

like to award all top 6 proposals so we can give our departments the ability to work with a particular engineer, and see who will give them the best rate for services. We are requesting to award RFP proposals to the following:

- Wilson & Company
- AKS Architecture, P.C.
- Delta Airport Consultants
- WH Pacific, Inc.
- Desert Peak Architects
- Parkhill

Commissioner Luna recommended that we negotiate the rate before an RFP is awarded because what they are asking for may be out of our budget.

Acting City Manager Alvarez explained that CES was very limited, and that is why you see these same engineers coming through at times. We have other engineers reaching out as well, but they are not under the CES contract. We also have some that aren't project specific that we've worked with on certain projects, and every year we are having to go back out to RFP for specific projects. When we apply through certain funding sources, and receive the funding, they require that we go out to RFP specific to that project.

Commissioner Luna made to award the RFP for Multiple Engineering and Architecture Projects to Parkhill, Delta Airport Consultants, Wilson & Company Bohannan Huston, WHPacific, Inc., ASA Architects, AKS Architecture, P.C., Desert Peak Architects, Spears Horn Architects and MOLZENCORBIN. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

9. Discussion/Action: Approval of draft audit contract for Fiscal Year 2020-2021:

Carol Kirkpatrick, Finance Director explained that we went out for an RFP for FY 16/17, FY 17/18, and FY 18/19 of which this same auditor fulfilled that duty. In FY 19/20, FY 20/21, and FY 20/22 we received a quote from them and did not go out for RFP. This will be their 5th year as our auditors, and now we are allowed up to 8 years to go with an auditor. The state just changed that rule, and we will probably look at doing an RFP next year because it is good to rotate your auditors. The audit presented today is a draft because we have to wait for the office of the state auditor to approve it, and once they approve it, then we'll have the City Manager sign it. It has to be to the State Auditor by May 15th. We just wanted to bring it to your attention so you are aware of the contract, and where we are going forward.

Commissioner Luna made a motion approve the draft audit contract for Fiscal Year 2020-2021. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

10.Discussion/Update: 3rd Quarter Expenditure, Revenue, Cash, and Transfer Reports:

Carol Kirkpatrick, Finance Director explained this is before you today because we want to keep the Commission updated on a monthly basis of where we are with our cash balances, expenditures, revenues, and transfers.

11. Discussion Update: Cancellation of 2021 Fiesta Event.

Traci Alvarez, Acting City Manager explained, unfortunately due to us going from turquoise to yellow we had to cancel the Fiesta. There was some talk about maybe the various outdoor activities being able to continue, but we felt that it was best to cancel everything. We have been working hard with the vendors, and parade applicants to return any fees that they paid. She thanked Commissioner Luna who got the ball rolling on this, and our staff including Angela Torres and her crew, and OJ Hechler and his crew for jumping in there and being ready to move forward.

Mayor Whitehead extended her gratitude to everyone who was involved, and to Commissioner Luna for having the enthusiasm for trying to put this together. Commissioner Luna did a great job at getting things rounded up. It is sad that we went from turquoise to yellow, but hopefully we'll come back out of yellow, and eventually get things going in the future.

H. REPORTS:

Acting City Manager Alvarez reported the following:

- On March 12th it was reported that we had a total arrears balance in our utility office of over \$700,000 owed to the city on delinquent accounts. As of today, we are down to a little over \$500,000. We've received a little under \$200,000 in payments since the Commission approved us to proceed forward with red tags and disconnects. People have been reaching out to us for the most part to make payment arrangements.
- May 5th is our budget presentations, and all of the department heads will come in and present their budgets starting at 9:00 a.m.
- We are taking care of some of our demos. We did the property abatement at 630 Charles, a complete demolition and property clean up on Van Patten, and today we are on Corzine taking care of that one. The last one will hopefully be next week on Bosque if our contractor is available.
- She commented on a resident who reached out concerning some questions regarding electric, and both the Mayor and Commissioner Aragon reached out to her to get the answers. As mentioned, Mayor Whitehead did reach out to her to get the answers, but it seems she was just a little bit quicker on the response to Commissioner Aragon.

City Attorney Rubin reported the following:

• He stated that he is looking forward to Bruce Swingle coming on board next week, and he complimented Traci on the great job she did as Acting City Manager.

City Commission Reports:

Mayor Pro-Tem Forrister reported the following:

• She also thanked Traci for a great job during the interim position as City Manager.

Commissioner Baca had no reports.

Commissioner Aragon reported the following:

- He has a radio show coming up and he asked Acting City Manager Alvarez to cover 3 very important infrastructure projects.
- He was amazed at the Miss Fiesta event that McKenzie Luna for graduating High School and her bachelor's degree next month.
- He also commended Traci for a well done job as Acting City Manager.

Commissioner Luna reported the following:

- She thanked city staff for their involvement with Fiesta, which included the Clerk's Office, and OJ who took it, and ran with it. She also thanked Traci for helping make it happen. The entire leadership with the organization, and event goes to show the leadership Traci has. She has what it takes for the City that position she was serving in, and has been amazing.
- In 2019 the Commission presented a Proclamation to the Miss Fiesta Court and she hopes we can do that this year.

City Clerk Torres thanked Finance Director Kirkpatrick for assisting her and OJ with planning the Fiesta event.

Mayor Whitehead reported the following:

- Early this week she received a letter from the Utility Manager of Elephant Butte on the Elephant Butte dam for April. They will finish their testing this week, and due to the cancellation of the Fiesta, they will not be releasing any water from the dam until May 20, 2021.
- She also commended Traci Alvarez for the outstanding job she has done during her time as Acting City Manager.

I. ADJOURNMENT:

Mayor Pro-Tem Forrister moved to adjourn at 10:48 a.m. Commissioner Aragon seconded the motion. Motion carried unanimously.

CITY COMMISSION APRIL 28, 2021 REGULAR MEETING MINUTES

Passed and Approved this <u>12th</u> day of <u>May</u>, 2021.

Sandra Whitehead, Mayor



Angela A. Torres, CMC, City Clerk