

Sandra Whitehead
Mayor

Amanda Forrister
Mayor Pro-Tem

Frances Luna
Commissioner



Paul Baca
Commissioner

Randall Aragon
Commissioner

Bruce Swingle
City Manager

505 Sims St.
Truth or Consequences, New Mexico 87901
P: 575-894-6673 ♦ F: 575-894-7767
www.torcnm.org

REGULAR MEETING

THE REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO, TO BE HELD IN THE COMMISSION CHAMBERS, 405 W. 3RD ST., ON WEDNESDAY, MAY 12, 2021; TO START AT 9:00 A.M.

A. CALL TO ORDER

B. INTRODUCTION

1. ROLL CALL

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

2. SILENT MEDITATION

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF AGENDA

C. PRESENTATIONS (10 Minutes):

1. Certificate of Appreciation to Traci Alvarez for serving as Acting City Manager.
Mayor Whitehead
2. Proclamation naming Saturday, May 1st, 2021 as Miss Fiesta (McKenzie Luna)
Day. Mayor Whitehead

D. PUBLIC COMMENT (3 Minute Rule Applies)

E. RESPONSE TO PUBLIC COMMENT

F. CONSENT CALENDAR

1. City Commission Regular Minutes, April 28, 2021
2. Acknowledge Regular Planning & Zoning Commission Minutes, April 5, 2021
3. Acknowledge Regular Library Advisory Board Minutes, April 26, 2021
4. Subrecipient FY 2020/2021 3rd Quarter Reports

G. NEW BUSINESS

1. Discussion/Update: Review of Municipal Court budget request for FY 2021/2022. Beatrice Sanders, Municipal Judge
2. Discussion/Update: Review of Community Development budget request for FY 2021/2022. Traci Alvarez, Community Development Director
3. Discussion/Action: Award Schedule I – Rehabilitate Runway 13/31 (Preservation). Traci Alvarez, Community Development Director
4. Discussion/Action: Authorization to withdraw balance amount of Investment Electrical Construction Certificate of Deposit (CD). Carol Kirkpatrick, Finance Director
5. Discussion/Action: Consider appointment of Brendan Tolley to fill the vacant seat on the Library Advisory Board. Angela A. Torres, City Clerk-Treasurer
6. Discussion/Action: Re-appointment of Michael Bankson to the Library Advisory Board. Angela A. Torres, City Clerk-Treasurer
7. Discussion/Update: Review of Preliminary Budget. Carol Kirkpatrick, Finance Director

H. ORDINANCES/RESOLUTIONS/ZONING

1. Discussion/Action: Resolution No. 39 20/21 Authorizing Submission of An Application for Airport Aid to the Federal Aviation Administration (FAA) and Obligation of Sponsor Matching Funds, and Authorization to Accept the Resulting Grant Offer. Traci Alvarez, Community Development Director
2. Discussion/Action: Resolution No. 40 20/21 finding the property at 1101 Bosque, Truth or Consequences, NM to be a dangerous and unsafe structure and authorizing demolition. Traci Alvarez, Community Development Director
3. Discussion/Action: Resolution No. 41 20/21 pertaining to collection of past due utility bills. Bruce Swingle, City Manager
4. Discussion/Action: Resolution No. 42 20/21 Accepting the Airport Coronavirus Relief Grant Program (ACRGP) Funding Offer and Designating Signatory Authority for NM -TCS (New Mexico Truth or Consequences Municipal Airport). Traci Alvarez, Community Development Director
5. Discussion/Action: Summary Plat Amendment and Variance Request at 109 E. 1st Street, Truth or Consequences, NM, pursuant to Chapter 15, Sec. 15-17, Amendment of Plats. Traci Alvarez, Community Development Director

I. REPORTS

1. City Manager
2. City Attorney
3. City Commission

J. ADJOURNMENT

There will be a limited amount of in-person attendance allowed based on COVID safe practices. The meeting will be broadcast live through KCHS on 101.9 FM, and will also be available via teleconference using the information listed below:

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/602295941>

You can also dial in using your phone.

United States: [+1 \(872\) 240-3311](tel:+18722403311) Access Code: 602-295-941

New to GoToMeeting? Get the app now and be ready when your first meeting starts:

<https://global.gotomeeting.com/install/602295941>

**If you do not wish to attend the meeting, but would like to give public input, please submit your comments to torcpubliccomment@torcnm.org, by fax at (575) 894-6690, or a hard copy can be dropped off at the City Clerk's Office, 505 Sims Street, Truth or Consequences, NM. Please submit your comments no later than
Monday, May 10, 2021**

NEXT REGULAR CITY COMMISSION MEETING MAY 26, 2021



CITY OF TRUTH OR CONSEQUENCES

AGENDA REQUEST FORM

MEETING DATE: May 12, 2021

Agenda Item #: C.1

SUBJECT: Certificate of Appreciation to Traci Alvarez for serving as Acting City Manager

DEPARTMENT: City Clerk's Office

DATE SUBMITTED: May 7, 2021

SUBMITTED BY: Angela A. Torres, Clerk-Treasurer

WHO WILL PRESENT THE ITEM: City Clerk Torres

Summary/Background:

Traci Alvarez served as Acting City Manager from mid-February to May 2, 2021. Mayor Whitehead will present a certificate to Ms. Alvarez for her phenomenal hard work and dedication.

Recommendation:

None.

Attachments:

- None.

Fiscal Impact (Finance): N/A

\$0.00

Legal Review (City Attorney): N/A

None.

Approved For Submittal By: ☐ Department Director

Reviewed by: ☒ City Clerk ☐ Finance ☐ Legal ☐ Other: Click here to enter text.

Final Approval: ☒ City Manager

CITY CLERK'S USE ONLY - COMMISSION ACTION TAKEN

Resolution No. - Ordinance No. -

Continued To: - Referred To: -

☐ Approved ☐ Denied ☐ Other: -

File Name: CC Agendas 5-12-2021



CITY OF TRUTH OR CONSEQUENCES

AGENDA REQUEST FORM

MEETING DATE: May 12, 2021

Agenda Item #: C.2

SUBJECT: Proclamation naming Saturday, May 1st, 2021 as Miss Fiesta (McKenzie Luna) Day.

DEPARTMENT: City Clerk's Office

DATE SUBMITTED: May 7, 2021

SUBMITTED BY: Angela A. Torres, City Clerk-Treasurer

WHO WILL PRESENT THE ITEM: Mayor Whitehead

Summary/Background:

The Miss Fiesta Pageant is a long time honored tradition that has taken place in Truth or Consequences for many years. Due to the COVID-19 Pandemic we were not able to hold the Miss Fiesta Pageant or the Fiesta celebration last year. However, due to the decrease in numbers associated with COVID, and our County moving to turquoise, we were fortunate to proceed with this year's Miss Fiesta Pageant on Friday, April 16th, 2021.

This year's Miss Fiesta pageant winner was McKenzie Luna, 1st runner up was Kimberly Wilson, 2nd runner up and Miss Congeniality was Jordan Gurule, and 3rd runner up was Holly Asbell.

Today, we would like to honor our 2021 Miss Fiesta, with a proclamation that proclaims Saturday, May 1st, 2021 (the first day of Fiesta weekend) as Miss Fiesta (McKenzie Luna) Day.

Recommendation:

None. Presentation only

Attachments:

- Proclamation
[Click here to enter text.](#)

Fiscal Impact (Finance): N/A

[Click here to enter text.](#)

Legal Review (City Attorney): N/A

[Click here to enter text.](#)

Approved For Submittal By: ☐ Department Director

Reviewed by: ☒ City Clerk ☐ Finance ☐ Legal ☐ Other: [Click here to enter text.](#)

Final Approval: ☒ City Manager

CITY CLERK'S USE ONLY - COMMISSION ACTION TAKEN

Resolution No. [Click here to enter text.](#) Ordinance No. [Click here to enter text.](#)

Continued To: [Click here to enter a date.](#) Referred To: [Click here to enter text.](#)

☐ Approved ☐ Denied ☐ Other: [Click here to enter text.](#)

File Name: CC Agendas 5-12-2021

Proclamation

City of Truth or Consequences

Whereas, on April 16th, 2021, the Miss Fiesta Pageant was held at the Civic Center in Truth or Consequences; and

Whereas, at the conclusion of the pageant, McKenzie Luna was named Miss Fiesta; and

Whereas, for over 67 years the pageant was run by the Hot Springs Women's Club, and in 2017 it was taken over by the Rotary Club of Truth or Consequences, and has awarded many scholarships to contestants; and

Whereas, this young woman will represent Truth or Consequences and Sierra County at many events and occasions throughout her reign, giving generously of her time to promote Truth or Consequences and Sierra County; and

Whereas, Miss Luna has brought acknowledgment and acclamation to herself and her family with this achievement and is a source of enormous pride to the City Truth or Consequences, and Sierra County, just as every other Miss Fiesta has done.

Now, therefore, I, Sandra Whitehead, Mayor of the City of Truth or Consequences, New Mexico, do hereby declare the first day of Fiesta on Saturday, May 1st, 2021 as:

Miss Fiesta ~ McKenzie Luna Day

In the City of Truth or Consequences and encourage area citizens to applaud all of these young women contestants for their accomplishments, and to enjoy another Fiesta weekend.

Sandra Whitehead, Mayor

Angela A. Torres, City Clerk



CITY OF TRUTH OR CONSEQUENCES

AGENDA REQUEST FORM

MEETING DATE: May 12, 2021

Agenda Item #: F.1

SUBJECT: City Commission Regular Minutes, April 28, 2021
DEPARTMENT: City Clerk's Office
DATE SUBMITTED: May 7, 2021
SUBMITTED BY: Angela A. Torres, Clerk-Treasurer
WHO WILL PRESENT THE ITEM: City Clerk Torres

Summary/Background:

Minutes approval.

Recommendation:

Approve the minutes.

Attachments:

- CC Minutes

Fiscal Impact (Finance): N/A

\$0.00

Legal Review (City Attorney): N/A

None.

Approved For Submittal By: ☐ Department Director

Reviewed by: ☒ City Clerk ☐ Finance ☐ Legal ☐ Other: Click here to enter text.

Final Approval: ☒ City Manager

CITY CLERK'S USE ONLY - COMMISSION ACTION TAKEN

Resolution No. - Ordinance No. -

Continued To: - Referred To: -

☐ Approved ☐ Denied ☐ Other: -

File Name: CC Agendas 5-12-2021

**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.

CITY COMMISSION APRIL 28, 2021 REGULAR MEETING MINUTES

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, re-installed, 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.

DISC GOLF

*Recreation Attraction
for the City of TorC*



DISC GOLF 101

TYPICAL ROUND:

- 18 Holes / Baskets
 - 200-300' (varies by course)
 - Par 3 (varies by hole length)
- 60-90 Minutes
- Lowest Score Wins
 - Fewest Total Shots/Throws



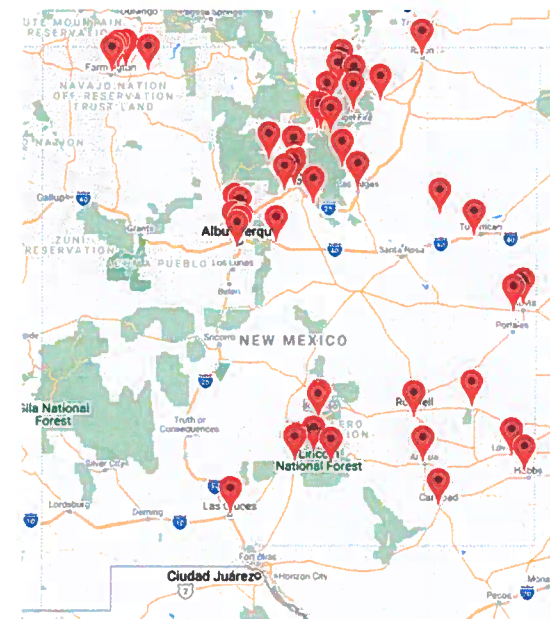
- Disc golf is played much like traditional golf. Instead of hitting a ball into a hole, you throw a disc into a metal basket.
- The goal is the same: to complete the course in the fewest number of shots

DISC GOLF COURSES IN NEW MEXICO

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

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

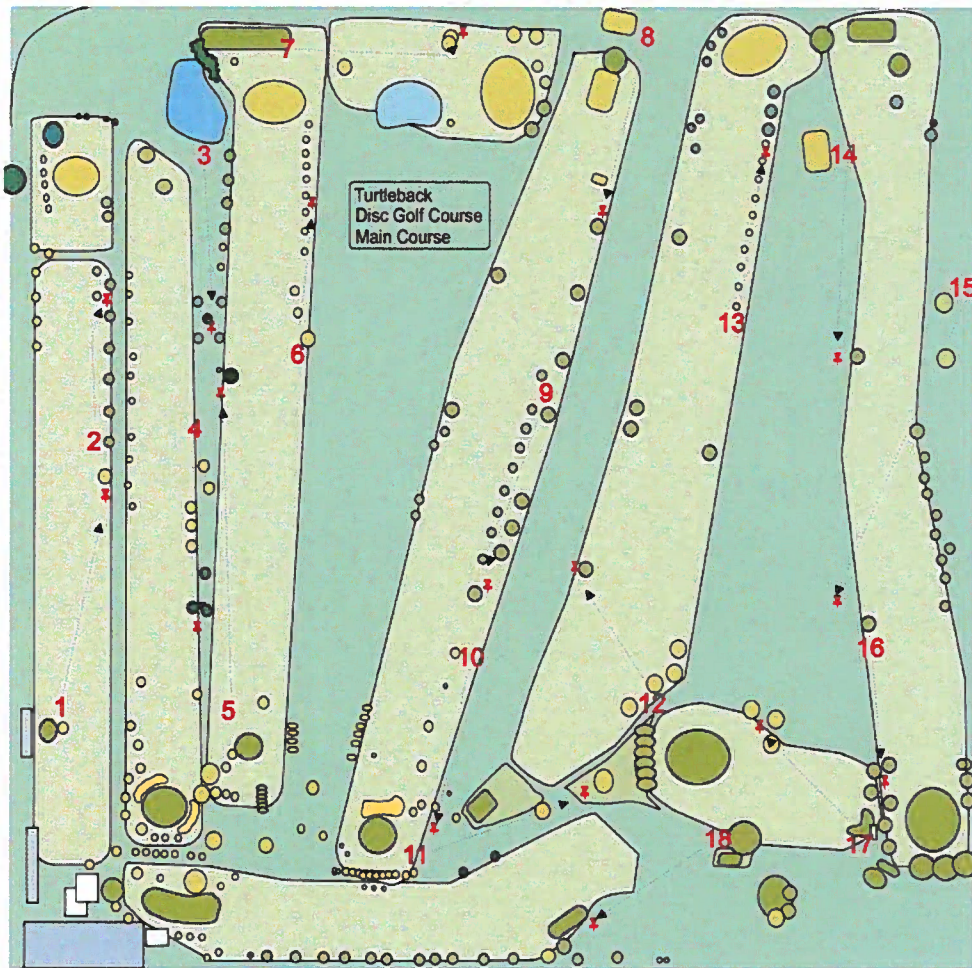




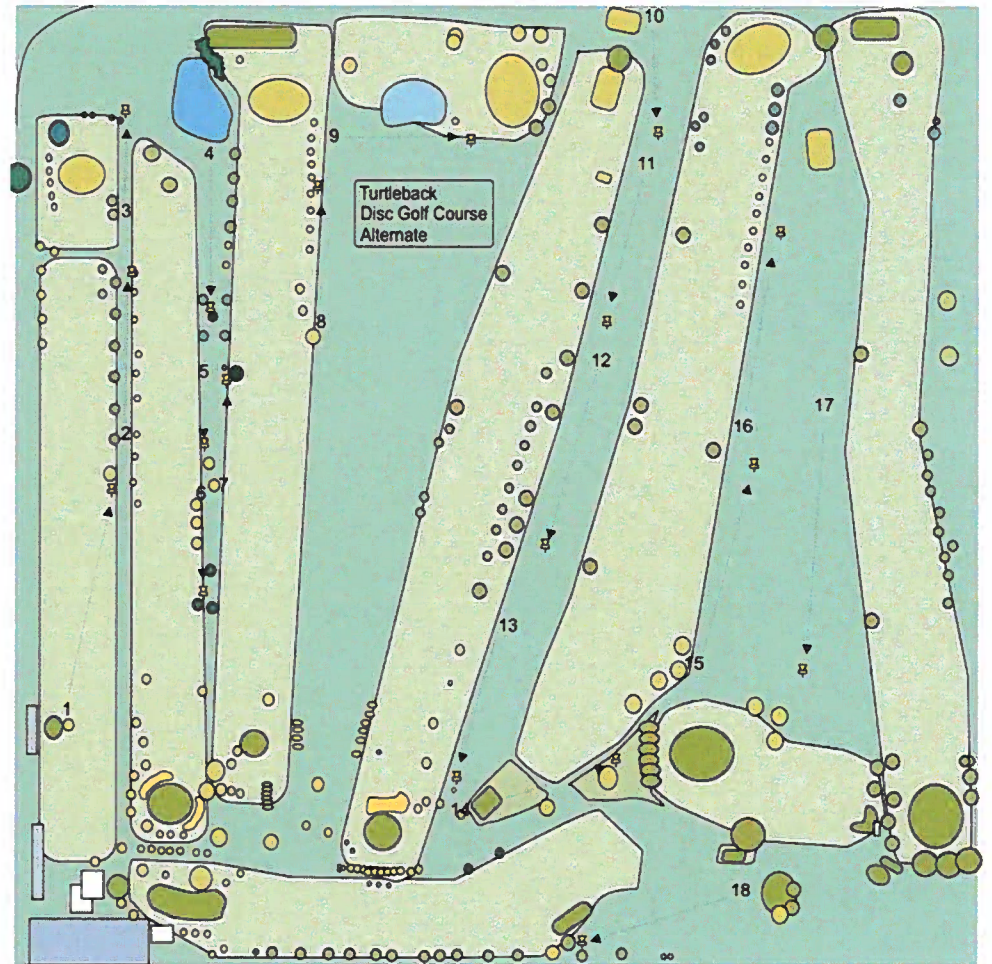
WHY DISC GOLF ON THE GOLF COURSE?

- 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. always 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.
- 12. fun, cheap, active sport -- social distance built in. good for all ages, genders.
- 13. Opportunity for fund-raisers, memorials, and benefit events

Primary Disc Golf Course



Alternate Disc Golf Course



SUCCESS STORIES FROM OTHER COMMUNITIES

Sherwood 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

FUN FACTS: DISC GOLF

- 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 oversight. 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 oversight 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

CITY COMMISSION APRIL 28, 2021 REGULAR MEETING MINUTES

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 Bohannon 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 COMMISSION APRIL 28, 2021 REGULAR MEETING MINUTES

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 12th day of May, 2021.

Sandra Whitehead, Mayor

ATTEST:

Angela A. Torres, CMC, City Clerk



CITY OF TRUTH OR CONSEQUENCES

AGENDA REQUEST FORM

MEETING DATE: May 12, 2021

Agenda Item #: F.2

SUBJECT: Acknowledge Regular Planning & Zoning Commission Minutes for April 5, 2021.

DEPARTMENT: City Clerk's Office

DATE SUBMITTED: May 7, 2021

SUBMITTED BY: Angela A. Torres, City Clerk-Treasurer

WHO WILL PRESENT THE ITEM: City Clerk Torres

Summary/Background:

Acknowledge Minutes.

Recommendation:

Acknowledge minutes.

Attachments:

Minutes

Fiscal Impact (Finance): N/A

\$0.00

Legal Review (City Attorney): N/A

None.

Approved For Submittal By: ☐ Department Director

Reviewed by: ☒ City Clerk ☐ Finance ☐ Legal ☐ Other: Click here to enter text.

Final Approval: ☒ City Manager

CITY CLERK'S USE ONLY - COMMISSION ACTION TAKEN

Resolution No. - Ordinance No. -

Continued To: - Referred To: -

☐ Approved ☐ Denied ☐ Other: -

File Name: CC Agendas 5-12-2021

**CITY OF TRUTH OR CONSEQUENCES
PLANNING & ZONING COMMISSION
MINUTES
MONDAY, APRIL 5, 2021**

REGULAR MEETING

Regular meeting of the Planning & Zoning Commission of the City of Truth or Consequences, New Mexico to be held in the City Commission Chambers, 405 W. Third, Truth or Consequences, New Mexico, on Monday, April 5, 2021 at 5:30pm.

CALL TO ORDER:

The meeting was called to order by Vice-Chairman Sisney.

ROLL CALL:

Chris Sisney, Vice-Chairman
James Bush, Member
Steven Zeschke, Member

ALSO PRESENT:

Traci Alvarez, Acting City Manager
Dawn C. Barclay, Deputy City Clerk

1. APPROVAL OF AGENDA:

Vice-Chairman Sisney made a motion to approve the agenda. Member Bush seconded. Motion carried unanimously.

2. APPROVAL OF MINUTES:

a. Regular meeting of Monday, February 1, 2021.

Member Bush made motion to approve minutes. Vice-Chairman Sisney seconded the motion. Motion carried unanimously.

3. COMMENTS FROM THE PUBLIC: (3 Minute Rule Applies)

No responses from the public.

4. RESPONSE TO COMMENTS FROM THE PUBLIC:

No responses were made to comments from the public.

5. NEW BUSINESS:

a. Discussion/Action: Recommendation of P&Z Application – Michael Hogg

Mr. Hogg was present at the meeting to answer any questions from the board. Member Zeschke asked how long he has been a resident, and inquired about his business background. Mr. Hogg replied, he has lived in T or C about 10 ½ years, and his background was mostly related to the field of business analysis, and at times he did some project management and counseling. Member Zeschke stated he had no objections to Mr. Hogg becoming a board member. Vice-Chairman Sisney had no questions at this time for Mr. Hogg. Member Bush stated he had reviewed the resume, and had no questions or problems with Mr. Hogg becoming a board member and recommended the board accept Mr. Hogg as a new board member.

Member Bush made a motion to recommend the appointment of Mr. Hogg as a new board member. Member Zeschke seconded the motion. Motion carried unanimously.

Acting City Manager, Traci Alvarez advised the board, this decision must now go to the City Commission for final approval.

6. COMMENTS FROM THE PLANNING & ZONING COMMISSION:

Member Zeschke reiterated Mr. Hogg's acceptance process, and asked about the voting of a new Chairman and Vice-Chairman. Deputy Clerk Barclay responded with confirmation that the City Commission will go through their review process for Mr. Hogg. If approval is granted, the board can then add Mr. Hogg to the election process.

7. COMMENTS FROM STAFF:

No comments from the staff.

8. ADJOURNMENT:

There being no further business to come before the Planning & Zoning Commission.

Vice-Chairman Sisney moved to adjourn meeting. Member Zeschke seconded the motion. Motion carried unanimously.

PASSED AND APPROVED ON THIS 3th DAY OF MAY 2021.


Chris Sisney, Vice-Chairman
Planning & Zoning Commission



CITY OF TRUTH OR CONSEQUENCES

AGENDA REQUEST FORM

MEETING DATE: May 12, 2021

Agenda Item #: F.3

SUBJECT: Acknowledge Regular Library Advisory Board Minutes for April 26, 2021.

DEPARTMENT: City Clerk's Office

DATE SUBMITTED: May 7, 2021

SUBMITTED BY: Angela A. Torres, City Clerk-Treasurer

WHO WILL PRESENT THE ITEM: City Clerk Torres

Summary/Background:

Acknowledge Minutes.

Recommendation:

Acknowledge minutes.

Attachments:

Minutes

Fiscal Impact (Finance): N/A

\$0.00

Legal Review (City Attorney): N/A

None.

Approved For Submittal By: ☐ Department Director

Reviewed by: ☒ City Clerk ☐ Finance ☐ Legal ☐ Other: Click here to enter text.

Final Approval: ☒ City Manager

CITY CLERK'S USE ONLY - COMMISSION ACTION TAKEN

Resolution No. - Ordinance No. -

Continued To: - Referred To: -

☐ Approved ☐ Denied ☐ Other: -

File Name: CC Agendas 5-12-2021

Minutes of the Library Advisory Board Meeting, Monday, April 26, 2021

The meeting was called to order at 5:30 p.m. by Vice Chairman Michael Bankson. A quorum being present, it was decided that the meeting should proceed.

Present were: Vice Chairman Michael Bankson, Board Members Angie Torres and Bonnye Warwick, and Library Director Pat O'Hanlon. Board Member Terie Hafner is out of town, and is excused.

(Note 1. In light of the fact that this is the first meeting of the board that Vice Chair Michael Bankson has been able to attend since his approved term expired [June 30, 2020 -- the board has only met once since that date, and Mr. Bankson was not able to attend], he has asked that the board request approval from the City Commission to extend his appointment to June 30, 2023, which would have been the length of his term if COVID had not disrupted the workings of the board. It was not, at any time, his intention to resign as Vice Chairman or as a member of the board).

The agenda for the meeting was approved; motion to approve made by Bonnye Warwick and seconded by Michael Bankson. The minutes of the August 2020 regular meeting were approved as read, motion to approve made by Angie Torres and seconded by Bonnie Warwick. The affirmative votes on both motions were unanimous.

(Note 2. August 2020 was the one regular meeting held during the COVID-19 shutdown. Today [April 26, 2021] is the first regular meeting since the shutdown.)

COMMENTS FROM THE PUBLIC:

- None.

REPORTS:

- Board members: Nothing to report at this time.
- Library Foundation: The current value shown on the March 26, 2021 statement is \$23,186.04.
- Friends of the Library: Nothing to report at this time.
- Director's report: As part of the City's recent re-organization, the Library is now a part of The Department of Community Services, Orrin J. Hechler, Director. Pat O'Hanlon will remain in place as Library Director.

OLD/UNFINISHED BUSINESS:

NEW BUSINESS:

- 1) The Library Director is instructed to send a letter to the City Commission, requesting the above-explained changes to Vice Chairman Michael Bankson's term of office, extending the end-of-term to June 30, 2023.
- 2) Board Member Angela D. Torres is elected to the position of Chairman of the Library Advisory Board. This term of office will expire June 30, 2022.
- 3) Having reviewed two (2) applications for the remaining vacancy on the Library Advisory Board, the Board instructs the Library Director to send a letter to the City Commission requesting their approval for the appointment of Mr. Brendan Tolley to the vacant seat. This term will expire June 30, 2023.

There being no further business to come before the Board, the motion to adjourn was made by Michael Bankson, and was seconded by Angie Torres. The motion was unanimously approved. The meeting was adjourned at 5:46 p.m. The Board's next regular meeting is scheduled for Monday, June 28, 2021.

Respectfully submitted,

Michael Bankson, Vice Chairman
Pat O'Hanlon, Library Director



CITY OF TRUTH OR CONSEQUENCES

AGENDA REQUEST FORM

MEETING DATE: May 12, 2021

Agenda Item #: F.4

SUBJECT: Subrecipient FY 20/21 3rd Quarter Reports

DEPARTMENT: City Manager's Office

DATE SUBMITTED: May 3, 2021

SUBMITTED BY: Tammy Gardner, Executive Assistant

WHO WILL PRESENT THE ITEM: Bruce Swingle, City Manager

Summary/Background:

Contract requires that recipients of Subrecipient funding submit a quarterly report to the City by the 15th of the month following the quarter.

Recommendation:

Accept the 3rd Quarter Reports

Attachments:

- Checklist
- Reports
- Invoices

[Click here to enter text.](#)

Fiscal Impact (Finance): N/A

\$0.00

Legal Review (City Attorney): N/A

None.

Approved For Submittal By: ☒ Department Director

Reviewed by: ☐ City Clerk ☐ Finance ☐ Legal ☐ Other: [Click here to enter text.](#)

Final Approval: ☒ City Manager

CITY CLERK'S USE ONLY - COMMISSION ACTION TAKEN

Resolution No. . Ordinance No. .

Continued To: . Referred To: .

☐ Approved ☐ Denied ☐ Other: .

File Name: CC Agendas 5-12-2021

SUBRECIPIENT QUARTERLY REPORTS**FISCAL YEAR: 2020/21**

Updated: 04/30/21

Reports are due by the 15th of the month following the quarter.

Exception: 4Q report due 06/04/2021

Exception: 4Q report due 06/04/2021

NAME OF ORGANIZATION	ALLOTMENT	1ST QTR. REPORT		2ND QTR. REPORT		3RD QTR. REPORT		4TH QTR. REPORT	
		YES	NO	YES	NO	YES	NO	YES	NO
(SUBRECIPIENT FUNDS)									
Companion Animal Action Team/CAAT Majie Powey 740-0421	\$2,500.00	X	9/1	X	1/6	X	4/6		
Domestic Abuse Intervention Center Blanca Chavez 894-3557	\$2,500.00	X	10/9	X	1/7	X	4/12		
Matthew 25 Food Pantry Dawn Jensen 847-785-9498	\$7,860.00	X	10/2	X	1/4	X	4/1		
SJOA / Sierra Joint Office on Aging Joe McClintock, Susan Penner 894-6641	\$50,000.00	X	10/21	X	1/5	X	4/8		
The Club of Sierra County Rebecca Dow 575-571-1056	\$20,000.00	X	10/6	X	1/4	X	3/31		

(OTHER FUNDS)

Geronimo Springs Museum Marilyn Pope 894-6600	\$5,000.00	X	9/28	X	1/4	X	4/5		
Geronimo Trail Scenic Byway LaRena Miller 894-2255	\$5,000.00	X	10/13	X	1/11	X	4/12		
MainStreet Truth or Consequences Linda DeMarino 740-6180	\$45,000.00	X	9/29	X	1/4	X	4/9		

1st Quarter: JUL, AUG, SEP

2nd Quarter: OCT, NOV, DEC

3rd Quarter: JAN, FEB, MAR

4th Quarter: APR, MAY, JUN

Copies to City Mgr. & Commission

Copies to City Mgr. & Commission

Copies to City Mgr. & Commission

Copies to City Mgr. & Commission

COMPANION ANIMAL ACTION TEAM
PO BOX 512
WILLIAMSBURG, NM 87942



SUBRECIPIENT GRANT
FY 2020/21
(3rd) QUARTER INVOICE

Date of Invoice: 4/2/2021

TM

Invoice Amount: \$ 625.00

Submit To: *City of Truth or Consequences*
ATTN: City Clerk's Office
505 Sims Street
Truth or Consequences, NM 87901

Allocation Amount: \$2500.00

Quarter Draw: \$625.00

Please send payment to: *COMPANION ANIMAL ACTION TEAM*
PO BOX 512
WILLIAMSBURG, NM 87942

Thank you,

Majorie E Powey
Signature of Authorized Representative
MAJORIE E POWEY
575-740-0421

SUB-RECIPIENT QUARTERLY REPORT

FY: 2020-21

ORGANIZATION: COMPANION ANIMAL ACTION TEAM

ALLOCATION: \$2,500.00

(FY Allotment, Not Qtr. Draw)

QUARTER: 3RD

(1st/2nd/3rd/4th)

17

(Please confine your report to a one-page "narrative" for each quarter.)

CAAT held five clinics in the first quarter of 2021(3rd quarter for this grant). Clinics were held on January 11, January 25, February 23, March 1 and March 22. We spayed 43 female cats, neutered 26 male cat, spayed 35 female dogs and neutered 21 male dogs for a total of 125 animals. In many cases we pay for vaccinations if people cannot afford them.

We work hard to maintain Covid safe practices limiting staff to 3 or 4 people and only allowing people in the building to help crate aggressive or frightened dogs. Everyone is masked all the time unless they are eating or drinking and that occurs outside. Gradually staff are getting vaccinated.

We appreciate the support from the city. This year we are trying to hold more clinics. This is not possible without grants. Client fees only cover about 40% of what Dr. Starr charges.

I am including two invoices if you need all 5 please let me know.

SUBMITTED BY: Majorie E Powey

TYPED NAME

Majorie E Powey

SIGNATURE

DATED: 04/06/21

Rev. 5/2013

INVOICE

PNH Mobile 2

3233 N. Mesa St Suite 210
El Paso, TX 79902
915-584-4491

"A Healthy Pet is a Happy Pet"

FOR: T or C CAAT
PO BOX 204
Williamsburg, NM

Printed: 01-11-21 at 3:22p
Date: 01-11-21
Account: 15892
Invoice: (open)

Date	For	Qty	Description	Price	Discount	Net Price
Services by Amy Starr, DVM PS						
01-11-21	2021/01/11	224	PNH-M Milleage (S/N Clinic) per mil			712.32
01-11-21		1	S/N Clinic Day			1500.00
01-11-21		25	PNH-M Presurgery Intake Exam	375.00	375.00	0.00 **
01-11-21		3	Feline Castration	165.00	165.00	0.00 **
01-11-21		10	Feline Ovariohistorectomy	750.00	750.00	0.00 **
01-11-21		9	Canine Ovariohisterectomy	1080.00	1080.00	0.00 **
01-11-21		3	Canine Castration	300.00	300.00	0.00 **
01-11-21		137	PNH2 Tramadol Tablet 50mg (1000			0.00
01-11-21		22.40	PNH2 Ketamine-Xylazine Comb Inj			0.00
01-11-21		2.50	PNH-M Metacam/Loxi Inj 5mg/m (1	50.50	18.00	32.50 **
01-11-21		2	PNH-M Microchip Administration*			75.76

A HomeAgain microchip is a permanent pet ID. The microchip itself has no internal energy source, so it will last the life of your pet. It is read by passing a microchip scanner over the pet's shoulder blades. The scanner emits a low radio frequency that provides the power necessary where the chip is located to transmit the microchip's unique cat or dog ID code and positively identify the pet.

Microchips are designed to last your pet's entire lifetime. Once enrolled, they link to a permanent record of your information - which is important to keep up-to-date so you can be reached when your lost pet is found. Your microchip comes with a personal listing in our lost pet database, and this translates to anytime/anywhere pet recovery services.

HomeAgain Lost Pet Alerts contain your pet's microchip number and physical description as well as information on where your pet was last seen. You may also create a Lost Pet Poster with a recent photo of your pet to be distributed along with the Lost Pet Alerts. You can print out dozens of lost cat or lost dog posters and post them around the neighborhood where your pet was last seen.

Virtually all veterinary clinics and animal shelters across the country are equipped with scanners that can read your pet's microchip. HomeAgain members can breathe a little easier knowing their lost cat or dog can be identified whether he's 3 or 3,000 miles away from home.

A pet emergency can strike outside of your primary veterinarian's office hours or far from home. Unless you are a trained professional, it can be hard to know what you should and shouldn't do to help your dog or cat. Your annual HomeAgain membership includes free, anytime telephone assistance provided by licensed ASPCA veterinarians-- a \$65 value per call. Whenever disaster strikes, call 888-HomeAgain to reach our pet Emergency Medical Hotline and get potentially life-saving advice when you need it most.

Your HomeAgain membership offers complete pet protection for lost and found pets. When your lost cat or dog has traveled over 500 miles away, we will cover up to \$500 to fly your pet home. From the moment we send out your Lost Pet Alert until your found pet arrives home, the safety of your cat or dog is our top priority.

HomeAgain microchips include a life long registration. HomeAgain membership is included only for the first year your pet is micro chipped. After the first year, HomeAgain will contact you to verify if you would like to continue membership at an additional cost. Membership is not necessary for your pet's microchip registration. Membership benefits include 24/7 access to the Emergency Medical Hotline, Travel Assistance for Found Pets, Rapid Lost Pet Alerts and Lost Pet Posters.

01-11-21	1 PNH-H Antech PCR Canine Upper	176.00	26.00	150.00 **
01-11-21	1 PNH-M Otitis Externa Prevention/m	21.00	11.00	10.00 **

Services by

01-11-21	#1492	Check payment	-2486.83
----------	-------	---------------	----------

Old balance	Charges	Tax	Payments	Discount	New balance
0.00	2480.58	*6.25	2486.83	2725.00 **	0.00

Your invoice total reflects our **Client Class 1** discount.

Reminders for: 2021/01/11		Last done
01-11-22	MVC Exam W/Vaccines	01-11-21
03-08-21	PNH-H 1st Feline FVRCP	

Thank you for letting us care for your pet(s)! Refer a new client and get \$20 off your next visit.

We will not process any type of credit card transaction without proper form of card holder's I.D. present.

We do not give refunds or reimbursements for professional services rendered, deposits on surgeries/major procedures or inventory items that have left the facility. Further charges such as lab tests, radiology, hospitalization, anesthesia and pharmacy items not posted at the time of discharge may be billed later. We do require a 24 hour advanced notice on all/any cancellations. \$25 cancellation fee will be charged on all No show less than 24 hours notice and surgery deposits will be forfeited.

We appreciate your understanding.

The FREE New Pet Preventative Care Exam is a one time use only promotion. If you have received this discount during your visit please note that you will be charged at your next visit for an exam.

Also, check out our website (www.paws-n-hoovesvetclinic.com), online pharmacy, Facebook, YouTube, Pinterest, SnapChat and LinkedIn!

Do you have additional questions? Call us at Paws N' Hooves Mobile Veterinary Services (915) 490-4849 or Mesa Veterinary Clinic (915) 584-4491.

PNH Mobile 2

3233 N. Mesa St Suite 210
 El Paso, TX 79902
 915-584-4491

INVOICE

"A Healthy Pet is a Happy Pet"

FOR: T or C CAAT
 PO BOX 204
 Williamsburg, NM

Printed: 02-23-21 at 3:08p
Date: 02-23-21
Account: 15892
Invoice: (open)

Date	For	Qty	Description	Price	Discount	Net Price
Services by Amy Starr, DVM PS						
02-23-21	2021/02/23	224	PNH-M Milleage (S/N Clinic) per mil			712.32
02-23-21		1	S/N Clinic Day			1500.00
02-23-21		25	PNH-M Presurgery Intake Exam	375.00	375.00	0.00 **
02-23-21		8	Feline Castration	440.00	440.00	0.00 **
02-23-21		6	Feline Ovariohistorectomy	450.00	450.00	0.00 **
02-23-21		4	Canine Castratio	400.00	400.00	0.00 **
02-23-21		7	Canine Ovariohistorectomy	770.00	770.00	0.00 **
02-23-21		23.30	PNH2 Ketamine-Xylazine Comb Inj			0.00
02-23-21		101	PNH-M2 Tramadol Tablet 50mg (1			0.00
02-23-21		2.80	PNH-M2 Metacam/Loxi Inj 5mg/m (55.00	20.00	35.00 **
02-23-21		22	PNH2 Rabies 3yr Vaccine (10ml)			308.00
02-23-21		13	PNH2 Feline FVRCP Vaccine (1ml)			117.00
02-23-21		7	PNH2 K9 DAPP Inventory (1ml)			63.00
02-23-21		1	PNH-M Microchip Administration*			37.88

A HomeAgain microchip is a permanent pet ID. The microchip itself has no internal energy source, so it will last the life of your pet. It is read by passing a microchip scanner over the pet's shoulder blades. The scanner emits a low radio frequency that provides the power necessary where the chip is located to transmit the microchip's unique cat or dog ID code and positively identify the pet.

Microchips are designed to last your pet's entire lifetime. Once enrolled, they link to a permanent record of your information - which is important to keep up-to-date so you can be reached when your lost pet is found. Your microchip comes with a personal listing in our lost pet database, and this translates to anytime/anywhere pet recovery services.

HomeAgain Lost Pet Alerts contain your pet's microchip number and physical description as well as information on where your pet was last seen. You may also create a Lost Pet Poster with a recent photo of your pet to be distributed along with the Lost Pet Alerts. You can print out dozens of lost cat or lost dog posters and post them around the neighborhood where your pet was last seen.

Virtually all veterinary clinics and animal shelters across the country are equipped with scanners that can read your pet's microchip. HomeAgain members can breathe a little easier knowing their lost cat or dog can be identified whether he's 3 or 3,000 miles away from home.

A pet emergency can strike outside of your primary veterinarian's office hours or far from home. Unless you are a trained professional, it can be hard to know what you should and shouldn't do to help your dog or cat. Your annual HomeAgain membership includes free, anytime telephone assistance provided by licensed

ASPCA veterinarians-- a \$65 value per call. Whenever disaster strikes, call 888-HomeAgain to reach our pet Emergency Medical Hotline and get potentially life-saving advice when you need it most.

Your HomeAgain membership offers complete pet protection for lost and found pets. When your lost cat or dog has traveled over 500 miles away, we will cover up to \$500 to fly your pet home. From the moment we send out your Lost Pet Alert until your found pet arrives home, the safety of your cat or dog is our top priority.

HomeAgain microchips include a life long registration. HomeAgain membership is included only for the first year your pet in micro chipped. After the first year, HomeAgain will contact you to verify if you would like to continue membership at an additional cost. Membership is not necessary for your pet's microchip registration. Membership benefits include 27/7 access to the Emergency Medical Hotline, Travel Assistance for Found Pets, Rapid Lost Pet Alerts and Lost Pet Posters.

Services by

02-23-21	#1495	Check payment				-2776.33
Old balance	Charges	Tax	Payments	Discount	New balance	
0.00	2773.20	*3.13	2776.33	2455.00 **	0.00	

Your invoice total reflects our **Client Class 1** discount.

Reminders for: 2021/02/23		Last done
02-23-22	MVC Exam W/Vaccines	02-23-21

Thank you for letting us care for your pet(s)! Refer a new client and get \$20 off your next visit.

We will not process any type of credit card transaction without proper form of card holder's I.D. present.

We do not give refunds or reimbursements for professional services rendered, deposits on surgeries/major procedures or inventory items that have left the facility. Further charges such as lab tests, radiology, hospitalization, anesthesia and pharmacy items not posted at the time of discharge may be billed later. We do require a 24 hour advanced notice on all/any cancellations. \$25 cancellation fee will be charged on all No show less than 24 hours notice and surgery deposits will be forfeited.

We appreciate your understanding.

Also, check out our website (www.paws-n-hoovesvetclinic.com), online pharmacy, Facebook, YouTube, Pinterest, SnapChat and LinkedIn!

Do you have additional questions? Call us at Paws N' Hooves Mobile Veterinary Services (915) 490-4849 or Mesa Veterinary Clinic (915) 584-4491.

RECEIVED APR 12 2021

TH

Domestic Abuse Intervention Center
P.O. Box 1711
Truth or Consequences, NM 87901

SUBRECIPIENT GRANT
FY 2020/21
3rd QUARTER INVOICE

Date of Invoice: April 6, 2021

Invoice Amount: \$625.00

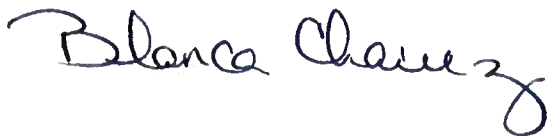
Submit To: *City of Truth or Consequences*
ATTN: City Manager's Office
505 Sims Street
Truth or Consequences, NM 87901

Allocation Amount: \$2500.00

Quarter Draw: \$625.00

Please send payment to: *Domestic Abuse Intervention Center*
P.O. Box 1711
Truth or Consequences, NM 87901

Thank you,



Blanca Chavez
575-894-3557

Domestic Abuse Intervention Center

1000 E. Main Street, Suite 100, Truth or Consequences, NM 87901

RECEIVED APR 12 2021

SUB-RECIPIENT QUARTERLY REPORTFY: 2020-21 ^{7h}ORGANIZATION: Domestic Abuse Intervention CenterALLOCATION: \$2,500.00QUARTER: 3rd

(FY Allotment, Not Qtr. Draw)

(1st/2nd/3rd/4th)

(Please confine your report to a one-page "narrative" for each quarter.)

Statistical Information:		Years	Victimization	Referral	
Female- 30	Anglo-24	18-21- 1	Emotional - 25	Police- 5	Sherriff-
Male- 6	Hispanic-9	22-40- 16	Physical -28	Hospital-	Self-Referral-19
	Other- 3	41-59-12	Sexual- 4	Courts- 5	Friends-1
		60-74- 6	Stalking- 1	Family- 4	Other- 1
		Unknown - 1		CYFD-1	

Type of Contact:	Volunteer Hours: Total- 1664.5
Orders of Protection- 6	Cell Phone- 1656
Individual Support Sessions- 71	Adminstrate- 0
Group - 120	Crisis -
Victim Advocacy - 43.75	Office-
Crisis Intervention - 22	Direct Client Contact (crisis)- 8.5
Shelter - 0	Transportation- 0
Food - 0	
Legal Advocacy -8	
Case Management -66	
DVOTI Individual Sessions -3	

January -	February -	March-
\$242.06	\$242.98	\$139.96
Total -\$625.00		

SUBMITTED BY: Blanca Chavez

TYPED NAME

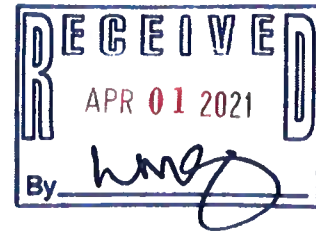
1 Blanca Chavez

SIGNATURE

DATED: 4-6-2021

Rev. 5/2013

Matthew 25 Food Pantry, Inc.
405 Austin Street
Truth or Consequences, NM 87901



Th

SUBRECIPIENT GRANT
FY 2020/21
Third QUARTER INVOICE

Date of Invoice: ***April 1, 2021***

Invoice Amount: ***\$1,965.00***

Submit To: *City of Truth or Consequences*
ATTN: City Clerk's Office
505 Sims Street
Truth or Consequences, NM 87901

Allocation Amount: ***\$7,860.00***

Quarter Draw: ***\$1,965.00***

Please send payment to: **Matthew 25 Food Pantry**
P.O. Box 3722
Truth or Consequences, NM 87901

Thank you,


Michael Hogg, Financial Officer
Phone No. ***575-740-2223***

SUB-RECIPIENT QUARTERLY REPORTFY: **2020-21**ORGANIZATION: **Matthew 25 Food Pantry, Inc.**ALLOCATION: **\$7,860.00**QUARTER: **3rd Qtr**

(FY Allotment, Not Qtr. Draw)

(1st/2nd/3rd/4th)

(Please confine your report to a one-page "narrative" for each quarter.)

Primary Purpose

Matthew 25 Food Pantry's mission is to serve the community's impoverished and underprivileged. Food distribution is our paramount objective. This assistance is available to those who qualify without discrimination based on age, race, color, sex, religion, national origin, disability, or sexual orientation.

COVID-19 Procedures

Matthew 25 changed its procedure for distributing food baskets to walk-ins due to the coronavirus. There is no face-to-face interaction less than 6 feet apart between Matthew 25 volunteers and the food pantry clients. The Matthew 25 volunteers always wear face masks.

Food Distribution Performance

In the 3rd quarter, food baskets were delivered to 872 households consisting of 1,941 individuals. No food baskets have been delivered to Public Housing during the Covid-19 pandemic. Based on first removing the Public Housing food baskets distribution from the previous 3rd quarter then comparing the 2020 / 2021 3rd quarter to the 2019 / 2020 3rd quarter:

- the total number of households receiving food baskets is down 26.3%;
- the total number of individuals receiving food baskets is down 21.4%, however the total number of children receiving food baskets is down 28.6%.

For the past 4 quarters, each quarter the average number of households receiving food baskets has successively decreased by 10.7%, and the average number of individuals has decreased by 12.5%.

With the COVID-119 vaccine roll-out, Matthew 25's food distribution volume should start returning to normal historical averages. When Public Housing resumes their food basket delivery, it will add each quarter approximately 410 households with 440 individuals, 67% of which are seniors.

Appendix 1 - Household Food Basket Distribution**Financial Performance**

Matthew 25's budget is based on all financial items being evenly averaged on a monthly basis, regardless of seasonality or one time annual financial activity.

Matthew 25 had a \$8,464.18 profit in the 3rd quarter, against a budgeted profit of \$267.51. Private donations were \$8,235.13, 44.5% above budget. Additionally food expense, the largest expense line item is \$10,063.54 or 83% below budget, due to the large amount of food donations.

Appendix 2 provides an overview of Matthew 25's 3rd quarter financial performance and the 2020/2021 full grant year budget.

Volunteer Contribution

Matthew 25 is an all volunteer organization, approximately 16 individuals volunteer each week. Some for as much as 20 to 25 hours a week, many for 2 to 3 hours a week. Volunteers pay their own out-of-pocket expenses.

SUBMITTED BY: **Michael Hogg**

TYPED NAME


SIGNATUREDATED: **April 1, 2021**

Rev. 5/2013

Appendix 1: Matthew 25 - 3rd Quarter HH Food Basket Distribution

Date	Households	Seniors	Adults	Children	Ind Totals
January					
01/07/21	100	67	100	56	223
01/14/21	83	44	109	83	236
01/21/21	66	40	58	24	122
01/28/21	58	39	57	29	125
Walk-ins					0
Senior Housing			Closed Due to Coronavirus		
Total	307	190	324	192	706
February					
02/04/21	91	55	103	82	240
02/11/21	69	39	79	61	179
02/18/21	68	41	67	35	143
02/25/21	58	43	47	20	110
Walk-ins					
Senior Housing			Closed Due to Coronavirus		0
Total	286	178	296	198	672
March					
03/04/21	53	39	44	28	111
03/11/21	79	43	82	31	156
03/12/21	46	29	47	17	93
03/18/21	46	32	38	19	89
03/25/21					
Walk-ins	55	42	50	22	114
Senior Housing			Closed Due to Coronavirus		
Total	279	185	261	117	563
2020 / 2021 Year Totals					
1st Qtr Totals	1,082	661	1,236	941	2,838
2nd Qtr Totals	914	529	1,012	563	2,104
3rd Qtr Totals	872	553	881	507	1,941
4th Qtr Totals					0
YTD Totals	2,868	1,743	3,129	2,011	6,883

Appendix 2: Matthew 25 - 3rd Quarter Financial Performance

	January	February	March	3 rd Qtr
Revenue				
Contributions	\$2,420.00	\$2,540.63	\$3,274.50	\$8,235.13
Grant Income	\$1,965.00	\$0.00		\$1,965.00
Bullock's Receipt		\$376.28		\$376.28
Reimbursement				
Miscellaneous	\$564.50	\$6.81		\$571.31
Total	\$4,949.50	\$2,923.72	\$3,274.50	\$11,147.72
Expense				
Food	\$162.28	\$62.30		\$224.58
Rent	\$0.00	\$600.00	\$600.00	\$1,200.00
Utilities	\$263.16	\$451.94	\$370.46	\$1,085.56
Insurance	\$0.00	\$0.00		\$0.00
Professional Service:	\$0.00	\$39.06		\$39.06
Miscellaneous	\$91.95	\$5.39	\$37.00	\$134.34
Total	\$517.39	\$1,158.69	\$1,007.46	\$2,683.54
Net Income	\$4,432.11	\$1,765.03	\$2,267.04	\$8,464.18

	YTD	YTD Variance (based on 9 Mths)	2020/2021 Budget	
			Annual	Monthly Avg
Revenue				
Contributions	\$22,923.15	34.05%	\$22,800	\$1,900
Grant Income	\$15,680.00	135.97%	\$8,860	\$738
Bullock's Receipt	\$803.86	-44.18%	\$1,920	\$160
Reimbursement				
Miscellaneous	\$622.49	-7.78%	\$900	\$75
Total	\$40,029.50	54.79%	\$34,480	\$2,873
Expense				
Food	\$2,086.46	-82.83%	\$16,200	\$1,350
Rent	\$5,400.00	0.00%	\$7,200	\$600
Utilities	\$4,323.08	-13.45%	\$6,660	\$555
Professional Service:	\$539.10	-46.76%	\$1,350	\$113
Insurance	\$1,235.00	17.62%	\$1,400	\$117
Miscellaneous	\$16,692.46	3609.44%	\$600	\$50
Total	\$30,276.10	20.83%	\$33,410	\$2,784
Net Income	\$9,753.40	1215.38%	\$1,070.00	\$89.17

Matthew 25 Food Pantry Uses Cash Basis Accounting

RECEIVED APR 08 2021

Sierra Joint Office on Aging

360 W. 4th St.

Truth or consequences, NM 87901

SUBRECIPIENT GRANT

FY 2020/21

3rd QUARTER INVOICE

Date of Invoice: 4/6/2021

Invoice Amount: \$12,500.00

12a

Submit To: *City of Truth or Consequences*

ATTN: City Clerk's Office

505 Sims Street

Truth or Consequences, NM 87901

Allocation Amount: \$50,000.00

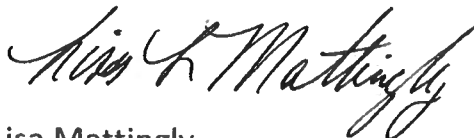
Quarter Draw: \$12,500.00

Please send payment to: *Sierra Joint Office on Aging*

360 W 4th St.

Truth or Consequences, NM 87901

Thank you,



Lisa Mattingly

575-894-6641

RECEIVED APR 08 2021

Sierra Joint Office on Aging

SUBRECIPIENT QUARTERLY REPORT

(Report is due by the 15th of the month following the quarter.)

FY: 2020/2021

ORGANIZATION: Sierra Joint Office on Aging

ALLOCATION: \$50,000.00

QTR DRAW: \$12,500.00

QUARTER: 3rd

(FY Allotment, Not Qtr. Draw)

(1st/2nd/3rd/4th)

(Please detail the progress made in providing the services each quarter.)

14,246 Meals served in the drive-thru for the months of October through December

5373 Meals delivered to Homebound seniors

**** 2109 Transportation (Rides)/local. Las Cruces rides have been temporarily suspended*

Assisted Transportation - 9 Units

****** 506.75 hrs. Homemaking services provided*

****** 11.50 hours provided for Respite.*

We are serving an increased number of meals during this time but we had to limit some transportation services due to COVID-19. We have also repurposed several employees such as the Homemakers to the task of "Well check" calls to ensure the seniors of T or C have food and other items, such as toilet paper, they need but are unable to get during this time.

****** Due to direction given by the Aging and Long Term Services Division (ALTSD), we have limited Homemaking and Respite services for the safety and well-being of our homemakers as well as the seniors in our community.*

We are also assisting seniors who might be having trouble signing up for the COVID vaccines on the NMDOH website.

SUBMITTED BY: _____

Lisa Mattingly

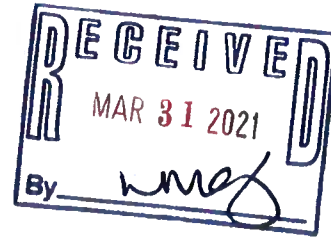
TYPED NAME

DATED: 04/06/21

SIGNATURE

Rev. 5/2014

The Club
122 North Broadway St.,
T or C, NM 87901



SUBRECIPIENT GRANT
FY 2020/21
3rd QUARTER INVOICE

Date of Invoice: 3/31/2021

Invoice Amount: \$5,000

A handwritten signature, possibly "wmes", written in black ink.

Submit To: *City of Truth or Consequences*
ATTN: *City Clerk's Office*
505 Sims Street
Truth or Consequences, NM 87901

Allocation Amount: \$20,000

Quarter Draw: \$5,000

Please send payment to: *The Club*
1300 S. Broadway St.
T or C, NM 87901

Thank you,

A large, stylized handwritten signature in black ink, likely belonging to Charis Baxter.

Charis Baxter
575-888-0174

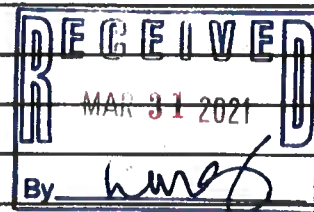
SUB-RECIPIENT QUARTERLY REPORTFY: 2020-21ORGANIZATION: The Club of Sierra CountyALLOCATION: \$20,000.00QUARTER: 3rd

(FY Allotment, Not Qtr. Draw)

(1st/2nd/3rd/4th)

(Please confine your report to a one-page "narrative" for each quarter.)

During our 3rd quarter The Club provided evidence based programming to youth for a minimum of 21 hours a week. Due to COVID our class sizes varied based on social distancing requirements our highest mentor to youth ratio during this quarter was 1:10. We provided Club scholarships to all youth who needed assistance. We provided transportation to youth from AppleTree and the schools. As well as extended day programming. The Club provided healthy snacks for all youth who attended programming. The Club provided supplies for educational and recreational activities such as but not limited to Cooking classes, STEM, Music, Art and Service Learning. The Club provided access to the computer lab during and outside of our normal hours for youth who needed access to internet for school. The Club provided Tutoring and Homework Help on a daily basis and offered flexible hours based on what the families in our community requested. We provided a safe and clean environment to youth. We provided trainings to staff and volunteers on proper reporting and incorporating STEM practices into all lessons. We also offered free karate classes over zoom for all youth in Sierra County to take part in. Youth started a entrepreneurship class so they can sell youth made items to the community to raise money to go towards items or causes of their choice.



SUBMITTED BY: _____

Charis Baxter

TYPED NAME

SIGNATURE

DATED: 3/31/21

Rev. 5/2013

GERONIMO SPRINGS MUSEUM
211 MAIN
TRUTH OR CONSEQUENCES, NM 87901

RECEIVED APR 05 2021

SUBRECIPIENT GRANT
FY 2020/21
3RD QUARTER INVOICE

Date of Invoice: 04/04/2021



Invoice Amount: \$1,250.00

Submit To: *City of Truth or Consequences*
ATTN: City Clerk's Office
505 Sims Street
Truth or Consequences, NM 87901

Allocation Amount: \$5,000.00

Quarter Draw: \$1,250.00

Please send payment to: *GERONIMO SPRINGS MUSEUM*
211 MAIN
TRUTH OR CONSEQUENCES, NM 87901

Thank you,



MARILYN POPE

Phone No. 575-740-0724 © 575-894-6600 (gsm)

RECEIVED APR 05 2021

TR

SUB-RECIPIENT QUARTERLY REPORT

FY: 2020/21

ORGANIZATION: GERONIMO SPRINGS MUSEUM

ALLOCATION: \$5,000.00

QUARTER: \$1,250.00

Following is a list of expenditures partially paid by the funds awarded us in the last quarter:

Turtleback Pest Control 1/14/21 #6361 \$52.63

2/12/21 #6372 \$52.63

3/09/21 #6382 \$52.63

City of T or C 1/27/21 #6360 \$401.80

3/05/21 #6380 \$318.61

3/29/21 #6388 \$443.80

New Mexico Gas 1/27/21 #6369 \$53.07

2/22/21 #6377 \$52.01

3/22/21 #6385 \$53.86

Windstream 1/27/21 #6370 \$222.01

TOTAL \$1,703.05

We have been working diligently on several new exhibits to be ready for opening around April 17.

We cordially invite you to come and see the results of our work. Thank you for your continued interest

And support of community projects. We are proud to represent our area in this way.

Marilyn
G. Pope

Geronimo Trail Scenic Byway, Inc.

P O Box 1072 • 301 S Foch • Phone (575) 894-1968
Truth or Consequences, New Mexico 87901

RECEIVED FEB 08 2021

INVOICE subrecipient grant

Ta

Date 2-4-2021

To City of Truth or Consequences

For Operating expenses January 2021

Telephone \$ 202.53

Renters Insurance \$ 62.83

Postage \$ 76.00

Supplies & printing \$ 227.70

Actual total \$ 569.06

Amount due \$ 416.66 per contract

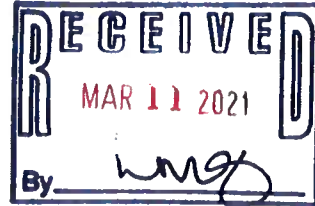
Thank you

L Miller

Geronimo Trail Scenic Byway, Inc.

P O Box 1072 • 301 S Foch • Phone (575) 894-1968
Truth or Consequences, New Mexico 87901

INVOICE subrecipient grant



Date 3-11-2021

To City of Truth or Consequences

For Operating expenses February 2021

Telephone \$ 185.00

Renters Insurance \$ 62.83

Postage \$ 8.55

Supplies & printing \$ 150.00

Actual total \$ 406.38

Amount due \$ 416.66 per contract

Thank you

L Miller

Geronimo Trail Scenic Byway, Inc.

P O Box 1072 • 301 S Foch • Phone (575) 894-1968
Truth or Consequences, New Mexico 87901

INVOICE subrecipient grant



Date 4-12-2021

To City of Truth or Consequences

For Operating expenses March 2021

Telephone \$ 195.56

Renters Insurance \$ 62.83

Postage \$

Supplies & printing \$ 150.00

Actual total \$ 408.39

Amount due \$ 416.66 per contract

Thank you

Lakene Miller

TH

SUBRECIPIENT QUARTERLY REPORT

(Report is due by the 15th of the month following the quarter.)

FY: 2020-2021

ORGANIZATION: Geronimo Trail Scenic Byway

ALLOCATION: \$5,000.00

QTR DRAW: \$1,250.00

QUARTER: 2nd 3rd

(FY Allotment, Not Qtr. Draw)

(1st/2nd/3rd/4th) 10

(Please detail the progress made in providing the services each quarter.)

We opened in January for the last weekend of the month (Fri, Sat, and Sun) and for the same days each weekend in February. We opened 7 days a week in March, with Mon - Thur being 10 - 3, Fri and Sat 9 - 4:30 and Sun 9 - 2:30. We had 13 people in Jan, 177 in Feb and 533 in March for a total of 663 signed-in visitors. We reopened the Spaceport Visitors Center in March. We have two volunteers currently staffing the visitor center.

Total expenses for the period:

Telephone \$ 583.09

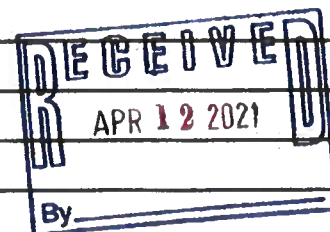
Insurance \$ 188.49

Postage \$ 84.55

Supplies \$ 527.70

Total expenses for the quarter: \$ 1,383.83

We follow Covid guidelines with antiseptic spray and wipes between visitors. We answered or responded to 104 telephone calls this quarter. We sent out 1 relocation package, 34 visitors packets, and replied to 528 email requests for information. We are expecting two more of our volunteers to return after they have completed their Covid vaccinations. We look forward to our continued promotion of the City and County to our visitors to the area.



SUBMITTED BY:

LaRena Miller

TYPED NAME

LaRena Miller

SIGNATURE

DATED: 04/12/21

Rev. 5/2014

MainStreet Truth or Consequences

P.O. Box 1602
Truth or Consequences, NM 87901

575-740-6180

RECEIVED APR 09 2021



Bill To: City of Truth or Consequences

Invoice #: 2102

Address: 505 Sims
Truth or Consequences, NM
87901

Invoice Date: 4/9/2021

Contact: Linda DeMarino

87901

Date	Item #	Description	Qty	Unit Price	Discount	Total
4/9/2021		City Contribution (Jan-Mar)	1	\$11,250.00		\$11,250.00

Invoice Subtotal \$11,250.00

Tax Rate 0.0%

Sales Tax \$0.00

MAKE ALL CHECKS PAYABLE TO MAINSTREET TRUTH OR CONSEQUENCES.

Deposit Received

Total \$11,250.00

17

SUBRECIPIENT QUARTERLY REPORT

(Report is due by the 15th of the month following the quarter.)

FY: 2019/2020

ORGANIZATION: MainStreet Truth or Consequences

ALLOCATION: \$45,000.00

QTR DRAW: \$11,250.00

QUARTER: 3rd

(FY Allotment, Not Qtr. Draw)

(1st/2nd/3rd/4th)

(Please detail the progress made in providing the services each quarter.)

MainStreet Truth or Consequences has been working on several projects this quarter. The city branding project has moved into developing messaging. The wayfinding sign project has begun and will incorporate the new branding as well. The committee, which is comprised of various representatives from different groups and segments of the community, has decided to continue working together rather than reducing the participants. This is exciting as there have not been many projects where all these groups are collaborating effectively.

We are also working with the Footbridge committee, the Riverwalk committee, the NMDOT traffic safety group, the Sierra County Recreation and Tourism Advisory Board. Our Executive Director is now on the Lodgers Tax Board and helping to streamline the process.

There have been 2 buildings purchased in the downtown. MainStreet has assisted one of the new owners by steering them toward resources and information. Further, there are also three other prospective businesses that we are working with. One of the prospective businesses is a Food Co-op. We have assisted them in meeting logistics, resources, and guidance on organizational development.

We spent quite a lot of time working on a USDA grant to help businesses develop their E-commerce capabilities. With Covid-19, it became apparent that most of our downtown businesses relied solely on the walk-in market. Developing their retail so the market includes people all over the world will help them generate more business, which in turn will generate more GRT for the city.


We were asked to represent Truth or Consequences in a meeting with Senator Ben Ray Lujan. We informed him of some of our projects and invited him to the trail running event in October.

Second Saturday Art Hop has seen more and more people attending as people are becoming more comfortable. All the businesses are back open and participating. March room bookings for our local hotels are always the best and this March was no exception. There were very few vacancies in the Hot Springs Hotels and it looks good for April as well.

SUBMITTED BY:

Linda DeMarino

TYPED NAME



SIGNATURE

DATED: 04/09/21

Rev. 5/2014



CITY OF TRUTH OR CONSEQUENCES

AGENDA REQUEST FORM

MEETING DATE: May 12, 2021

Agenda Item #: G.1

SUBJECT: Review of Municipal Court budget request for FY 2021/2022

DEPARTMENT: Municipal Courts

DATE SUBMITTED: May 6, 2021

SUBMITTED BY: Angela A. Torres, City Clerk

WHO WILL PRESENT THE ITEM: Judge Sanders

Summary/Background:

Budget Presentation

Recommendation:

No action required

Attachments:

- FY 21/22 Budget

Fiscal Impact (Finance): N/A

\$0.00

Legal Review (City Attorney): N/A

None.

Approved For Submittal By: ☐ Department Director

Reviewed by: ☐ City Clerk ☒ Finance ☐ Legal ☐ Other: Click here to enter text.

Final Approval: ☒ City Manager

CITY CLERK'S USE ONLY - COMMISSION ACTION TAKEN

Resolution No. - Ordinance No. -

Continued To: - Referred To: -

☐ Approved ☐ Denied ☐ Other: -

File Name: CC Agendas 5-12-2021



CITY OF TRUTH OR CONSEQUENCES

AGENDA REQUEST FORM

MEETING DATE: May 12, 2021

Agenda Item #: G.2

SUBJECT: Community Development Budget
DEPARTMENT: Community Development
DATE SUBMITTED: May 6, 2021
SUBMITTED BY: Traci Alvarez
WHO WILL PRESENT THE ITEM: Traci Alvarez

Summary/Background:

Budget Presentation

Recommendation:

No action required

Attachments:

- FY 21/22 Budget

Fiscal Impact (Finance): N/A

\$0.00

Legal Review (City Attorney): N/A

None.

Approved For Submittal By: ☐ Department Director

Reviewed by: ☐ City Clerk ☐ Finance ☐ Legal ☐ Other: Click here to enter text.

Final Approval: ☐ City Manager

CITY CLERK'S USE ONLY - COMMISSION ACTION TAKEN

Resolution No. - Ordinance No. -

Continued To: - Referred To: -

☐ Approved ☐ Denied ☐ Other: -

File Name: CC Agendas 5-12-2021



City of Truth or Consequences

AGENDA REQUEST FORM

MEETING DATE: May 12, 2021

Agenda Item #: G.3

SUBJECT: Discussion/Action – Award Schedule I – Rehabilitate Runway 13/31 (Preservation)
DEPARTMENT: Community Development
DATE SUBMITTED: May 6, 2021
SUBMITTED BY: Traci Alvarez
WHO WILL PRESENT THE ITEM: Traci Alvarez

Summary/Background:

Two (2) bids were received for Schedule I – Rehabilitate Runway 13/31 (Preservation) AIP No. 3-35-0042-022-2021

Recommendation:

Award Schedule I to Maxwell Asphalt Inc., for a total contract amount of \$273, 697.45 (excluding NMGR) upon receiving concurrence from the FAA Program Manager.

Attachments:

- Invitation for Bids
- Bid Evaluation
- Award Recommendation Letter

Fiscal Impact (Finance): Choose an item.

Legal Review (City Attorney): Choose an item.

Approved For Submittal By: ☒ Department Director

Reviewed by: ☐ City Clerk ☐ Finance ☐ Legal ☐ Other: Click here to enter text.

Final Approval: ☒ City Manager

CITY CLERK'S USE ONLY - COMMISSION ACTION TAKEN

Resolution No. Click here to enter text. Ordinance No. Click here to enter text.

Continued To: Click here to enter a date. Referred To: Click here to enter text.

☐ Approved ☐ Denied ☐ Other: Click here to enter text.

File Name: CC Agendas 5-12-2021



May 4, 2021

Traci Alvarez
City of Truth or Consequences
505 Sims Street
Truth or Consequences, New Mexico

RE: **Award Recommendation Letter**
Schedule I – Rehabilitate Runway 13/31 (Preservation)
Truth or Consequences Municipal Airport - Truth or Consequences, NM
AIP No. 3-35-0042-022-2021

ACI No. 216719

Dear Ms. Alvarez:

Bids were received for the above referenced project on April 21, 2021. Two (2) bids were received and are shown in the attached bid tabulation.

The bids were reviewed for math errors, bid bonds, and other items of responsiveness. One bid appears to be responsive. A general review of each bid is summarized below:

CONTRACTOR	5% Bid Bond Included	Req'd Proposal Sheets Included	Addenda Ack'd	Listed on Federal Disbarred Contractors List ¹	Proper Contractor Licensing ²
Maxwell Asphalt, Inc.	Yes	Yes	Yes	No	Yes
American Road Maintenance, Inc.	Yes	Yes	Yes	No	Yes

¹ Based on information from the Federal System for Award Management website, accessed on May 4, 2021.

² Based on information from the New Mexico Regulation and Licensing Department website, accessed on May 4, 2021.

A DBE goal of 8.84% was established for this project. Maxwell Asphalt Inc. has committed to a DBE utilization of 8.84% through subcontracting with J.R. Striping for crack sealing.

A great deal of effort was put forth to attract bidders to this project. A total of three (3) potential bidders were sent the Invitation for Bids, and a total of six (6) sets of plans and specifications were sent out to potential bidders, plan rooms, and suppliers. The advertisement for bids for the project was published for two (2) consecutive weeks prior to the bid opening. A pre-bid conference was held onsite to answer questions and show the project to potential bidders.

Based on conversations with FAA ADO staff, it is believed that sufficient funds are available for the budget listed below. A grant application, including pertinent sheets that include budgetary figures, is enclosed with this letter and should be signed and forwarded to the FAA as soon as possible.

Our recommendation is to award Schedule I to Maxwell Asphalt Inc., as the second lowest bidder due to an unresponsive bid from American Road Maintenance Inc., dba American Airport Maintenance for not meeting the required DBE goal. The total contract amount for Maxwell Asphalt is \$273,697.45 (excluding NMGRT), upon receiving concurrence from the FAA Program Manager.

The following budget needs to be developed for AIP No. 3-35-0042-022-2021 consisting of:

Schedule I: Rehabilitate Runway 13/31 (Preservation)

DESCRIPTION	AMOUNT
Construction	
Schedule I (INC. NMGRT)	\$292,685.21
Construction Total	\$292,685.21
Engineering	
Design Engineering (INC. NMGRT)	\$25,350.63
Construction Engineering (INC. NMGRT)	\$24,595.63
Engineering Total	\$49,946.26
Administration	
Admin Expenses	\$5,000.00
Administration Total	\$5,000.00
Total Project Cost	\$347,631.47
Budget Summary	
FAA Share (90%)	\$312,868.00
State Share (5%)	\$17,381.57
Sponsor Share (5%)	\$17,381.90

**Figures above include New Mexico Gross Receipts Tax (NMGRT) of 6.9375% (T or C) and 7.875% (Albuquerque)*

We will send the Notice of Award for signature once approval is received from the FAA Program Manager and a FAA Grant Agreement is executed.

Ms. Traci Alvarez
May 4, 2021
Page 3

If you have any questions regarding this matter, please contact our office. We look forward to getting this project completed.

Sincerely,

ARMSTRONG CONSULTANTS, INC.


Amy Martinez, E.I.

AM:tt

cc: Mr. Jean Gamarra, FAA – Louisiana/New Mexico ADO
Mr. Tony Gilbert NMDOT – Aviation Division

Enclosures: Bid Tabulation
Grant Application Sheets



BID TABULATION

T or C Municipal Airport
T or C, New Mexico
Rehabilitate Runway 13/31 (Preservation)
AIP No. 3-35-0042-022-2021
ACI No. 216719
Bid Opening: April 21, 2021 at 10:00 a.m.

					Engineer's Estimate		American Road Maintenance dba American Airport Maintenance		Maxwell Asphalt	
Item No.	Spec No.	Description	Qty	Unit	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount
Schedule I - Rehabilitate Runway 13/31 (Preservation)										
1	C-105	Mobilization	1	LS	\$ 20,000.00	\$ 20,000.00	\$ 15,000.00	\$ 15,000.00	\$ 25,000.00	\$ 25,000.00
2	S-601	Crack Sealing	10,000	LB	\$ 1.50	\$ 15,000.00	\$ 1.10	\$ 11,000.00	\$ 1.15	\$ 11,500.00
3	P-608a	Emulsified Asphalt Seal Coat	66,000	SY	\$ 1.75	\$ 115,500.00	\$ 1.35	\$ 89,100.00	\$ 1.32	\$ 87,120.00
4	P-608b	Runway Friction Testing	1	LS	\$ 10,000.00	\$ 10,000.00	\$ 5,000.00	\$ 5,000.00	\$ 8,000.00	\$ 8,000.00
5	P-620a	Surface Preparation	Incidental	Incidental	Incidental	Incidental	Incidental	Incidental	Incidental	Incidental
6	P-620b	Runway Marking	35,860	SF	\$ 1.50	\$ 53,790.00	\$ 0.75	\$ 26,895.00	\$ 0.45	\$ 16,137.00
7	P-620c	Reflective Media	1,921	LB	\$ 1.00	\$ 1,921.00	\$ 1.00	\$ 1,921.00	\$ 2.00	\$ 3,842.00
8	P-620d	Temporary Marking	35,860	SF	\$ 1.25	\$ 44,825.00	\$ 0.75	\$ 26,895.00	\$ 1.75	\$ 62,755.00
9	P-620e	Marking Removal	51,603	SF	\$ 1.50	\$ 77,404.50	\$ 0.80	\$ 41,282.40	\$ 1.15	\$ 59,343.45
TOTAL SCHEDULE I					\$ 338,440.50		\$ 217,093.40		\$ 273,697.45	

INVITATION FOR BIDS
FOR IMPROVEMENTS TO
TRUTH OR CONSEQUENCES MUNICIPAL AIRPORT
REHABILITATE RUNWAY 13/31
T OR C, NEW MEXICO

AIP NO. 3-35-0042-022-2021

Sealed bids for improvements to the Truth or Consequences Municipal Airport, AIP No. 3-35-0042-020-2021, will be received by the City of Truth of Consequences at the City Council meeting room in City Hall at 505 Sims Street, T or C, New Mexico 87901 until April 21, 2021 at 10:00 a.m. and then opened and read aloud.

The work involved includes the following:

SCHEDULE I
REHABILITATE RUNWAY 13/31 (PRESERVATION) (RS RW IM)

For a complete set of Plans, Specifications and Contract Documents all purchases must be made through our website at www.armstrongconsultants.com. A digital copy may be downloaded for \$50.00. There will be no refunds.

Each bid must be accompanied by a Certified Check or Cashier's Check in an amount not less than five (5) percent of the total bid made payable to City of Truth or Consequences, or by a Bid Bond in like amount executed by a Surety Company.

The Bidder must supply all the information required by the proposal forms and specifications and he/she must bid on all items of every schedule. The City of Truth or Consequences reserves the right to waive any informality in, or to reject any or all portions of, the various bid items. No proposal may be withdrawn for a period of ninety (90) days from the opening thereof.

A non-mandatory Pre-Bid meeting will be held at the Truth or Consequences Municipal Airport on April 13, 2021 at 10:00 a.m. All bidders are advised to examine the site to become familiar with all site conditions.

The proposed contract is under and subject to Executive Order 11246 of 24 September 1965, as amended and to the equal opportunity clause and the Standard Federal Equal Employment Opportunity Construction Contract Specifications, including the goals and timetables for minority and female participation.

The proposed contract is subject to the provisions of Department of Transportation Regulations 49 CFR Part 26 (Disadvantaged Business Enterprise Participation).

Minimum wage rates as established by the Secretary of Labor and State of New Mexico are applicable to all schedules awarded for this project.

The proposed contract is under and subject to the following federal provisions:

- Affirmative Action Requirement
- Buy American Preference
- Civil Rights – Title VI Assurances

Debarment and Suspension
Federal Fair Labor Standards Act
Trade Restriction Clause

Any questions regarding this project are to be directed to the office of Armstrong Consultants, Inc., Albuquerque, New Mexico, (505) 508-2192 for interpretation.

TRUTH OR CONSEQUENCES, NEW MEXICO

The Sentinel
Published: April 9, 2021

Albuquerque Journal
Published: April 11, 2021



BID EVALUATION SUMMARY
T or C Municipal Airport
T or C, New Mexico
Rehabilitate Runway 13/31 (Preservation)
AIP No. 3-35-0042-022-2021
ACI No. 216719
Bid Opening: April 21, 2021 at 10:00 a.m.

	American Airport Maintenance	Maxwell Asphalt, Inc.	
Bid Signed?	Yes	Yes	
Bid bond provided?	Yes	Yes	
Addenda No. 1, 2, and 3 acknowledged?	NA	NA	
Contractor's License No.	384453 - Active	375180 - Active	
NM Dept of Workforce Solutions Registration No. https://www.dws.state.nm.us/pwaa/LRDEmployer/Corporate/Login.ASPX	1756020150604 - Active	002323920110921 - Active	
FEIN#	36-2615355	87-0466966	
Verification of Contractor's License and Classifications per NM Construction Industries http://public.psiexams.com	GF01	GF-01	
Subcontractor listed in Bid - Verification of Contractor's License (Bold names are registered through NM Regulation and Licensing Department)	American Road Maintenance; Hot Shot Supply (Supplier)	Maxwell Asphalt, Inc.; J.R. Striping	
Are subcontractors registered with the NM Dept of Workforce Solutions?	American Road Maintenance; Hot Shot Supply (Supplier)	Maxwell Asphalt, Inc.; J.R. Striping	
Verification of Bid Bond https://www.fiscal.treasury.gov/fsreports/ref/suretyBond/c570_a-z.htm	Travelers Casualty and Surety Company of America (NAIC #31194)	The Guarantee Company of North America (NAIC #36650)	
Campaign Contribution Disclosure Form	Yes	Yes	
Base Bid Amount excluding NMGR	\$217,093.40	\$273,697.45	
Bid Amount Correct?	Yes	Yes	
DBE Goal Obtained? If not, Good Faith Effort Provided?	No	Yes	



CITY OF TRUTH OR CONSEQUENCES

AGENDA REQUEST FORM

MEETING DATE: May 12, 2021

Agenda Item #: G.4

SUBJECT: Authorization to withdraw balance amount of Investment Electrical Construction Certificate of Deposit (CD).

DEPARTMENT: Finance

DATE SUBMITTED: May 4, 2021

SUBMITTED BY: Kerin Salcedo

WHO WILL PRESENT THE ITEM: Carol Kirkpatrick, Finance Director

Summary/Background:

Electric Department Certificate of Deposit, #13410918 was opened in July of 2014. Cash out balance is \$510,616.13. Proceeds will be deposit into the Electric Department's operating account for current and anticipated expenditures.

Recommendation:

Staff is requesting permission to cash out Electric Department CD to deposit proceeds to Electric Department's Operating Account.

Attachments:

- Electronic print out of current balance on CD

Fiscal Impact (Finance): N/A

None as the money will go directly into the Electrical Department's operating account.

Legal Review (City Attorney): N/A

None.

Approved For Submittal By: ☐ Department Director

Reviewed by: ☐ City Clerk ☒ Finance ☐ Legal ☐ Other: Click here to enter text.

Final Approval: ☐ City Manager

CITY CLERK'S USE ONLY - COMMISSION ACTION TAKEN

Resolution No. - Ordinance No. -

Continued To: - Referred To: -

☐ Approved ☐ Denied ☐ Other: -

File Name: CC Agendas 5-12-2021

ELECTRIC – ****0918 ♥

Account information

Balance

Current balance	✖ \$510,616.13
Interest rate	0.25%
Term	12 months
Maturity date	May 05, 2022
Months to maturity	12

Interest

Current accrued interest	\$3.50
Pay interest to	This account
Next interest payment (Aug 04, 2021)	\$321.76
Redemption amount	\$510,619.63
Forfeiture amount	\$0.00
Renewal terms	Automatically renewable



CITY OF TRUTH OR CONSEQUENCES

AGENDA REQUEST FORM

MEETING DATE: May 12, 2021

Agenda Item #: G.5

SUBJECT: Appointment of Brendan Tolley to serve as a member on the Library Advisory Board.

DEPARTMENT: City Clerk's Office

DATE SUBMITTED: May 6, 2021

SUBMITTED BY: Angela A. Torres, Clerk-Treasurer

WHO WILL PRESENT THE ITEM: Angela A. Torres, Clerk-Treasurer

Summary/Background:

On April 26, 2021 the Library Advisory Board recommended the appointment of Brendan Tolley to serve as a member on their board. The term is for two years, and will expire on June 30, 2023. The position has also been advertised in the local newspaper.

Recommendation:

The Library Advisory Board recommended the appointment of Brendan Tolley to serve as a member.

Attachments:

- Library Advisory Board Minutes
- Board Recommendation
- Application & Advertisement

Fiscal Impact (Finance): N/A

\$0.00

Legal Review (City Attorney): N/A

None.

Approved For Submittal By: ☐ Department Director

Reviewed by: ☒ City Clerk ☐ Finance ☐ Legal ☐ Other: Click here to enter text.

Final Approval: ☒ City Manager

CITY CLERK'S USE ONLY - COMMISSION ACTION TAKEN

Resolution No. - Ordinance No. -

Continued To: - Referred To: -

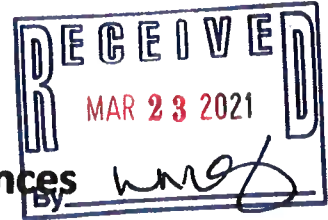
☐ Approved ☐ Denied ☐ Other: -

File Name: CC Agendas 5-12-2021



City of Truth or Consequences

City Boards Application



Name: Brendan Tolley Address: 914 N. Foch, TorC
Phone: 575-740-1178 Email: hungrybrendan@gmail.com

I am interested in serving as a member of one the following Boards:

- ☐ Airport Advisory Board ☐ Public Arts Advisory Board ☐ Golf Course Advisory Board
☐ Public Utility Advisory Board ☒ Library Advisory Board ☐ Recreation Advisory Board
☐ Lodger's Tax Advisory Board ☐ Planning & Zoning Commission ☐ Impact Fee Board
☐ Other: _____

My qualifications are:

Former library employee
Former City Commissioner
Patron & supporter of the Public Library

I hereby certify that my appointment to this board neither creates, nor should create, any conflict of interest for myself or the Board. I further confirm that any possible conflict of interest that may arise will be reported to the Board and the City Clerk.

Signature: Brendan C. Tolley

*Sandra Whitehead
Mayor*

*Amanda Forrister
Mayor Pro-Tem*

*Frances Luna
Commissioner*



*Paul Baca
Commissioner*

*Randall Aragon
Commissioner*

*Traci Alvarez
Acting City Manager*

*505 Sims St.
Truth or Consequences, New Mexico 87901
P: 575-894-6673 ♦ F: 575-894-7767
www.torcnm.org*

LEGAL NOTICE TO PUBLIC

The City Commission of the City of Truth or Consequences is soliciting names of anyone wishing to serve as a Representative on the following Boards:

- **One Member with a real estate background and one Member with a development of building industries background to serve on the Impact Fee Board. Applications accepted until seats are filled.**
- **Two Members to serve on the Golf Course Advisory Board. Applications accepted until seats are filled.**
- **Two Members to serve on the Planning & Zoning Commission. Applications accepted until seat is filled.**
- **One Member to serve on the Library Board. Applications accepted until seat is filled.**

Please be aware that certain boards do have qualifications as set out in the city ordinances. You may contact the Office of the City Clerk at 505 Sims Street, Truth or Consequences, New Mexico during normal working hours Monday – Friday from 8:00 A.M. to 5:00 P.M. or visit the city website at www.torcnm.org for a full listing of guidelines and city board applications.

/s/ Angela A. Torres, CMC, City Clerk

- Published on the following date: Sentinel – Friday, March 12, 2021



Truth or Consequences Public Library
325 Library Lane
Truth or Consequences
NM 87901-2375

Phone (575) 894-3027

Fax (575) 894-2068

e-mail: torclibrary@torcnm.org
<http://www.torcnm.org/departments/library/index.php>

May 3, 2021

Ms. Angela A. Torres, City Clerk
City of Truth or Consequences
505 Sims Street
Truth or Consequences, New Mexico 87901

Dear Ms. Torres:

The members of the Truth or Consequences Public Library Advisory Board unanimously request approval by the City Commission for the appointment of Mr. Brendan Tolley to the Library Advisory Board to fill the remainder of a term of three years which began July 1, 2020 and which will end on June 30, 2023.

A copy of Mr. Tolley's application is attached.

If you need any other information, please let me know.

Sincerely,

Truth or Consequences Public Library Advisory Board

Angie D. Torres, Chairman
Pat O'Hanlon, Library Director

Minutes of the Library Advisory Board Meeting, Monday, April 26, 2021

The meeting was called to order at 5:30 p.m. by Vice Chairman Michael Bankson. A quorum being present, it was decided that the meeting should proceed.

Present were: Vice Chairman Michael Bankson, Board Members Angie Torres and Bonnye Warwick, and Library Director Pat O'Hanlon. Board Member Terie Hafner is out of town, and is excused.

*(**Note 1.** In light of the fact that this is the first meeting of the board that Vice Chair Michael Bankson has been able to attend since his approved term expired [June 30, 2020 -- the board has only met once since that date, and Mr. Bankson was not able to attend], he has asked that the board request approval from the City Commission to extend his appointment to June 30, 2023, which would have been the length of his term if COVID had not disrupted the workings of the board. It was not, at any time, his intention to resign as Vice Chairman or as a member of the board).*

The agenda for the meeting was approved; motion to approve made by Bonnye Warwick and seconded by Michael Bankson. The minutes of the August 2020 regular meeting were approved as read, motion to approve made by Angie Torres and seconded by Bonnie Warwick. The affirmative votes on both motions were unanimous.

*(**Note 2.** August 2020 was the one regular meeting held during the COVID-19 shutdown. Today [April 26, 2021] is the first regular meeting since the shutdown.)*

COMMENTS FROM THE PUBLIC:

- None.

REPORTS:

- Board members: Nothing to report at this time.
- Library Foundation: The current value shown on the March 26, 2021 statement is \$23,186.04.
- Friends of the Library: Nothing to report at this time.
- Director's report: As part of the City's recent re-organization, the Library is now a part of The Department of Community Services, Orrin J. Hechler, Director. Pat O'Hanlon will remain in place as Library Director.

OLD/UNFINISHED BUSINESS:

NEW BUSINESS:

- 1) The Library Director is instructed to send a letter to the City Commission, requesting the above-explained changes to Vice Chairman Michael Bankson's term of office, extending the end-of-term to June 30, 2023.
- 2) Board Member Angela D. Torres is elected to the position of Chairman of the Library Advisory Board. This term of office will expire June 30, 2022.
- 3) Having reviewed two (2) applications for the remaining vacancy on the Library Advisory Board, the Board instructs the Library Director to send a letter to the City Commission requesting their approval for the appointment of Mr. Brendan Tolley to the vacant seat. This term will expire June 30, 2023.

There being no further business to come before the Board, the motion to adjourn was made by Michael Bankson, and was seconded by Angie Torres. The motion was unanimously approved. The meeting was adjourned at 5:46 p.m. The Board's next regular meeting is scheduled for Monday, June 28, 2021.

Respectfully submitted,

Michael Bankson, Vice Chairman
Pat O'Hanlon, Library Director



CITY OF TRUTH OR CONSEQUENCES

AGENDA REQUEST FORM

MEETING DATE: May 12, 2021

Agenda Item #: G.6

SUBJECT: Re-appointment of Michael Bankson to the Library Advisory Board.

DEPARTMENT: Library

DATE SUBMITTED: May 6, 2021

SUBMITTED BY: Pat O'Hanlon

WHO WILL PRESENT THE ITEM: Angela A. Torres, Clerk-Treasurer

Summary/Background:

At the April 26, 2021 meeting of the Library Advisory Board, it was noted and discussed that the term of office of Mr. Michael Bankson, who is our Vice-Chairman, actually expired on June 30, 2020. Because that date occurred during the COVID shut-down, his term of office was never renewed.

In light of the fact that the April 26, 2021 meeting was the first meeting of the board that Vice Chairman Bankson has been permitted to attend since the Board's meetings were cancelled due to the COVID-19 emergency in March 2020, he has asked the board to request approval from the City Commission to extend his appointment to June 30, 2023, which would have been the length of his renewed term (July 2020-June 2023) if COVID had not disrupted the workings of the board. It was not, at any time, his intention to resign as Vice-Chairman or as a member of the board.

Recommendation:

The Library Advisory Board recommended the re-appointment of Michael Bankson to serve as a member on the Board.

Attachments:

- Library Advisory Board Minutes
- Board Recommendation

Fiscal Impact (Finance): N/A

\$0.00

Legal Review (City Attorney): N/A

None.

Approved For Submittal By: ☐ Department Director

Reviewed by: ☒ City Clerk ☐ Finance ☐ Legal ☐ Other: Click here to enter text.

Final Approval: ☒ City Manager

CITY CLERK'S USE ONLY - COMMISSION ACTION TAKEN

Resolution No. - Ordinance No. -

Continued To: - Referred To: -

☐ Approved ☐ Denied ☐ Other: -

File Name: CC Agendas 5-12-2021



Truth or Consequences Public Library
325 Library Lane
Truth or Consequences
NM 87901-2375

Phone (575) 894-3027

Fax (575) 894-2068

e-mail: torclibrary@torcnm.org
<http://www.torcnm.org/departments/library/index.php>

May 3, 2021

Ms. Angela A. Torres, City Clerk
City of Truth or Consequences
505 Sims Street
Truth or Consequences, New Mexico 87901

Dear Ms. Torres:

At the April 26, 2021 meeting of the Library Advisory Board, it was noted and discussed that the term of office of Mr. Michael Bankson, who is our Vice-Chairman, actually expired on June 30, 2020. Because that date occurred during the COVID shut-down, his term of office was never renewed.

In light of the fact that the April 26, 2021 meeting was the first meeting of the board that Vice Chairman Bankson has been permitted to attend since the Board's meetings were cancelled due to the COVID-19 emergency in March 2020, he has asked the board to request approval from the City Commission to extend his appointment to June 30, 2023, which would have been the length of his renewed term (July 2020-June 2023) if COVID had not disrupted the workings of the board. It was not, at any time, his intention to resign as Vice-Chairman or as a member of the board.

If you need any other information, please let me know.

Sincerely,

Truth or Consequences Public Library Advisory Board

Angie D. Torres, Chairman
Pat O'Hanlon, Library Director

Minutes of the Library Advisory Board Meeting, Monday, April 26, 2021

The meeting was called to order at 5:30 p.m. by Vice Chairman Michael Bankson. A quorum being present, it was decided that the meeting should proceed.

Present were: Vice Chairman Michael Bankson, Board Members Angie Torres and Bonnye Warwick, and Library Director Pat O'Hanlon. Board Member Terie Hafner is out of town, and is excused.

*(**Note 1.** In light of the fact that this is the first meeting of the board that Vice Chair Michael Bankson has been able to attend since his approved term expired [June 30, 2020 -- the board has only met once since that date, and Mr. Bankson was not able to attend], he has asked that the board request approval from the City Commission to extend his appointment to June 30, 2023, which would have been the length of his term if COVID had not disrupted the workings of the board. It was not, at any time, his intention to resign as Vice Chairman or as a member of the board).*

The agenda for the meeting was approved; motion to approve made by Bonnye Warwick and seconded by Michael Bankson. The minutes of the August 2020 regular meeting were approved as read, motion to approve made by Angie Torres and seconded by Bonnie Warwick. The affirmative votes on both motions were unanimous.

*(**Note 2.** August 2020 was the one regular meeting held during the COVID-19 shutdown. Today [April 26, 2021] is the first regular meeting since the shutdown.)*

COMMENTS FROM THE PUBLIC:

- None.

REPORTS:

- Board members: Nothing to report at this time.
- Library Foundation: The current value shown on the March 26, 2021 statement is \$23,186.04.
- Friends of the Library: Nothing to report at this time.
- Director's report: As part of the City's recent re-organization, the Library is now a part of The Department of Community Services, Orrin J. Hechler, Director. Pat O'Hanlon will remain in place as Library Director.

OLD/UNFINISHED BUSINESS:

NEW BUSINESS:

- 1) The Library Director is instructed to send a letter to the City Commission, requesting the above-explained changes to Vice Chairman Michael Bankson's term of office, extending the end-of-term to June 30, 2023.
- 2) Board Member Angela D. Torres is elected to the position of Chairman of the Library Advisory Board. This term of office will expire June 30, 2022.
- 3) Having reviewed two (2) applications for the remaining vacancy on the Library Advisory Board, the Board instructs the Library Director to send a letter to the City Commission requesting their approval for the appointment of Mr. Brendan Tolley to the vacant seat. This term will expire June 30, 2023.

There being no further business to come before the Board, the motion to adjourn was made by Michael Bankson, and was seconded by Angie Torres. The motion was unanimously approved. The meeting was adjourned at 5:46 p.m. The Board's next regular meeting is scheduled for Monday, June 28, 2021.

Respectfully submitted,

Michael Bankson, Vice Chairman
Pat O'Hanlon, Library Director



City of Truth or Consequences

AGENDA REQUEST FORM

MEETING DATE: May 12, 2021

Agenda Item #: G.7

SUBJECT: Review Draft of Preliminary Budget
DEPARTMENT: Finance
DATE SUBMITTED: May 7, 2021
SUBMITTED BY: Carol Kirkpatrick, Finance Director
WHO WILL PRESENT THE ITEM: Carol Kirkpatrick, Finance Director

Summary/Background:

Draft of 2021-22 Preliminary Budget after changes from Commission Review on 5/5/21

Recommendation:

None. Review Only

Attachments:

- Draft Operating Budget for 2021-22
- [Click here to enter text.](#)

Fiscal Impact (Finance): TBD

[Click here to enter text.](#)

Legal Review (City Attorney): Choose an item.

[Click here to enter text.](#)

Approved For Submittal By: ☐ Department Director

Reviewed by: ☐ City Clerk ☒ Finance ☐ Legal ☐ Other: [Click here to enter text.](#)

Final Approval: ☒ City Manager

CITY CLERK'S USE ONLY - COMMISSION ACTION TAKEN

Resolution No. [Click here to enter text.](#) Ordinance No. [Click here to enter text.](#)

Continued To: [Click here to enter a date.](#) Referred To: [Click here to enter text.](#)

☐ Approved ☐ Denied ☐ Other: [Click here to enter text.](#)

File Name: CC Agendas 5-12-2021

Revised 5/7/21

City of Truth or Consequences

Sierra County

DRAFT DOCUMENT FOR BUDGET PROJECTIONS ONLY

Next Fiscal Year 7/1/2021-6/30/2022

After Reductions from Budget Workshop 5/5/21

Fund No.	Fund	Estimated Beginning Cash Balance 7/1/2021	+ Investments 7/1/2021	Cash & Investments = Investments	Estimated + Revenues 2021-22	Cash + Transfers In 2021-22	Cash - Transfers Out 2021-22	Estimated - Expenditures 6/30/2021	Estimated Ending Cash = Balance	DFA Local Reserve Requirement	Estimated Ending Cash = Balance
101	General Fund	427,604	106,031	533,635	4,169,362	2,749,443	(555,118)	(6,182,143)	715,179	(515,179)	200,000
SPECIAL REVENUE FUNDS (PENDING 5-7-21)											
201	Corrections	-	-	-	-	-	-	-	-	-	-
209	Fire Protection Fund	-	-	-	-	-	-	-	-	-	-
211	Law Enforcement	-	-	-	-	-	-	-	-	-	-
214	Lodger's Tax	-	-	-	-	-	-	-	-	-	-
216	Municipal Street	493,684	-	493,684	486,348	45,000	-	(850,833)	174,199	-	174,199
217	Recreation Fund	-	-	-	-	-	-	-	-	-	-
292	Federal Seizure Share	-	-	-	-	-	-	-	-	-	-
293	Veterans Wall Perpetual Care	-	-	-	-	-	-	-	-	-	-
294	State Library	-	-	-	-	-	-	-	-	-	-
295	Municipal Pool	27,193	-	27,193	6,500	181,943	-	(215,196)	440	-	440
296	PD GRT Fund	-	-	-	-	-	-	(50,000)	(50,000)	-	(50,000)
297	PD Confidential Fund	-	-	-	-	-	-	-	-	-	-
298	PD Donations	-	-	-	-	-	-	-	-	-	-
	Subtotal	520,877	-	520,877	492,848	226,943	-	(1,116,029)	124,639	-	124,639
ENTERPRISE FUNDS											
501	Cemetery	38,539	-	38,539	8,520	-	-	(12,000)	35,059	-	35,059
502	Utility Office	44,805	-	44,805	43,800	431,700	-	(509,430)	10,875	-	10,875
503	Electric Division	109,685	1,075,396	1,185,082	7,372,173	-	(1,928,824)	(6,254,784)	373,647	-	373,647
504	Water Division	395,829	-	395,829	1,452,968	-	(745,517)	(835,125)	268,155	-	268,155
505	Solid Waste Division	914,639	424,127	1,338,766	2,312,956	-	(904,361)	(2,294,470)	452,891	-	452,891
506	Waste Water Division	498,446	-	498,446	1,164,625	-	(302,400)	(1,219,720)	140,951	-	140,951
508	Golf Course	24,481	-	24,481	41,515	206,437	-	(268,293)	4,140	-	4,140
509	Municipal Airport	28,179	-	28,179	201,225	143,738	-	(371,287)	1,855	-	1,855
	Subtotal	2,054,603	1,499,523	3,554,126	12,597,782	781,875	(3,881,102)	(11,765,109)	1,287,572	-	1,287,572
CAPITAL PROJECTS FUNDS (PENDING 5-7-21)											
301	Water/WW/EFPL Water Refuse	-	-	-	-	-	-	-	-	-	-
302	Electrical Construction	-	-	-	-	-	-	-	-	-	-
303	Veterans Wall	-	-	-	-	-	-	-	-	-	-
304	Senior State Grant	-	-	-	-	-	-	-	-	-	-
305	Capital Imp. (General)	-	-	-	-	-	-	-	-	-	-
306	Capital Imp. (Jt. Utility)	-	-	-	-	-	-	-	-	-	-
307	Golf Course Imp. Fund	-	-	-	-	-	-	-	-	-	-
308	Capital Imp. (USDA FE Loader)	-	-	-	-	-	-	-	-	-	-
309	Capital Imp. (USDA WWTP)	-	-	-	-	-	-	-	-	-	-
310	Emergency Fund	-	-	-	-	-	-	-	-	-	-
311	R & R Sewer	-	-	-	-	-	-	-	-	-	-
312	R & R Airport	-	-	-	-	-	-	-	-	-	-
313	R & R Water	-	-	-	-	-	-	-	-	-	-
314	CDBG Fund	-	-	-	-	-	-	-	-	-	-

DRAFT

FISCAL YEAR 2021-22

Fund No.	Fund	Estimated Beginning Cash Balance	+ Investments	= Cash & Investments	Estimated + Revenues	Cash + Transfers In	Cash - Transfers Out	Estimated - Expenditures	Estimated Ending Cash = Balance	DFA Local Reserve Requirement	Estimated Ending Cash = Balance
315	Capital Imp. Reserves (Jt. Utility)			-					-		-
316	Emergency Repair Reserves			-					-		-
317	Waste Water Repair Reserves			-					-		-
318	Electrical Const. Reserves			-					-		-
	Subtotal	-	-	-	-	-	-	-	-		-
FIDUCIARY & INTERNAL SVC. FUNDS											
600	Internal Service Fund	20,848	-	20,848	10,000	43,000		(70,500)	3,348		3,348
700	Court Bond Fund	1,000	-	1,000	-	-	-	-	1,000		1,000
	Subtotal	21,848	-	21,848	10,000	43,000	-	(70,500)	4,348		4,348
DEBT SERVICE FUND (PENDING 5-7-21)											
403	Pledge State Tax			-					-		-
	Subtotal	-	-	-	-	-	-	-	-		-



City of Truth or Consequences

AGENDA REQUEST FORM

MEETING DATE: May 12, 2021

Agenda Item #: H.1

SUBJECT: Resolution No. 39 20/21 Authorizing Submission of An Application for Airport Aid to the Federal Aviation Administration (FAA) and Obligation of Sponsor Matching Funds, and Authorization to Accept the Resulting Grant Offer.

DEPARTMENT: Community Development

DATE SUBMITTED: May 6, 2021

SUBMITTED BY: Traci Alvarez

WHO WILL PRESENT THE ITEM: Traci Alvarez

Summary/Background:

90 % Grant funding is available from the Federal Aviation Administration for the Runway 13/31 Pavement Preservation Project. New Mexico Department of Transportation Aviation Division has committed 5% assistance of the project cost for the Runway 13/31 Pavement Preservation Project. Project will consist of performing pavement preservation on Runway 13/31. Markings will be removed, cracks will be routed, cleaned out and filled with crack seal. Following the crack sealing a rejuvenating seal coat will be applied, the pavement markings will be repainted and Type I Gradation A glass beads will be applied. Total project cost including engineering fees and construction \$347,631.47

Recommendation:

Approve Resolution 39 20/21

Attachments:

- Resolution 39 20/21
- .

Fiscal Impact (Finance): Choose an item.

Legal Review (City Attorney): Choose an item.

Approved For Submittal By: ☐ Department Director

Reviewed by: ☐ City Clerk ☐ Finance ☐ Legal ☐ Other: Click here to enter text.

Final Approval: ☒ City Manager

CITY CLERK'S USE ONLY - COMMISSION ACTION TAKEN

Resolution No. Click here to enter text. Ordinance No. Click here to enter text.

Continued To: Click here to enter a date. Referred To: Click here to enter text.

☐ Approved ☐ Denied ☐ Other: Click here to enter text.

File Name: CC Agendas 5-12-2021



RESOLUTION NO. 39 20/21

A RESOLUTION AUTHORIZING SUBMISSION OF AN APPLICATION FOR AIRPORT AID TO THE FEDERAL AVIATION ADMINISTRATION (FAA) AND OBLIGATION OF SPONSOR MATCHING FUNDS, AND AUTHORIZATION TO ACCEPT THE RESULTING GRANT OFFER

WHEREAS the City of Truth or Consequences owns and operates the Truth or Consequences Municipal Airport for the services and benefits of the community; and

WHEREAS the airport facility and improvements may be funded from granted revenue sources; and

WHEREAS, the New Mexico Department of Transportation Aviation Division has committed 5% assistance of the project cost for the Runway 13/31 Pavement Preservation Project: and

WHEREAS grant funding assistance is available from the Federal Aviation Administration for 90% of the Runway 13/31 Pavement Preservation Project; and

WHEREAS the City of Truth or Consequences is committed to appropriating funds to match the remaining 5% of the project cost in accordance and consistent with the regulations and policies governing the FAA-AIP program and the NMDOT-AV Division grant conditions.

NOW THEREFORE BE IT RESOLVED that the City Commission of the City of Truth or Consequences hereby adopts and approves this resolution and does hereby authorize executing and submitting and accepting all documents pertaining to the Runway 13/31 Pavement Preservation Project application and award agreement as may be required and authorizes Bruce Swingle, City Manager as signatory authority.

PASSED, APPROVED AND ADOPTED this 12th day of May 2021.

Sandra Whitehead, Mayor

ATTEST:

Angela Torres, City Clerk



City of Truth or Consequences

AGENDA REQUEST FORM

MEETING DATE: May 12, 2021

Agenda Item #: H.2

SUBJECT: Resolution 40 20/21 Finding the Property At 1101 Bosque, Truth or Consequences, Nm, To Be A Dangerous and Unsafe Structure and Authorizing Demolition

DEPARTMENT: Community Development

DATE SUBMITTED: May 6, 2021

SUBMITTED BY: Traci Alvarez

WHO WILL PRESENT THE ITEM: Traci Alvarez

Summary/Background:

Property is in violation of Chapter 4/Article IV Sec. 4-226 – Sec. 4.229. Commission approved Resolution 27 20/21 on November 18, 2020 for property abatement. Property has been cleaned and entry was made into the structure. Property has become a nuisance and has become a harbor for vagrants.

Recommendation:

Approve Resolution 40 20/21

Attachments:

- Resolution 40 20/21
- Pictures
- Property Inspection Report

Fiscal Impact (Finance): Unknown

Legal Review (City Attorney): Yes

Approved For Submittal By: ☒ Department Director

Reviewed by: ☒ City Clerk ☐ Finance ☐ Legal ☐ Other: Click here to enter text.

Final Approval: ☒ City Manager

CITY CLERK'S USE ONLY - COMMISSION ACTION TAKEN

Resolution No. Click here to enter text. Ordinance No. Click here to enter text.

Continued To: Click here to enter a date. Referred To: Click here to enter text.

☐ Approved ☐ Denied ☐ Other: Click here to enter text.

File Name: CC Agendas 5-12-2021

CITY OF TRUTH OR CONSEQUENCES

CITY COMMISSION

RESOLUTION NO. 40 20/21

A RESOLUTION FINDING THE PROPERTY AT 1101 BOSQUE, TRUTH OR CONSEQUENCES, NM, TO BE A DANGEROUS AND UNSAFE STRUCTURE AND AUTHORIZING DEMOLITION.

WHEREAS, the City of Truth or Consequences wishes to pursue the removal of dangerous and unsafe structures within the City, and;

WHEREAS, pursuant to City Code Chapter 4, Article IV Section 4-226 through 4-235 regarding dangerous and unsafe structures, City administration has identified the structure located at Mims 3rd Sub Replat, Block 3-A Lot 6, otherwise known as 1101 Bosque to be a dangerous building. The violations include, but are not necessarily limited to, those items listed in the May 5th, 2021 Inspection Report, a copy of which is attached hereto as Exhibit 1.

WHEREAS, the City has followed all of the required procedures as follows:

1. Certified letters were sent stating the violation and action to be taken by the owner(s).
2. The certified letters were duly sent to all those known to have an interest in the property. The certified letters were not claimed.
3. The owners were allowed 15 days from receipt of the letter to take action.
4. As no action had been taken after 15 days, the property was posted with a condemnation notice.
5. Commission action is now needed to approve the demolition of the structure(s), and;

WHEREAS, the City has followed all of the required procedures for notification as described in City Code for the removal of the structure(s).

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF TRUTH OR CONSEQUENCES, NEW MEXICO:

The City of Truth or Consequences through its Governing Body agrees to direct staff to take all actions necessary to implement the removal of structure(s) at 1101 Bosque, Truth or Consequences NM.

The City may also claim and record a lien for the reasonable cost of removal of the structure(s) and related materials, and associated legal fees plus interest.

Any entity who can establish an ownership interest in the above-described premises has the right to file an objection to this Resolution with the City Clerk's office located at 505 Sims,

Truth or Consequences, NM. Said objection must be filed within ten (10) days of the Resolution being served upon those claiming an interest, or if no such person can be found, then ten (10) days from the date of publication. A copy of the Resolution shall also be posted on the premises. If a timely objection is filed, the City Commission will schedule a hearing to decide the merits of the objection.

PASSED, APPROVED AND ADOPTED THIS 12th DAY May, 2021.

CITY OF TRUTH OR CONSEQUENCES

By _____
Sandra Whitehead, Mayor

ATTEST:

Angela Torres, City Clerk

PROPERTY INSPECTION CHECKLIST

Inspection Date 5-5-2021 Address 1101 BOSQUE

- ☒ Any door which is unsecured or any door, aisle, passageway, stairway or other means of egress, including windows, that does not conform to the current New Mexico Building Code and Fire Code as adopted by the authority having jurisdiction relating to the requirement for existing buildings.
- ☒ The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
- ☒ Any portion of a building, structure, or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.
- ☒ Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
 - o Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads required by the New Mexico Building Code.
 - o The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.
- ☒ The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
- ☒ Any building or structure has been constructed, exists or is maintained in violation of any specific requirements or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.

- X A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the enforcement officer to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
- o Any portion of a building remaining on a site after a demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

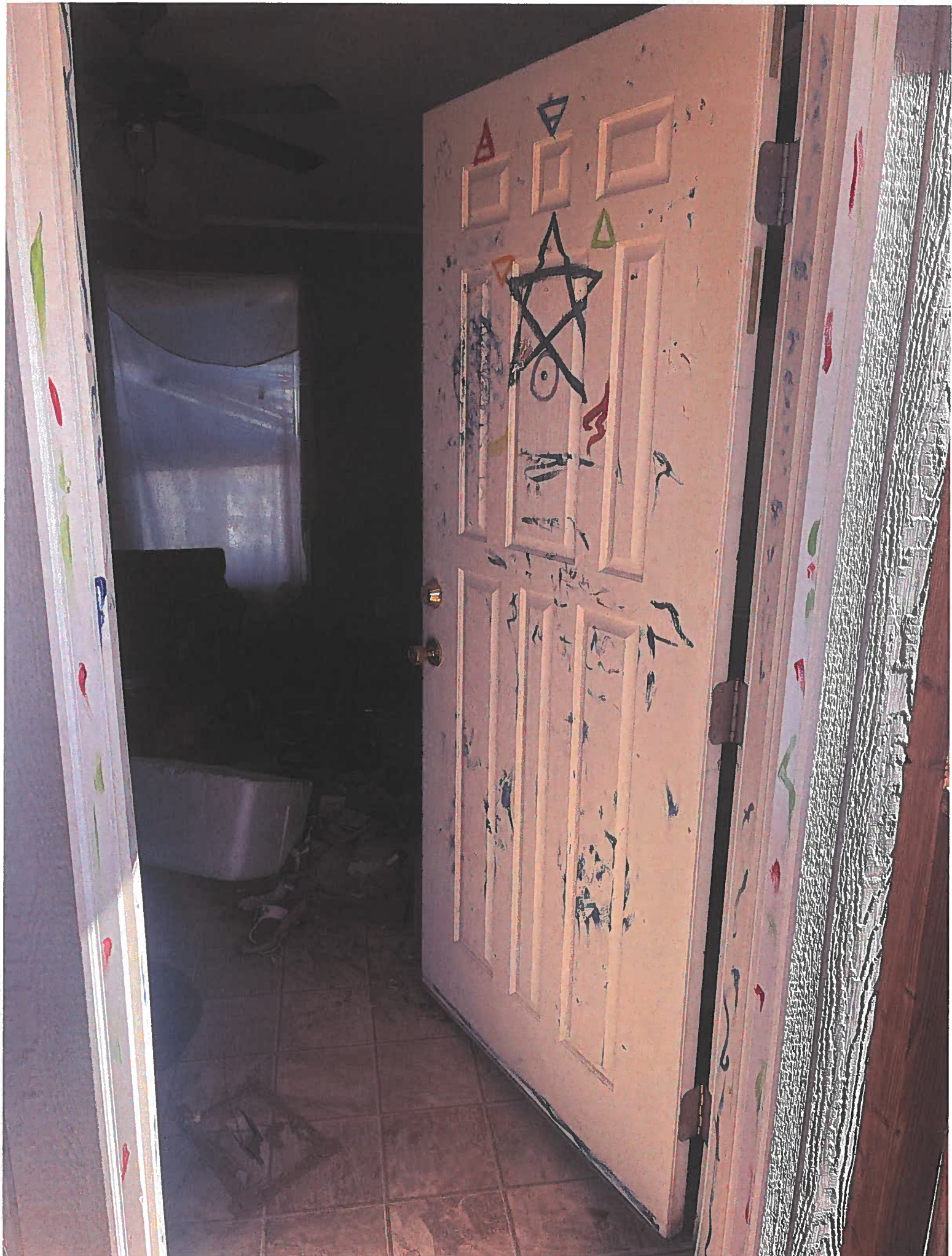


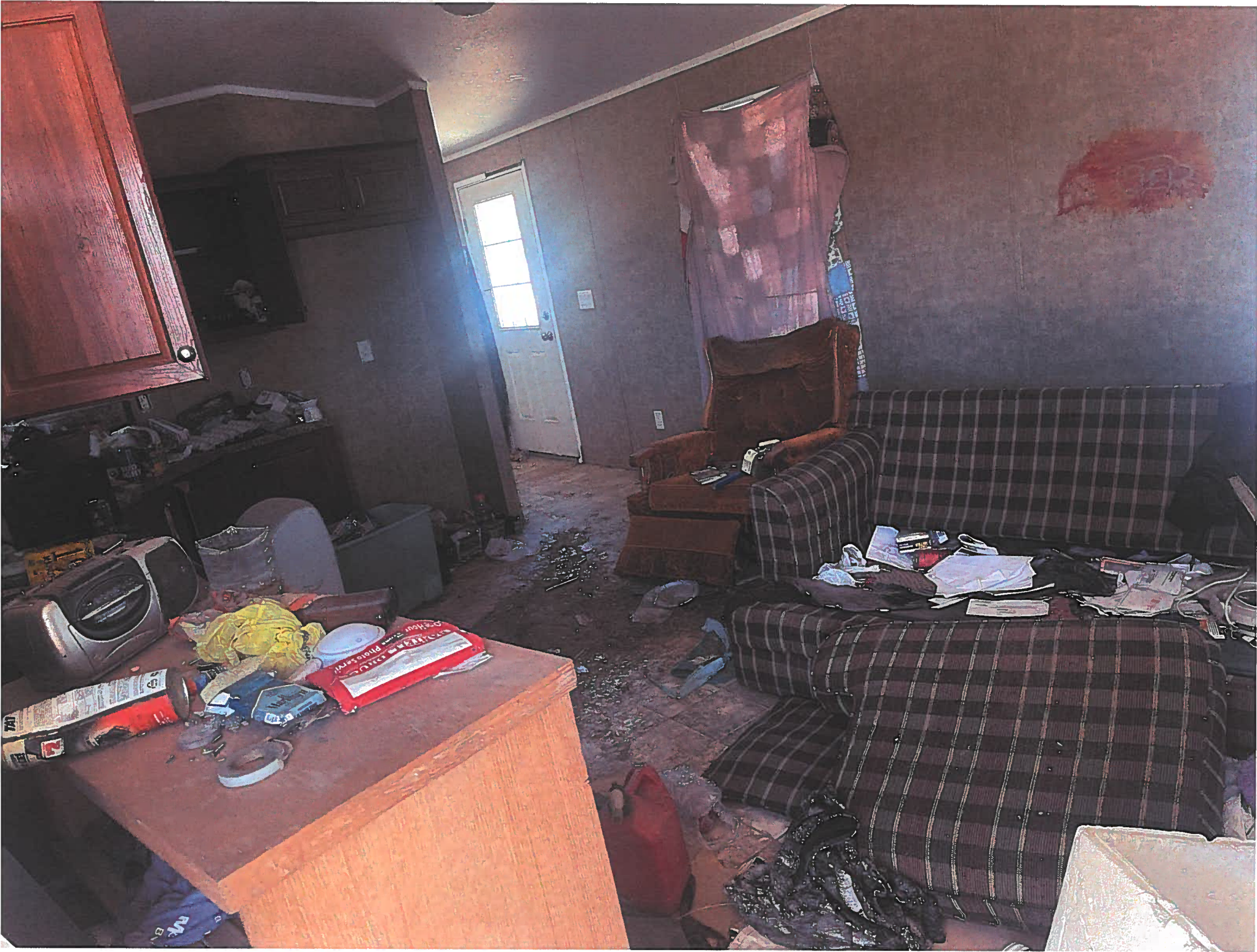






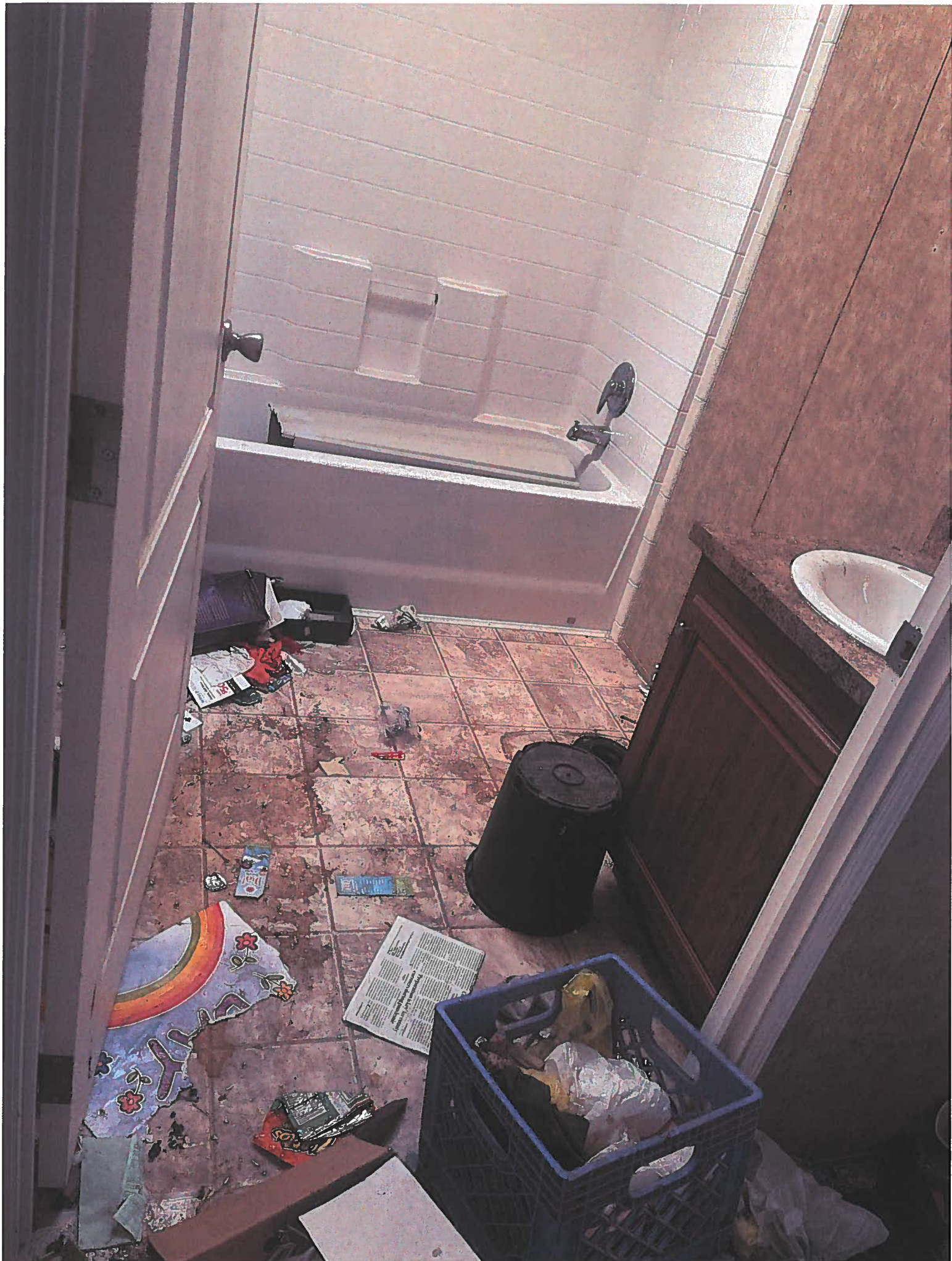


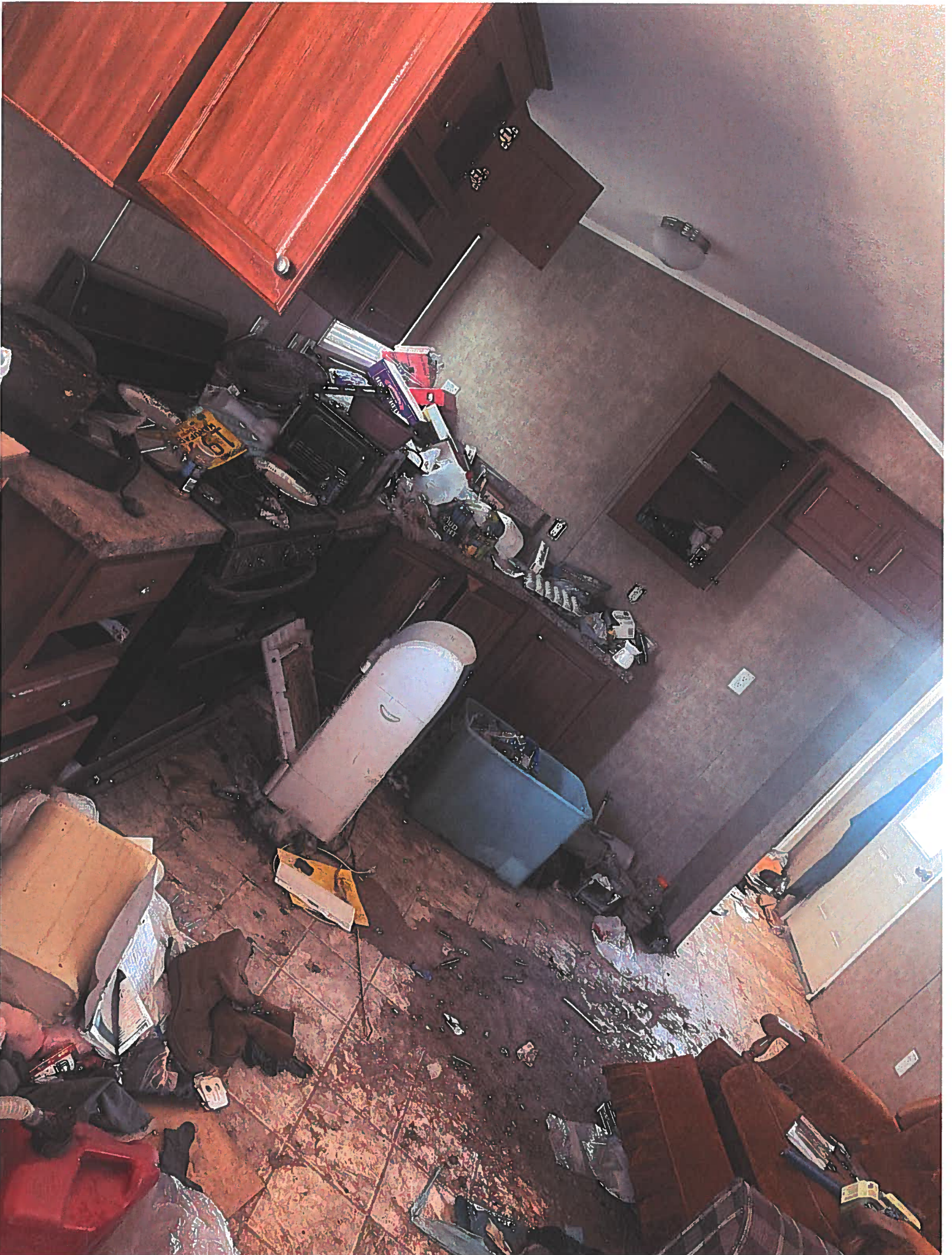






















CITY OF TRUTH OR CONSEQUENCES

AGENDA REQUEST FORM

MEETING DATE: May 12, 2021

Agenda Item #: H.3

SUBJECT: Resolution No. 41 20/21 pertaining to collection of past due utility bills.
DEPARTMENT: City Manager
DATE SUBMITTED: May 7, 2021
SUBMITTED BY: City Manager Swingle
WHO WILL PRESENT THE ITEM: City Manager Swingle

Summary/Background:

City utilities are experiencing significant revenue loss because many residents fail to pay utility bills. In accordance with city policy and ordinances, the City Commission desires to set forth a policy pertaining to the collection of past-due utility bills. City staff will use all available resources authorized by ordinance or law to collect past-due utility accounts. The City will require residents having past-due utility account(s) to make full payment on current and subsequent monthly bills and pay off the balance within 12 months. Under rare and extreme circumstances, the Utility Office Manager can petition the City Manager for an extension up to an additional 12 months.

Recommendation:

Approval of Resolution No. 41 20-21

Attachments:

- Resolution No. 41 20-21

Fiscal Impact (Finance): Unknown

Legal Review (City Attorney): Yes

Yes

Approved For Submittal By: ☐ Department Director

Reviewed by: ☒ City Clerk ☐ Finance ☐ Legal ☐ Other: Click here to enter text.

Final Approval: ☒ City Manager

CITY CLERK'S USE ONLY - COMMISSION ACTION TAKEN

Resolution No. 41 20-21 Ordinance No. -

Continued To: - Referred To: -

☐ Approved ☐ Denied ☐ Other: -

File Name: CC Agendas 5-12-2021



RESOLUTION NO. 41 20/21

**RESOLUTION PERTAINING TO COLLECTION
OF PAST-DUE UTILITY BILLS**

WHEREAS, the City Commission of the City Truth or Consequences, met in a regular meeting on May 12, at 9:00 am, in the Commission Chambers at 405 West 3rd Street in Truth or Consequences, New Mexico 87901; and

WHEREAS, the City Commission of the City Truth or Consequences is a legally and regularly created, established, organized, and existing city under the general laws of the State of New Mexico and more specifically, Section 3-45-5, NMSA 1978, as amended and supplemented; and

WHEREAS, the City has the statutory power to protect generally the property of its municipality and its inhabitants; and

WHEREAS, the City has the power and duty to take steps for the general betterment of the community; and

WHEREAS, City utilities are experiencing significant revenue loss because many residents fail to pay utility bills; and

WHEREAS, in accordance with city policy and ordinances, the City Commission desires to set forth a policy pertaining to the collection of past-due utility bills.

NOW THEREFORE, BE IT RESOLVED by the governing body of the City of Truth or Consequences:

1. City staff will use all available resources authorized by ordinance or law to collect past-due utility accounts.
2. The City will require residents having past-due utility account(s) to make full payment on current and subsequent monthly bills and pay off the balance within 12 months.
3. Under rare and extreme circumstances, the Utility Office Manager can petition the City Manager for an extension up to an additional 12 months.

PASSED, APPROVED AND ADOPTED this 12 day of May, 2021.

ATTEST:

Sandra Whitehead, Mayor

Angela A. Torres, City Clerk-Treasurer



City of Truth or Consequences

AGENDA REQUEST FORM

MEETING DATE: May 12, 2021

Agenda Item #: H.4

SUBJECT: A Resolution Accepting the Airport Coronavirus Relief Grant Program (ACRGP) Funding Offer and Designating Signatory Authority for NM -TCS (New Mexico Truth or Consequences Municipal Airport) to City Manager Bruce Swingle

DEPARTMENT: Community Development

DATE SUBMITTED: May 6, 2021

SUBMITTED BY: Traci Alvarez

WHO WILL PRESENT THE ITEM: Traci Alvarez

Summary/Background:

Airport Coronavirus Relief Grant Program (ACRGP) is offering \$9,000. The purpose of this ACRGP Grant is to prevent, prepare for, and respond to coronavirus. ACRGP Grants may be used to reimburse airport operational and maintenance expenses directly related to Truth or Consequences Municipal Airport incurred no earlier than January 20, 2020.

Recommendation:

Approve Resolution

Attachments:

- Resolution 42 20/21
- Grant Agreement

Fiscal Impact (Finance): Yes

Grant \$9,000.00

Legal Review (City Attorney): Choose an item.

Approved For Submittal By: ☒ Department Director

Reviewed by: ☐ City Clerk ☐ Finance ☐ Legal ☐ Other: Click here to enter text.

Final Approval: ☒ City Manager

CITY CLERK'S USE ONLY - COMMISSION ACTION TAKEN

Resolution No. Click here to enter text. Ordinance No. Click here to enter text.

Continued To: Click here to enter a date. Referred To: Click here to enter text.

☐ Approved ☐ Denied ☐ Other: Click here to enter text.

File Name: CC Agendas 5-12-2021



RESOLUTION NO. 42 20/21

A RESOLUTION ACCEPTING THE AIRPORT CORONAVIRUS RELIEF GRANT PROGRAM (ACRGP) FUNDING OFFER AND DESIGNATING SIGNATORY AUTHORITY FOR NM -TCS (NEW MEXICO TRUTH OR CONSEQUENCES MUNICIPAL AIRPORT)

WHEREAS the City of Truth or Consequences is eligible for grant funds under the Coronavirus Response Grant Program (ACRGP); and

WHEREAS the City of Truth or Consequences will use these funds for costs related to operations, personnel, cleaning, sanitization, janitorial services, and combating the spread of pathogens at the airport; and

WHEREAS This ACRGP Grant is provided in accordance with the Coronavirus Response and Relief Supplemental Appropriations Act (CRRSA Act or “the Act”) to provide eligible Sponsors with funding for costs related to operations, personnel, cleaning, sanitization, janitorial services, combating the spread of pathogens at the airport, and debt service payments; The purpose of this ACRGP Grant is to prevent, prepare for, and respond to coronavirus; and

WHEREAS the City Commission of the City of Truth or Consequences must provide authority to the authorized representative to execute the grant and the authorized representative must execute the grant, followed by the attorney’s certification, no later than June 14, 2021 in order for the grant to be valid.

NOW, THEREFORE, BE IT RESOLVED THAT, the Governing Body of the City of Truth or Consequences, New Mexico, hereby accepts the Airport Coronavirus Response Grant Program (ACRGP) Grant Offer and approves that City Manager Bruce Swingle is hereby designated as the City’s representative on behalf of the Airport Coronavirus Response Grant Program (ACRGP) Grant offer, Grant No. 3-35-0042-022-2021 for Truth or Consequences Municipal Airport and has designated the Mayor as signatory authority in his absence and shall work with staff to execute, sign and submit required documentation.

PASSED, APPROVED AND ADOPTED this 12th day of May 2021.

Sandra Whitehead, Mayor

ATTEST:

Angela Torres, City Clerk



U.S. Department
of Transportation
Federal Aviation
Administration

Airports Division
Southwest Region
Louisiana, New Mexico

FAA ASW-640
10101 Hillwood Parkway
Fort Worth, TX 76177

CRRSA Transmittal Letter

May 3, 2021

The Honorable Sandra Whitehead
505 Sims
Truth or Consequences, NM 87901

Dear Ms. Whitehead:

Please find the following electronic Airport Coronavirus Response Grant Program (ACRGP) Grant Offer, Grant No. 3-35-0042-022-2021 for Truth Or Consequences Municipal Airport. This letter outlines expectations for success. Please read and follow the instructions carefully.

To properly enter into this agreement, you must do the following:

- a. The governing body must provide authority to execute the grant to the individual signing the grant; i.e. the sponsor's authorized representative.
- b. The sponsor's authorized representative must execute the grant, followed by the attorney's certification, no later than **June 14, 2021** in order for the grant to be valid.
- c. You may not make any modification to the text, terms or conditions of the grant offer.
- d. The grant offer must be digitally signed by the sponsor's legal signatory authority and then the grant offer will be routed via email to the sponsor's attorney. Once the attorney has digitally attested to the grant, an email with the executed grant will be sent to all parties.

Subject to the requirements in 2 CFR §200.305, each payment request for reimbursement under this grant must be made electronically via the Delphi eInvoicing System. Please see the attached Grant Agreement for more information regarding the use of this System. The terms and conditions of this agreement require you drawdown and expend these funds within four years.

An airport sponsor may use these funds for costs related to operations, personnel, cleaning, sanitization, janitorial services, combating the spread of pathogens at the airport, and debt service payments. Please refer to the [ACRGP Frequently Asked Questions](#) for further information.

With each payment request you are required to upload an invoice summary directly to Delphi. The invoice summary should include enough detail to permit FAA to verify compliance with the Coronavirus Response and Relief Supplemental Appropriations Act (Public Law 116-260).

For the final payment request, in addition to the requirement listed above for all payment requests, you are required to upload directly to Delphi:

- A final financial report summarizing all of the costs incurred and reimbursed, and
- An SF-425, and.
- A closeout report (A sample report is available [here](#)).

Until the grant is completed and closed, you are responsible for submitting a signed/dated SF-425 annually, due 90 days after the end of each federal fiscal year in which this grant is open (due December 31 of each year this grant is open).

As a condition of receiving Federal assistance under this award, you must comply with audit requirements as established under 2 CFR part 200. Subpart F requires non-Federal entities that expend \$750,000 or more in Federal awards to conduct a single or program specific audit for that year. Note that this includes Federal expenditures made under other Federal-assistance programs. Please take appropriate and necessary action to assure your organization will comply with applicable audit requirements and standards.

I am readily available to assist you and your designated representative with the requirements stated herein. We sincerely value your cooperation in these efforts.

Sincerely,


Lacey d Spriggs (May 3, 2021 11:08 CDT)

Lacey D. Spriggs
Manager



U.S. Department
of Transportation
Federal Aviation
Administration

AIRPORT CORONAVIRUS RELIEF GRANT PROGRAM (ACRGP)

GRANT AGREEMENT

Part I - Offer

Federal Award Offer Date May 3, 2021

Airport/Planning Area Truth Or Consequences Municipal Airport

ACRGP Grant Number 3-35-0042-022-2021

Unique Entity Identifier 079342838

TO: City of Truth or Consequences

(herein called the "Sponsor")

FROM: **The United States of America** (acting through the Federal Aviation Administration, herein called the "FAA")

WHEREAS, the Sponsor has submitted to the FAA an Airports Coronavirus Response Grant Program (herein called "ACRGP") Application dated March 15, 2021, for a grant of Federal funds at or associated with the Truth Or Consequences Municipal Airport, which is included as part of this ACRGP Grant Agreement; and

WHEREAS, the Sponsor has accepted the terms of FAA's ACRGP Grant offer;

WHEREAS, in consideration of the promises, representations and assurances provided by the Sponsor, the FAA has approved the ACRGP Application for the Truth Or Consequences Municipal Airport, (herein called the "Grant" or "ACRGP Grant") consisting of the following:

This ACRGP Grant is provided in accordance with the Coronavirus Response and Relief Supplemental Appropriations Act (CRRSA Act or "the Act"), Division M of Public Law 116-260, as described below, to provide eligible Sponsors with funding for costs related to operations, personnel, cleaning, sanitization, janitorial services, combating the spread of pathogens at the airport, and debt service payments. ACRGP Grant amounts to specific airports are derived by legislative formula (See Division M, Title IV of the Act).

The purpose of this ACRGP Grant is to prevent, prepare for, and respond to coronavirus. Funds provided under this ACRGP Grant Agreement must only be used for purposes directly related to the airport. Such purposes can include the reimbursement of an airport's operational and maintenance expenses or debt service payments in accordance with the limitations prescribed in the Act. ACRGP Grants may be used to reimburse airport operational and maintenance expenses directly related to Truth Or Consequences

Municipal incurred no earlier than January 20, 2020. ACRGP Grants also may be used to reimburse a Sponsor's payment of debt service where such payments occur on or after December 27, 2020. Funds provided under this ACRGP Grant Agreement will be governed by the same principles that govern "airport revenue." New airport development projects not directly related to combating the spread of pathogens and approved by the FAA for such purposes, may not be funded with this Grant.

NOW THEREFORE, in accordance with the applicable provisions of the CRRSA Act, Public Law 116-260, the representations contained in the Grant Application, and in consideration of (a) the Sponsor's acceptance of this Offer; and, (b) the benefits to accrue to the United States and the public from the accomplishment of the Grant and in compliance with the conditions as herein provided,

THE FEDERAL AVIATION ADMINISTRATION, FOR AND ON BEHALF OF THE UNITED STATES, HEREBY OFFERS AND AGREES to pay 100% percent of the allowable costs incurred as a result of and in accordance with this Grant Agreement.

Assistance Listings Number (Formerly CFDA Number): 20.106

This Offer is made on and **SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:**

CONDITIONS

1. **Maximum Obligation.** The maximum obligation of the United States payable under this Offer is \$9,000, allocated as follows:
 - \$9,000 Non Primary KU2021
2. **Grant Performance.** This ACRGP Grant Agreement is subject to the following federal award requirements:
 - a. The Period of Performance:
 1. Shall start on the date the Sponsor formally accepts this agreement, and is the date signed by the last Sponsor signatory to the agreement. The end date of the period of performance is 4 years (1,460 calendar days) from the date of acceptance. The period of performance end date shall not affect, relieve or reduce Sponsor obligations and assurances that extend beyond the closeout of this Grant Agreement.
 2. Means the total estimated time interval between the start of an initial Federal award and the planned end date, which may include one or more funded portions, or budget periods. (2 Code of Federal Regulations (CFR) § 200.1)
 - b. The Budget Period:
 1. The budget period for this ACRGP Grant is 4 years (1,460 calendar days). Pursuant to 2 CFR § 200.403(h), the Sponsor may charge to the Grant only allowable costs incurred during the budget period.
 2. Means the time interval from the start date of a funded portion of an award to the end date of that funded portion during which the Sponsor is authorized to expend the funds awarded, including any funds carried forward or other revisions pursuant to §200.308.
 - c. Close out and Termination.
 1. Unless the FAA authorizes a written extension, the Sponsor must submit all Grant closeout documentation and liquidate (pay-off) all obligations incurred under this award no later than 120 calendar days after the end date of the period of performance. If the Sponsor

does not submit all required closeout documentation within this time period, the FAA will proceed to close out the grant within one year of the period of performance end date with the information available at the end of 120 days. (2 CFR § 200.344)

2. The FAA may terminate this ACRGP Grant, in whole or in part, in accordance with the conditions set forth in 2 CFR § 200.340, or other Federal regulatory or statutory authorities as applicable.
3. **Unallowable Costs.** The Sponsor shall not seek reimbursement for any costs that the FAA has determined to be unallowable under the CRRSA Act.
4. **Indirect Costs - Sponsor.** The Sponsor may charge indirect costs under this award by applying the indirect cost rate identified in the Grant Application as accepted by the FAA, to allowable costs for Sponsor direct salaries and wages only.
5. **Final Federal Share of Costs.** The United States' share of allowable Grant costs is 100%.
6. **Completing the Grant without Delay and in Conformance with Requirements.** The Sponsor must carry out and complete the Grant without undue delays and in accordance with this ACRGP Grant Agreement, the CRRSA Act, and the regulations, policies, standards, and procedures of the Secretary of Transportation ("Secretary"). Pursuant to 2 CFR § 200.308, the Sponsor agrees to report to the FAA any disengagement from funding eligible expenses under the Grant that exceeds three months or a 25 percent reduction in time devoted to the Grant, and request prior approval from FAA. The report must include a reason for the stoppage. The Sponsor agrees to comply with the attached assurances, which are part of this agreement and any addendum that may be attached hereto at a later date by mutual consent.
7. **Amendments or Withdrawals before Grant Acceptance.** The FAA reserves the right to amend or withdraw this offer at any time prior to its acceptance by the Sponsor.
8. **Offer Expiration Date.** This offer will expire and the United States will not be obligated to pay any part of the costs unless this offer has been accepted by the Sponsor on or before June 14, 2021, or such subsequent date as may be prescribed in writing by the FAA.
9. **Improper Use of Federal Funds.** The Sponsor must take all steps, including litigation if necessary, to recover Federal funds spent fraudulently, wastefully, or in violation of Federal antitrust statutes, or misused in any other manner, including uses that violate this ACRGP Grant Agreement, the CRRSA Act or other provision of applicable law. For the purposes of this ACRGP Grant Agreement, the term "Federal funds" means funds however used or dispersed by the Sponsor, that were originally paid pursuant to this or any other Federal grant agreement(s). The Sponsor must return the recovered Federal share, including funds recovered by settlement, order, or judgment, to the Secretary. The Sponsor must furnish to the Secretary, upon request, all documents and records pertaining to the determination of the amount of the Federal share or to any settlement, litigation, negotiation, or other efforts taken to recover such funds. All settlements or other final positions of the Sponsor, in court or otherwise, involving the recovery of such Federal share require advance approval by the Secretary.
10. **United States Not Liable for Damage or Injury.** The United States is not responsible or liable for damage to property or injury to persons which may arise from, or relate to this ACRGP Grant Agreement, including, but not limited to, any action taken by a Sponsor related to or arising from, directly or indirectly, this ACRGP Grant Agreement.
11. **System for Award Management (SAM) Registration and Unique Entity Identifier (UEI).**

- a. Requirement for System for Award Management (SAM): Unless the Sponsor is exempted from this requirement under 2 CFR 25.110, the Sponsor must maintain the currency of its information in the SAM until the Sponsor submits the final financial report required under this grant, or receives the final payment, whichever is later. This requires that the Sponsor review and update the information at least annually after the initial registration and more frequently if required by changes in information or another award term. Additional information about registration procedures may be found at the SAM website (currently at <http://www.sam.gov>).
 - b. Unique entity identifier (UEI) means a 12-character alpha-numeric value used to identify a specific commercial, nonprofit or governmental entity. A UEI may be obtained from SAM.gov at <https://sam.gov/SAM/pages/public/index.jsf>.
12. **Electronic Grant Payment(s).** Unless otherwise directed by the FAA, the Sponsor must make each payment request under this agreement electronically via the Delphi Invoicing System for Department of Transportation (DOT) Financial Assistance Awardees.
 13. **Air and Water Quality.** The Sponsor is required to comply with all applicable air and water quality standards for all projects in this grant. If the Sponsor fails to comply with this requirement, the FAA may suspend, cancel, or terminate this agreement.
 14. **Financial Reporting and Payment Requirements.** The Sponsor will comply with all Federal financial reporting requirements and payment requirements, including submittal of timely and accurate reports.
 15. **Buy American.** Unless otherwise approved in advance by the FAA, in accordance with 49 United States Code (U.S.C.) § 50101 the Sponsor will not acquire or permit any contractor or subcontractor to acquire any steel or manufactured goods produced outside the United States to be used for any project for which funds are provided under this grant. The Sponsor will include a provision implementing Buy American in every contract.
 16. **Audits for Sponsors.**
PRIVATE SPONSORS. When the period of performance has ended, the Sponsor must provide a copy of an audit of this Grant prepared in accordance with accepted standard audit practices, such audit to be submitted to the applicable Airports District Office.
 17. **Suspension or Debarment.** When entering into a “covered transaction” as defined by 2 CFR § 180.200, the Sponsor must:
 - a. Verify the non-Federal entity is eligible to participate in this Federal program by:
 1. Checking the excluded parties list system (EPLS) as maintained within the System for Award Management (SAM) to determine if the non-Federal entity is excluded or disqualified; or
 2. Collecting a certification statement from the non-Federal entity attesting the entity is not excluded or disqualified from participating; or
 3. Adding a clause or condition to covered transactions attesting the individual or firm is not excluded or disqualified from participating.
 - b. Require prime contractors to comply with 2 CFR § 180.330 when entering into lower-tier transactions (e.g. sub-contracts).

- c. Immediately disclose to the FAA whenever the Sponsor (1) learns the Sponsor has entered into a covered transaction with an ineligible entity, or (2) suspends or debar a contractor, person, or entity.

18. Ban on Texting While Driving.

- a. In accordance with Executive Order 13513, Federal Leadership on Reducing Text Messaging While Driving, October 1, 2009, and DOT Order 3902.10, Text Messaging While Driving, December 30, 2009, the Sponsor is encouraged to:
 - 1. Adopt and enforce workplace safety policies to decrease crashes caused by distracted drivers including policies to ban text messaging while driving when performing any work for, or on behalf of, the Federal government, including work relating to this ACRGP Grant or subgrant funded by this Grant.
 - 2. Conduct workplace safety initiatives in a manner commensurate with the size of the business, such as:
 - A. Establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving; and
 - B. Education, awareness, and other outreach to employees about the safety risks associated with texting while driving.
- b. The Sponsor must insert the substance of this clause on banning texting while driving in all subgrants, contracts, and subcontracts funded by this ACRGP Grant.

19. Trafficking in Persons.

- a. You as the recipient, your employees, subrecipients under this ACRGP Grant, and subrecipients' employees may not –
 - 1. Engage in severe forms of trafficking in persons during the period of time that the award is in effect;
 - 2. Procure a commercial sex act during the period of time that the award is in effect; or
 - 3. Use forced labor in the performance of the award or subawards under the ACRGP Grant.
- b. The FAA as the Federal awarding agency may unilaterally terminate this award, without penalty, if you or a subrecipient that is a private entity –
 - 1. Is determined to have violated a prohibition in paragraph A of this ACRGP Grant Agreement term; or
 - 2. Has an employee who is determined by the agency official authorized to terminate the ACRGP Grant Agreement to have violated a prohibition in paragraph A.1 of this ACRGP Grant term through conduct that is either –
 - A. Associated with performance under this ACRGP grant; or
 - B. Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR Part 180, "OMB Guidelines to Agencies on Government-wide Debarment and Suspension (Nonprocurement)," as implemented by the FAA at 2 CFR Part 1200.
- c. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in paragraph A during this ACRGP Grant Agreement.

d. Our right to terminate unilaterally that is described in paragraph A of this section:

1. Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. § 7104(g)), and
2. Is in addition to all other remedies for noncompliance that are available to the FAA under this ACRGP Grant.

20. Employee Protection from Reprisal.

a. Prohibition of Reprisals —

1. In accordance with 41 U.S.C. § 4712, an employee of a grantee or subgrantee may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to a person or body described in sub-paragraph (A)(2), information that the employee reasonably believes is evidence of:
 - a. Gross mismanagement of a Federal grant;
 - b. Gross waste of Federal funds;
 - c. An abuse of authority relating to implementation or use of Federal funds;
 - d. A substantial and specific danger to public health or safety; or
 - e. A violation of law, rule, or regulation related to a Federal grant.
2. Persons and bodies covered: The persons and bodies to which a disclosure by an employee is covered are as follows:
 - a. A member of Congress or a representative of a committee of Congress;
 - b. An Inspector General;
 - c. The Government Accountability Office;
 - d. A Federal office or employee responsible for oversight of a grant program;
 - e. A court or grand jury;
 - f. A management office of the grantee or subgrantee; or
 - g. A Federal or State regulatory enforcement agency.
3. Submission of Complaint — A person who believes that they have been subjected to a reprisal prohibited by paragraph A of this ACRGP Grant Agreement may submit a complaint regarding the reprisal to the Office of Inspector General (OIG) for the U.S. Department of Transportation.
4. Time Limitation for Submittal of a Complaint — A complaint may not be brought under this subsection more than three years after the date on which the alleged reprisal took place.
5. Required Actions of the Inspector General — Actions, limitations, and exceptions of the Inspector General's office are established under 41 U.S.C. § 4712(b).
6. Assumption of Rights to Civil Remedy — Upon receipt of an explanation of a decision not to conduct or continue an investigation by the Office of Inspector General, the person submitting a complaint assumes the right to a civil remedy under 41 U.S.C. § 4712(c).

21. **Limitations.** Nothing provided herein shall be construed to limit, cancel, annul, or modify the terms of any Federal grant agreement(s), including all terms and assurances related thereto, that have been entered into by the Sponsor and the FAA prior to the date of this ACRGP Grant Agreement.

22. **Face Coverings Policy.** The sponsor agrees to implement a face-covering (mask) policy to combat the spread of pathogens. This policy must include a requirement that all persons wear a mask, in accordance with Centers for Disease Control (CDC) and Transportation Security Administration (TSA)

requirements, as applicable, at all times while in all public areas of the airport property, except to the extent exempted under those requirements. This special condition requires the airport sponsor continue to require masks until Executive Order 13998, Promoting COVID-19 Safety in Domestic and International Travel, is no longer effective.

SPECIAL CONDITIONS FOR USE OF ACRGP FUNDS

CONDITIONS FOR ROLLING STOCK/EQUIPMENT -

1. **Equipment or Vehicle Replacement.** The Sponsor agrees that when using funds provided by this grant to replace equipment, the proceeds from the trade-in or sale of such replaced equipment shall be classified and used as airport revenue.
2. **Equipment Acquisition.** The Sponsor agrees that for any equipment acquired with funds provided by this grant, such equipment shall be used solely for purposes directly related to the airport.
3. **Low Emission Systems.** The Sponsor agrees that vehicles and equipment acquired with funds provided in this grant:
 - a. Will be maintained and used at the airport for which they were purchased; and
 - b. Will not be transferred, relocated, or used at another airport without the advance consent of the FAA.

The Sponsor further agrees that it will maintain annual records on individual vehicles and equipment, project expenditures, cost effectiveness, and emission reductions.

CONDITIONS FOR UTILITIES AND LAND -

4. **Utilities Proration.** For purposes of computing the United States' share of the allowable airport operations and maintenance costs, the allowable cost of utilities incurred by the Sponsor to operate and maintain airport(s) included in the Grant must not exceed the percent attributable to the capital or operating costs of the airport.
5. **Utility Relocation in Grant.** The Sponsor understands and agrees that:
 - a. The United States will not participate in the cost of any utility relocation unless and until the Sponsor has submitted evidence satisfactory to the FAA that the Sponsor is legally responsible for payment of such costs;
 - b. FAA participation is limited to those utilities located on-airport or off-airport only where the Sponsor has an easement for the utility; and
 - c. The utilities must serve a purpose directly related to the Airport.
6. **Land Acquisition.** Where funds provided for by this grant are used to acquire land, the Sponsor shall record the grant agreement, including the grant assurances and any and all related requirements, encumbrances, and restrictions that shall apply to such land, in the public land records of the jurisdiction in which the land is located.

The Sponsor's acceptance of this Offer and ratification and adoption of the ACRGP Grant Application incorporated herein shall be evidenced by execution of this instrument by the Sponsor. The Offer and Acceptance shall comprise an ACRGP Grant Agreement, as provided by the CRRSA Act, constituting the contractual obligations and rights of the United States and the Sponsor with respect to this Grant. The effective date of this ACRGP Grant Agreement is the date of the Sponsor's acceptance of this Offer.

Please read the following information: By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

Dated May 3, 2021

**UNITED STATES OF AMERICA
FEDERAL AVIATION ADMINISTRATION**

Lacey d Spriggs

Lacey d Spriggs (May 3, 2021 11:08 CDT)

(Signature)

Lacey d Spriggs

(Typed Name)

Manager, LA/NM Airports District Office

(Title of FAA Official)

Part II - Acceptance

The Sponsor does hereby ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements contained in the ACRGP Grant Application and incorporated materials referred to in the foregoing Offer under Part I of this ACRGP Grant Agreement, and does hereby accept this Offer and by such acceptance agrees to comply with all of the terms and conditions in this Offer and in the ACRGP Grant Application and all applicable terms and conditions provided for in the CRRSA Act and other applicable provisions of Federal law.

Please read the following information: By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

I declare under penalty of perjury that the foregoing is true and correct. ¹

Dated

City of Truth or Consequences

(Name of Sponsor)

(Signature of Sponsor's Designative Official/Representative)

By:

(Type Name of Sponsor's Designative Official/Representative)

Title:

(Title of Sponsor's Designative Official/Representative)

¹ Knowingly and willfully providing false information to the Federal government is a violation of 18 U.S.C. Section 1001 (False Statements) and could subject you to fines, imprisonment, or both.

CERTIFICATE OF SPONSOR'S ATTORNEY

I, _____, acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to enter into the foregoing Grant Agreement under the laws of the State of New Mexico. Further, I have examined the foregoing Grant Agreement and the actions taken by said Sponsor and Sponsor's official representative has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said State and the CRRSA Act. The Sponsor understands funding made available under this Grant Agreement may only be used to reimburse for airport operational and maintenance expenses, and debt service payments. The Sponsor further understands it may submit a separate request to use funds for new airport/project development purposes, subject to additional terms, conditions, and assurances. Further, it is my opinion that the said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Please read the following information: By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

Dated at _____

By:

(Signature of Sponsor's Attorney)

AIRPORT CORONAVIRUS RELIEF GRANT PROGRAM (ACRGP) ASSURANCES

AIRPORT SPONSORS

A. General.

1. These Airport Coronavirus Relief Grant Program (ACRGP) Assurances are required to be submitted as part of the application by sponsors requesting funds under the provisions of the Coronavirus Response and Relief Supplemental Appropriations Act of 2020 (CRRSA Act or "the Act"), Public Law 116-260. As used herein, the term "public agency sponsor" means a public agency with control of a public-use airport; the term "private sponsor" means a private owner of a public-use airport; and the term "sponsor" includes both public agency sponsors and private sponsors.
2. Upon acceptance of this ACRGP Grant offer by the sponsor, these assurances are incorporated into and become part of this ACRGP Grant Agreement.

B. Sponsor Certification.

The sponsor hereby assures and certifies, with respect to this ACRGP Grant that:

It will comply with all applicable Federal laws, regulations, executive orders, policies, guidelines, and requirements as they relate to the application, acceptance, and use of Federal funds for this ACRGP Grant including but not limited to the following:

FEDERAL LEGISLATION

- a. 49 U.S.C. Chapter 471, as applicable
- b. Davis-Bacon Act — 40 U.S.C. 276(a), et. seq.
- c. Federal Fair Labor Standards Act — 29 U.S.C. 201, et. seq.
- d. Hatch Act — 5 U.S.C. 1501, et. seq. ²
- e. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 Title 42 U.S.C. 4601, et. seq.
- f. National Historic Preservation Act of 1966 — Section 106 — 16 U.S.C. 470(f).
- g. Archeological and Historic Preservation Act of 1974 — 16 U.S.C. 469 through 469c.
- h. Native Americans Grave Repatriation Act — 25 U.S.C. Section 3001, et. seq.
- i. Clean Air Act, P.L. 90-148, as amended.
- j. Coastal Zone Management Act, P.L. 93-205, as amended.
- k. Flood Disaster Protection Act of 1973 — Section 102(a) — 42 U.S.C. 4012a.
- l. Title 49, U.S.C., Section 303, (formerly known as Section 4(f)).
- m. Rehabilitation Act of 1973 — 29 U.S.C. 794.
- n. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252) (prohibits discrimination on the basis of race, color, national origin).
- o. Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 et seq.), prohibits discrimination on the basis of disability).

- p. Age Discrimination Act of 1975 — 42 U.S.C. 6101, et. seq.
- q. American Indian Religious Freedom Act, P.L. 95-341, as amended.
- r. Architectural Barriers Act of 1968 — 42 U.S.C. 4151, et. seq.
- s. Power plant and Industrial Fuel Use Act of 1978 — Section 403- 2 U.S.C. 8373.
- t. Contract Work Hours and Safety Standards Act — 40 U.S.C. 327, et. seq.
- u. Copeland Anti-kickback Act — 18 U.S.C. 874.1.
- v. National Environmental Policy Act of 1969 — 42 U.S.C. 4321, et. seq.
- w. Wild and Scenic Rivers Act, P.L. 90-542, as amended.
- x. Single Audit Act of 1984 — 31 U.S.C. 7501, et. seq. ²
- y. Drug-Free Workplace Act of 1988 — 41 U.S.C. 702 through 706.
- z. The Federal Funding Accountability and Transparency Act of 2006, as amended (Pub. L. 109-282, as amended by section 6202 of Pub. L. 110-252).

EXECUTIVE ORDERS

- a. Executive Order 11246 – Equal Employment Opportunity
- b. Executive Order 11990 – Protection of Wetlands
- c. Executive Order 11998 – Flood Plain Management
- d. Executive Order 12372 – Intergovernmental Review of Federal Programs
- e. Executive Order 12699 – Seismic Safety of Federal and Federally Assisted New Building Construction
- f. Executive Order 12898 – Environmental Justice
- g. Executive Order 14005 – Ensuring the Future Is Made in All of America by All of America's Workers.

FEDERAL REGULATIONS

- a. 2 CFR Part 180 – OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement).
- b. 2 CFR Part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. ^{3, 4}
- c. 2 CFR Part 1200 – Nonprocurement Suspension and Debarment.
- d. 28 CFR Part 35 – Discrimination on the Basis of Disability in State and Local Government Services.
- e. 28 CFR § 50.3 – U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964.
- f. 29 CFR Part 1 – Procedures for predetermination of wage rates. ¹
- g. 29 CFR Part 3 – Contractors and subcontractors on public building or public work financed in whole or part by loans or grants from the United States. ¹

- h. 29 CFR Part 5 – Labor standards provisions applicable to contracts covering Federally financed and assisted construction (also labor standards provisions applicable to non-construction contracts subject to the Contract Work Hours and Safety Standards Act). ¹
- i. 41 CFR Part 60 – Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor (Federal and Federally assisted contracting requirements). ¹
- j. 49 CFR Part 20 – New restrictions on lobbying.
- k. 49 CFR Part 21 – Nondiscrimination in Federally-assisted programs of the Department of Transportation - effectuation of Title VI of the Civil Rights Act of 1964.
- l. 49 CFR Part 23 – Participation by Disadvantage Business Enterprise in Airport Concessions.
- m. 49 CFR Part 26 – Participation by Disadvantaged Business Enterprises in Department of Transportation Program.
- n. 49 CFR Part 27 – Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance. ¹
- o. 49 CFR Part 28 – Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities conducted by the Department of Transportation.
- p. 49 CFR Part 30 – Denial of public works contracts to suppliers of goods and services of countries that deny procurement market access to U.S. contractors.
- q. 49 CFR Part 32 – Government-wide Requirements for Drug-Free Workplace (Financial Assistance).
- r. 49 CFR Part 37 – Transportation Services for Individuals with Disabilities (ADA).
- s. 49 CFR Part 41 – Seismic safety of Federal and Federally assisted or regulated new building construction.

FOOTNOTES TO ASSURANCE ACRGP ASSURANCE B.1.

- ¹ These laws do not apply to airport planning sponsors.
- ² These laws do not apply to private sponsors.
- ³ Cost principles established in 2 CFR Part 200 subpart E must be used as guidelines for determining the eligibility of specific types of expenses
- ⁴ Audit requirements established in 2 CFR Part 200 subpart F are the guidelines for audits.

SPECIFIC ASSURANCES

Specific assurances required to be included in grant agreements by any of the above laws, regulations, or circulars are incorporated by reference in this Grant Agreement.

1. Purpose Directly Related to the Airport

It certifies that the reimbursement sought is for a purpose directly related to the airport.

2. Responsibility and Authority of the Sponsor.

a. Public Agency Sponsor:

It has legal authority to apply for this Grant, and to finance and carry out the proposed grant; that an official decision has been made by the applicant's governing body authorizing the filing of the application, including all understandings and assurances contained therein, and directing

and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

b. Private Sponsor:

It has legal authority to apply for this Grant and to finance and carry out the proposed Grant and comply with all terms, conditions, and assurances of this Grant Agreement. It shall designate an official representative and shall in writing direct and authorize that person to file this application, including all understandings and assurances contained therein; to act in connection with this application; and to provide such additional information as may be required.

3. Good Title.

It, a public agency or the Federal government, holds good title, satisfactory to the Secretary, to the landing area of the airport or site thereof, or will give assurance satisfactory to the Secretary that good title will be acquired.

4. Preserving Rights and Powers.

- a. It will not take or permit any action which would operate to deprive it of any of the rights and powers necessary to perform any or all of the terms, conditions, and assurances in this Grant Agreement without the written approval of the Secretary, and will act promptly to acquire, extinguish, or modify any outstanding rights or claims of right of others which would interfere with such performance by the sponsor. This shall be done in a manner acceptable to the Secretary.
- b. If the sponsor is a private sponsor, it will take steps satisfactory to the Secretary to ensure that the airport will continue to function as a public-use airport in accordance with this Grant Agreement.
- c. If an arrangement is made for management and operation of the airport by any agency or person other than the sponsor or an employee of the sponsor, the sponsor will reserve sufficient rights and authority to insure that the airport will be operated and maintained in accordance Title 49, United States Code, the regulations, and the terms and conditions of this Grant Agreement.

5. Consistency with Local Plans.

Any project undertaken by this Grant Agreement is reasonably consistent with plans (existing at the time of submission of the ACGRP application) of public agencies that are authorized by the State in which the project is located to plan for the development of the area surrounding the airport.

6. Consideration of Local Interest.

It has given fair consideration to the interest of communities in or near where any project undertaken by this Grant Agreement may be located.

7. Consultation with Users.

In making a decision to undertake any airport development project undertaken by this Grant Agreement, it has undertaken reasonable consultations with affected parties using the airport at which project is proposed.

8. Pavement Preventative Maintenance.

With respect to a project undertaken by this Grant Agreement for the replacement or reconstruction of pavement at the airport, it assures or certifies that it has implemented an effective airport pavement maintenance-management program and it assures that it will use such program for the useful life of any pavement constructed, reconstructed, or repaired with Federal financial assistance at the airport, including ACRGP funds provided under this Grant Agreement. It will provide such reports on pavement condition and pavement management programs as the Secretary determines may be useful.

9. Accounting System, Audit, and Record Keeping Requirements.

- a. It shall keep all Grant accounts and records which fully disclose the amount and disposition by the recipient of the proceeds of this Grant, the total cost of the Grant in connection with which this Grant is given or used, and the amount or nature of that portion of the cost of the Grant supplied by other sources, and such other financial records pertinent to the Grant. The accounts and records shall be kept in accordance with an accounting system that will facilitate an effective audit in accordance with the Single Audit Act of 1984.
- b. It shall make available to the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, for the purpose of audit and examination, any books, documents, papers, and records of the recipient that are pertinent to this Grant. The Secretary may require that an appropriate audit be conducted by a recipient. In any case in which an independent audit is made of the accounts of a sponsor relating to the disposition of the proceeds of a Grant or relating to the Grant in connection with which this Grant was given or used, it shall file a certified copy of such audit with the Comptroller General of the United States not later than six (6) months following the close of the fiscal year for which the audit was made.

10. Minimum Wage Rates.

It shall include, in all contracts in excess of \$2,000 for work on any projects funded under this grant agreement which involve labor, provisions establishing minimum rates of wages, to be predetermined by the Secretary of Labor, in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5), which contractors shall pay to skilled and unskilled labor, and such minimum rates shall be stated in the invitation for bids and shall be included in proposals or bids for the work.

11. Veteran's Preference.

It shall include in all contracts for work on any project funded under this grant agreement which involve labor, such provisions as are necessary to insure that, in the employment of labor (except in executive, administrative, and supervisory positions), preference shall be given to Vietnam era veterans, Persian Gulf veterans, Afghanistan-Iraq war veterans, disabled veterans, and small business concerns owned and controlled by disabled veterans as defined in Section 47112 of Title 49, United States Code. However, this preference shall apply only where the individuals are available and qualified to perform the work to which the employment relates.

12. Operation and Maintenance.

- a. The airport and all facilities which are necessary to serve the aeronautical users of the airport, other than facilities owned or controlled by the United States, shall be operated at all times in a safe and serviceable condition and in accordance with the minimum standards as may be required or prescribed by applicable Federal, state and local agencies for maintenance and

operation. It will not cause or permit any activity or action thereon which would interfere with its use for airport purposes. It will suitably operate and maintain the airport and all facilities thereon or connected therewith, with due regard to climatic and flood conditions. Any proposal to temporarily close the airport for non-aeronautical purposes must first be approved by the Secretary. In furtherance of this assurance, the sponsor will have in effect arrangements for-

1. Operating the airport's aeronautical facilities whenever required;
 2. Promptly marking and lighting hazards resulting from airport conditions, including temporary conditions; and
 3. Promptly notifying airmen of any condition affecting aeronautical use of the airport. Nothing contained herein shall be construed to require that the airport be operated for aeronautical use during temporary periods when snow, flood or other climatic conditions interfere with such operation and maintenance. Further, nothing herein shall be construed as requiring the maintenance, repair, restoration, or replacement of any structure or facility which is substantially damaged or destroyed due to an act of God or other condition or circumstance beyond the control of the sponsor.
- b. It will suitably operate and maintain noise compatibility program items that it owns or controls upon which Federal funds have been expended.

13. Hazard Removal and Mitigation.

It will take appropriate action to assure that such terminal airspace as is required to protect instrument and visual operations to the airport (including established minimum flight altitudes) will be adequately cleared and protected by removing, lowering, relocating, marking, or lighting or otherwise mitigating existing airport hazards and by preventing the establishment or creation of future airport hazards.

14. Compatible Land Use.

It will take appropriate action, to the extent reasonable, including the adoption of zoning laws, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft.

15. Exclusive Rights.

The sponsor shall not grant an exclusive right to use an air navigation facility on which this Grant has been expended. However, providing services at an airport by only one fixed-based operator is not an exclusive right if—

- a. it is unreasonably costly, burdensome, or impractical for more than one fixed-based operator to provide the services; and
- b. allowing more than one fixed-based operator to provide the services requires a reduction in space leased under an agreement existing on September 3, 1982, between the operator and the airport.

16. Airport Revenues.

- a. This Grant shall be available for any purpose for which airport revenues may lawfully be used to prevent, prepare for, and respond to coronavirus. Funds provided under this ACRGP Grant Agreement will only be expended for the capital or operating costs of the airport; the local airport system; or other local facilities which are owned or operated by the owner or operator of the airport(s) subject to this agreement and all applicable addendums for costs related to

operations, personnel, cleaning, sanitization, janitorial services, combating the spread of pathogens at the airport, and debt service payments as prescribed in the Act

- b. For airport development, 49 U.S.C. § 47133 applies.

17. Reports and Inspections.

It will:

- a. submit to the Secretary such annual or special financial and operations reports as the Secretary may reasonably request and make such reports available to the public; make available to the public at reasonable times and places a report of the airport budget in a format prescribed by the Secretary;
- b. in a format and time prescribed by the Secretary, provide to the Secretary and make available to the public following each of its fiscal years, an annual report listing in detail:
 - 1. all amounts paid by the airport to any other unit of government and the purposes for which each such payment was made; and
 - 2. all services and property provided by the airport to other units of government and the amount of compensation received for provision of each such service and property.

18. Land for Federal Facilities.

It will furnish without cost to the Federal Government for use in connection with any air traffic control or air navigation activities, or weather-reporting and communication activities related to air traffic control, any areas of land or water, or estate therein, or rights in buildings of the sponsor as the Secretary considers necessary or desirable for construction, operation, and maintenance at Federal expense of space or facilities for such purposes. Such areas or any portion thereof will be made available as provided herein within four months after receipt of a written request from the Secretary.

19. Airport Layout Plan.

- a. Subject to the FAA Reauthorization Act of 2018, Public Law 115-254, Section 163, it will keep up to date at all times an airport layout plan of the airport showing:
 - 1. boundaries of the airport and all proposed additions thereto, together with the boundaries of all offsite areas owned or controlled by the sponsor for airport purposes and proposed additions thereto;
 - 2. the location and nature of all existing and proposed airport facilities and structures (such as runways, taxiways, aprons, terminal buildings, hangars and roads), including all proposed extensions and reductions of existing airport facilities;
 - 3. the location of all existing and proposed non-aviation areas and of all existing improvements thereon; and
 - 4. all proposed and existing access points used to taxi aircraft across the airport's property boundary. Such airport layout plans and each amendment, revision, or modification thereof, shall be subject to the approval of the Secretary which approval shall be evidenced by the signature of a duly authorized representative of the Secretary on the face of the airport layout plan. The sponsor will not make or permit any changes or alterations in the airport or any of its facilities which are not in conformity with the airport layout plan

as approved by the Secretary and which might, in the opinion of the Secretary, adversely affect the safety, utility or efficiency of the airport.

- b. Subject to the FAA Reauthorization Act of 2018, Public Law 115-254, Section 163, if a change or alteration in the airport or the facilities is made which the Secretary determines adversely affects the safety, utility, or efficiency of any federally owned, leased, or funded property on or off the airport and which is not in conformity with the airport layout plan as approved by the Secretary, the owner or operator will, if requested, by the Secretary (1) eliminate such adverse effect in a manner approved by the Secretary; or (2) bear all costs of relocating such property (or replacement thereof) to a site acceptable to the Secretary and all costs of restoring such property (or replacement thereof) to the level of safety, utility, efficiency, and cost of operation existing before the unapproved change in the airport or its facilities except in the case of a relocation or replacement of an existing airport facility due to a change in the Secretary's design standards beyond the control of the airport sponsor.

20. Civil Rights.

It will promptly take any measures necessary to ensure that no person in the United States shall, on the grounds of race, creed, color, national origin, sex, age, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in any activity conducted with, or benefiting from, funds received from this Grant.

- a. Using the definitions of activity, facility, and program as found and defined in §§ 21.23 (b) and 21.23 (e) of 49 CFR Part 21, the sponsor will facilitate all programs, operate all facilities, or conduct all programs in compliance with all non-discrimination requirements imposed by or pursuant to these assurances.
- b. Applicability
 - 1. Programs and Activities. If the sponsor has received a grant (or other Federal assistance) for any of the sponsor's program or activities, these requirements extend to all of the sponsor's programs and activities
 - 2. Facilities. Where it receives a grant or other Federal financial assistance to construct, expand, renovate, remodel, alter, or acquire a facility, or part of a facility, the assurance extends to the entire facility and facilities operated in connection therewith.
 - 3. Real Property. Where the sponsor receives a grant or other Federal financial assistance in the form of, or for the acquisition of, real property or an interest in real property, the assurance will extend to rights to space on, over, or under such property.

c. Duration

The sponsor agrees that it is obligated to this assurance for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the assurance obligates the sponsor, or any transferee for the longer of the following periods:

- 1. So long as the airport is used as an airport, or for another purpose involving the provision of similar services or benefits; or
- 2. So long as the sponsor retains ownership or possession of the property.

d. Required Solicitation Language

It will include the following notification in all solicitations for bids, Requests for Proposals for work, or material under this Grant and in all proposals for agreements, including airport concessions, regardless of funding source:

“The **City of Truth or Consequences**, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that for any contract entered into pursuant to this advertisement, disadvantaged business enterprises and airport concession disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.”

e. **Required Contract Provisions.**

1. It will insert the non-discrimination contract clauses requiring compliance with the acts and regulations relative to non-discrimination in Federally-assisted programs of the DOT, and incorporating the acts and regulations into the contracts by reference in every contract or agreement subject to the non-discrimination in Federally-assisted programs of the DOT Acts and regulations.
2. It will include a list of the pertinent non-discrimination authorities in every contract that is subject to the non-discrimination acts and regulations.
3. It will insert non-discrimination contract clauses as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a sponsor.
4. It will insert non-discrimination contract clauses prohibiting discrimination on the basis of race, color, national origin, creed, sex, age, or handicap as a covenant running with the land, in any future deeds, leases, license, permits, or similar instruments entered into by the sponsor with other parties:
 - A. For the subsequent transfer of real property acquired or improved under the applicable activity, grant, or program; and
 - B. For the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, grant, or program.
 - C. It will provide for such methods of administration for the program as are found by the Secretary to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the acts, the regulations, and this assurance.
 - D. It agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the acts, the regulations, and this assurance.

21. Foreign Market Restrictions.

It will not allow funds provided under this Grant to be used to fund any activity that uses any product or service of a foreign country during the period in which such foreign country is listed by the United States Trade Representative as denying fair and equitable market opportunities for products and suppliers of the United States in procurement and construction.

22. Policies, Standards and Specifications.

It will carry out any project funded under an Airport Coronavirus Relief Program Grant in accordance with policies, standards, and specifications approved by the Secretary including, but not limited to, current FAA Advisory Circulars for AIP projects, as of March 15, 2021, included in this grant, and in accordance with applicable state policies, standards, and specifications approved by the Secretary.

23. Access By Intercity Buses.

The airport owner or operator will permit, to the maximum extent practicable, intercity buses or other modes of transportation to have access to the airport; however, it has no obligation to fund special facilities for intercity buses or for other modes of transportation.

24. Disadvantaged Business Enterprises.

The sponsor shall not discriminate on the basis of race, color, national origin or sex in the award and performance of any DOT-assisted contract covered by 49 CFR Part 26, or in the award and performance of any concession activity contract covered by 49 CFR Part 23. In addition, the sponsor shall not discriminate on the basis of race, color, national origin or sex in the administration of its Disadvantaged Business Enterprise (DBE) and Airport Concessions Disadvantaged Business Enterprise (ACDBE) programs or the requirements of 49 CFR Parts 23 and 26. The sponsor shall take all necessary and reasonable steps under 49 CFR Parts 23 and 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts, and/or concession contracts. The sponsor's DBE and ACDBE programs, as required by 49 CFR Parts 26 and 23, and as approved by DOT, are incorporated by reference in this agreement. Implementation of these programs is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the sponsor of its failure to carry out its approved program, the Department may impose sanctions as provided for under Parts 26 and 23 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1936 (31 U.S.C. 3801).

25. Acquisition Thresholds.

The FAA deems equipment to mean tangible personal property having a useful life greater than one year and a per-unit acquisition cost equal to or greater than \$5,000. Procurements by micro-purchase means the acquisition of goods or services for which the aggregate dollar amount does not exceed \$10,000, unless authorized in accordance with 2 CFR § 200.320. Procurement by small purchase procedures means those relatively simple and informal procurement methods for securing goods or services that do not exceed the \$250,000 threshold for simplified acquisitions.

**Current FAA Advisory Circulars Required for Use in AIP Funded and PFC
Approved Projects**

View the most current Series 150 Advisory Circulars (ACs) for Airport Projects at
http://www.faa.gov/airports/resources/advisory_circulars and
http://www.faa.gov/regulations_policies/advisory_circulars



CITY OF TRUTH OR CONSEQUENCES

AGENDA REQUEST FORM

MEETING DATE: May 12, 2021

Agenda Item #: H.5

SUBJECT: Discussion Action – Summary Plat Amendment and Variance request 109 E First Street

DEPARTMENT: Community Development

DATE SUBMITTED: May 6, 2021

SUBMITTED BY: Traci Alvarez

WHO WILL PRESENT THE ITEM: Traci Alvarez

Summary/Background:

Public Hearings for the Summary Plat Amendment and Variance were held on 5-3-21 by the Planning and Zoning Commission. Motion to approve request did not pass a majority vote (2-2). Applicant wishes to divide the lot into 2 tracts. Property is located in the C-1 Zone – General Commercial District. Applicant requires a Variance per Sec. 15-15. -A.2. b - Both lots to be created have direct, legal, unobstructed access to an existing City maintained and paved street with curb gutter and sidewalk; a variance request for lot minimum area was also requested however after further review it is not required as Tract 1 meets minimum lot area requirement.

Recommendation:

Approve the request for Summary Plat Amendment and Variance at 109 E First Street

Attachments:

- Planning and Zoning Agenda Packet
- Planning and Zoning Draft Meeting Minutes 5-3-21

Fiscal Impact (Finance): N/A

\$0.00

Legal Review (City Attorney): N/A

None.

Approved For Submittal By: ☐ Department Director

Reviewed by: ☐ City Clerk ☐ Finance ☐ Legal ☐ Other: Click here to enter text.

Final Approval: ☐ City Manager

CITY CLERK'S USE ONLY - COMMISSION ACTION TAKEN

Resolution No. - Ordinance No. -

Continued To: - Referred To: -

☐ Approved ☐ Denied ☐ Other: -

File Name: CC Agendas 5-12-2021



CITY OF TRUTH OR CONSEQUENCES
PLANNING AND ZONING COMMISSION ACTION FORM
DATE: MAY 3, 2021

ITEM: Public Hearing/Discussion/Action – Summary Plat Amendment 109 E First Street

BACKGROUND:

Property owner/representative is requesting a summary Plat Amendment at 109 E First to split the parcel into 2 lots.

Property is located in the C-1 Zone – General Commercial District.

All required documents have been submitted and fees have been paid. Certified mailings were sent to required property owners. Taxes are paid and no taxes are owed on the property;

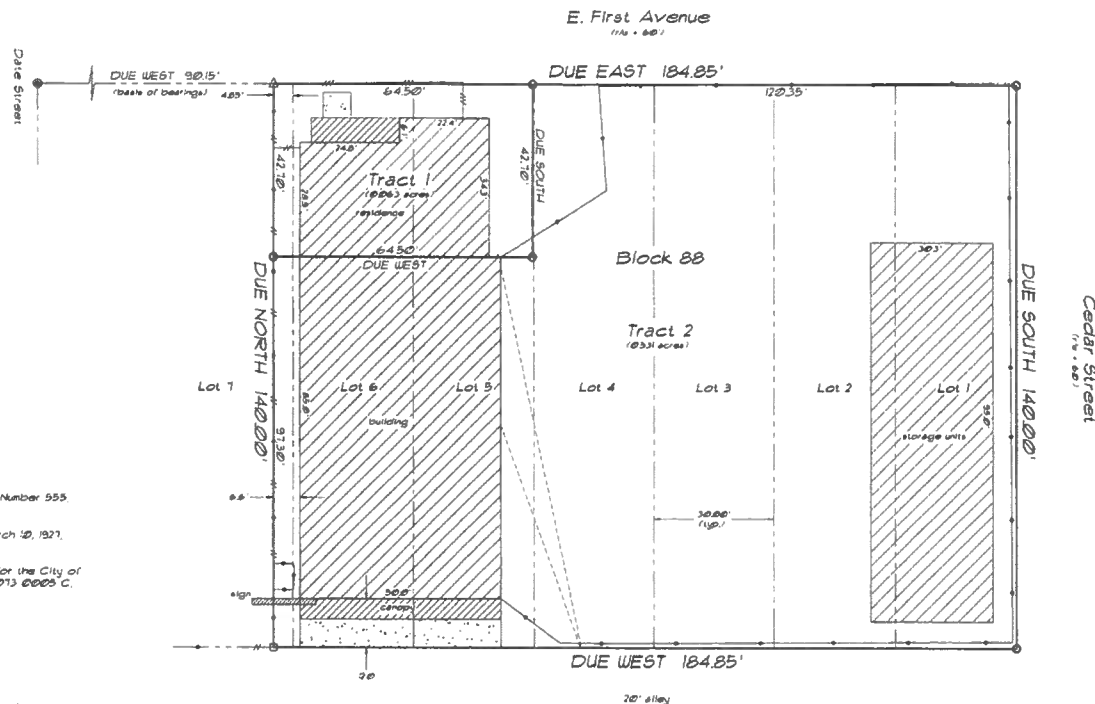
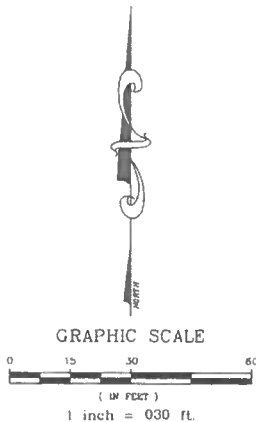
SUPPORT INFORMATION:

- **Summary Plat Amendment**
- **Legal Description**
- **Google Map**
- **Notice of Public Hearing**
- **Municipal Code References**

Name of Drafter: Traci Alvarez	:	Meeting date: 05-03-2021
E-mail: tburnette@torcnm.org	Phone: 575-894-6673	

ALTERNATE SUMMARY PROCEDURE-SUMMARY PLAT

of two tracts of land
within Lots 1 through 7, Block 88, Original Townsite of Hot Springs,
a subdivision in the City of Truth or Consequences, Sierra County,
New Mexico



- Legend:
- Round 5/8" rebar w/survcap stamped "DSL PS 541" □
 - Round 1/2" rebar w/survcap stamped "NPLS Q25" ⊙
 - Set 1/2" rebar w/survcap stamped "NPLS Q25" ⊙
 - Fence post in concrete ▲
 - chain link fence ————
 - wood fence ————
 - sheet metal fence ————
 - overhead power lines - - - - -

Reference:

Account No. 10363
Book 15, Page 3833 (Warranty Deed)
UPC 307-301-808-144

City of Truth or Consequences Subdivision Codes, Ordinance Number 555
(adopted May 23, 2006)

Original Townsite of Hot Springs Subdivision Plat filed on March 10, 1927,
(Plat No. 13-A-1)

National Flood Insurance Program, Flood Insurance Rate Map for the City of
Truth or Consequences, New Mexico, Community-Panel No. 350073 0005 C,
(map revised July 16, 1996)

ACKNOWLEDGMENT

I, the undersigned owner and proprietor of the hereon described property do
hereby acknowledge, with my free consent, and in accordance with my wishes and
desires, the division of land as shown on this plat.

Eliana C. Aubin
Eliana C. Aubin

STATE OF NEW MEXICO
COUNTY OF SIERRA

The foregoing instrument was acknowledged before me this APRIL day of 2020 by Eliana C. Aubin

[Signature]
Notary Public

My Commission Expires 08/06/2022

Notes:

These tracts are subject to easements, restrictions and reservations of record

The tracts shown hereon are located within the boundaries of Flood Zone X,
"area determined to be outside 500-year flood plain"

The hereon described tracts were created under the City of Truth or Consequences
Subdivision Codes, Ordinance Number 555, adopted May 23, 2006, (Chapter 15,
Section 5, Alternate Summary Procedure)

Use drawing scale to determine measurements when not labeled

The City of Truth or Consequences does hereby acknowledge
the division of land as shown on this plat.

Mayor: _____ Date: _____

March 16, 2020

Chaparral Surveying, LLC

Professional Land Surveying

P.O. Box 678 Elephant Butte, New Mexico 87535

CERTIFICATE

This is to certify that I am a registered Professional
Land Surveyor, that this plat is prepared from notes
of field surveys made by me or under my supervision
that said surveys and this plat are true and correct
to the best of my knowledge and belief.
I further certify that this survey is not a land division or
subdivision as defined in the New Mexico Subdivision Act
and that this is a summary plat of an existing tract or tracts.

This plat meets the minimum requirements of the
Standards of Land Surveys in New Mexico

[Signature]
David M. Sam
New Mexico Professional Surveyor
License Number 1275

INDEXING INFORMATION FOR COUNTY CLERK

Eliana C. Aubin (10969)

Original Townsite of Hot Springs

Section 33, Tshp. 13 South, Rge. 4 West

Chaparral Surveying, LLC

P.O. Box 629

Elephant Butte, New Mexico 87935

(575) 740-0334

March 18, 2020

LEGAL DESCRIPTION-TRACT 1

(0.063 ACRES)

A tract of land situate in Lots 5, 6 and 7, Block 88, Original Townsite of Hot Springs, a subdivision in the City of Truth or Consequences, Sierra County, New Mexico, and more particularly described as follows, to-wit;

Beginning at the NE corner of this tract, a ½" rebar w/survcap stamped "NMPLS 12129", a point on E. First Avenue, whence the NE corner of Lot 1, Block 88, Original Townsite of Hot Springs, a ½" rebar w/survcap stamped "NMPLS 12129", bears DUE EAST, a distance of 120.35 feet;

Thence, DUE SOUTH, a distance of 42.70 feet to the SE corner of this tract, a ½" rebar w/survcap stamped "NMPLS 12129";

Thence, DUE WEST, a distance of 64.50 feet to the SW corner of this tract, a ½" rebar w/survcap stamped "NMPLS 12129";

Thence, DUE NORTH, a distance of 42.70 feet to the NW corner of this tract, a fence post in concrete, a point on E. First Avenue;

Thence, continuing along E. First Avenue, DUE EAST, a distance of 64.50 feet to the point of beginning of the tract hereon described, containing 0.063 acres of land, more or less.

This legal description was prepared from a field survey by David M. Senn, NMPLS 12129, (re: Chaparral Surveying, LLC, Boundary Survey Plat dated March 16, 2020).

Chaparral Surveying, LLC

P.O. Box 629

Elephant Butte, New Mexico 87935

(575) 740-0334

March 18, 2020

LEGAL DESCRIPTION-TRACT 2

(0.531 ACRES)

A tract of land situate in Lots 1 through 7, Block 88, Original Townsite of Hot Springs, a subdivision in the City of Truth or Consequences, Sierra County, New Mexico, and more particularly described as follows, to-wit;

Beginning at the NE corner of this tract, a ½" rebar w/survcap stamped "NMPLS 12129", a point on Cedar Street, said corner being the NE corner of Lot 1, Block 88, Original Townsite of Hot Springs;

Thence, continuing along Cedar Street, DUE SOUTH, a distance of 140.00 feet to the SE corner of this tract, a ½" rebar w/survcap stamped "NMPLS 12129", said corner being the SE corner of Lot 1, Block 88, Original Townsite of Hot Springs;

Thence, DUE WEST, a distance of 184.85 feet to the SW corner of this tract, a 5/8" rebar w/survcap stamped "DSL PS 541";

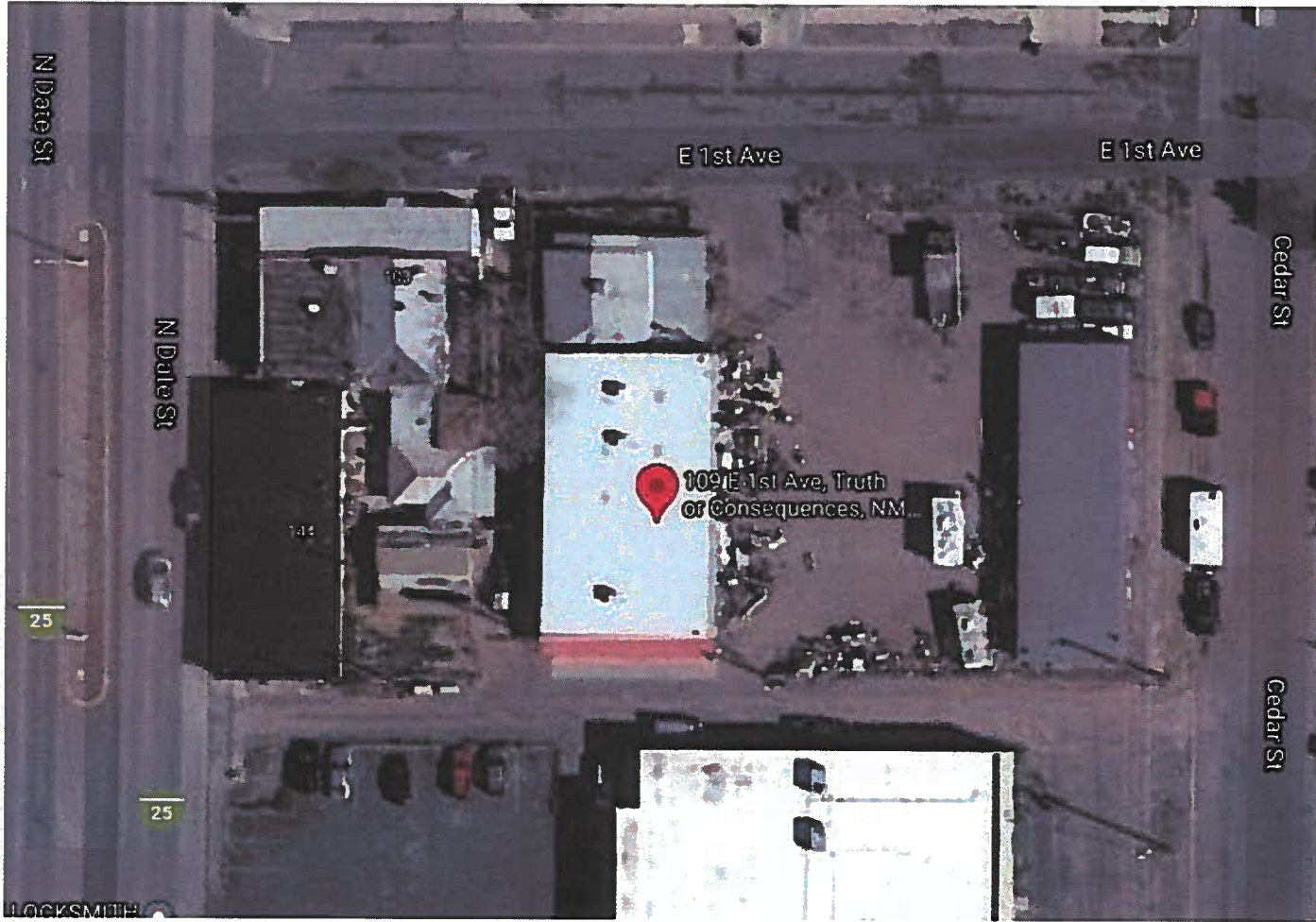
Thence, DUE NORTH, a distance of 97.30 feet to an angle point in this tract, a ½" rebar w/survcap stamped "NMPLS 12129";

Thence, DUE EAST, a distance of 64.50 feet to an angle point in this tract, a ½" rebar w/survcap stamped "NMPLS 12129";

Thence, DUE NORTH, a distance of 42.70 feet to an angle point in this tract, a ½" rebar w/survcap stamped "NMPLS 12129", a point on E. First Avenue;

Thence, continuing along E. First Avenue, DUE EAST, a distance of 120.35 feet to the point of beginning of the tract hereon described, containing 0.531 acres of land, more or less.

This legal description was prepared from a field survey by David M. Senn, NMPLS 12129, (re: Chaparral Surveying, LLC, Boundary Survey Plat dated March 16, 2020).



*Sandra K. Whitehead
Mayor*

*Amanda Forrister
Mayor Pro-Tem*

*Frances Luna
Commissioner*



*Paul Baca
Commissioner*

*Randall Aragon
Commissioner*

*Traci Alvarez
Acting City Manager*

**505 Sims St.
Truth or Consequences, New Mexico 87901
P: 575-894-6673 ♦ F: 575-894-7767
www.torcnm.org**

NOTICE OF PUBLIC HEARING

NOTICE is hereby given that the City of Truth or Consequences Planning & Zoning Commission will hold a Public Hearing during their Regular Meeting scheduled on Monday, May 3, 2021 in the Commission Chambers, 405 W. Third, Truth or Consequences, New Mexico to receive input regarding the following:

Public Hearing/Discussion/Action: Summary Plat Amendment and Variance Request at 109 E. 1st Street, Truth or Consequences, NM, pursuant to Chapter 15, Sec. 15-17, Amendment of Plats.

If you are an interested party, please note that a limited amount of in-person attendance will be allowed in the Commission Chambers based on COVID safe practices. You may also attend the meeting via teleconference, or submit your comments via email to torcpubliccomment@torcnm.org. Please submit any public comment via email no later than Friday, April 30, 2021.

The agenda and information to join the meeting via teleconference may be obtained on Friday, April 30, 2021 on the city website calendar at www.torcnm.org; by contacting the City Clerk's Office at 575-894-6675; or by email to: aatorres@torcnm.org.

/s/ Angela A. Torres, CMC, City Clerk

Publish on the following date:

- Sentinel– Friday, April 9, 2021

Sec. 11-9-7. - C-1 General Commercial District.

- A. **PURPOSE.** The intent of the C-1 District is to provide for certain commercial/retail uses which serve both transient and local trade. The District is intended for areas surrounding major arterial or collector streets where a wide range of automobile-related service facilities, convenience goods and personal services are desirable and appropriate as a land use.
- B. **DEVELOPMENT STANDARDS.** Development standards and other requirements are provided in Articles X through XIV of this Code.
- C. **C-1 PERMITTED USES.**

• Accountant Office	• Arts and Crafts Studio
• Advertising Services	• Auditoriums
• Animal Hospital and Clinic	• Automobile Parking Lot
• Auto and Camper Sales, Service and Rental	• Gasoline Pumps
• Automotive Equipment	• Gasoline Stations
• Bakery	• Gift Shop
• Banking and Financial Institution	• Glass Cutting and Finishing
• Barber Shop and Beauty Parlor	• Golf Course
• Bathhouse or Spa	• Grocery Store
• Bicycle Sales and Service	• Gymnasium
• Boat and RV Storage	• Hardware Store
• Bookstores and Stationery Shops	• Heavy Equipment Sales
• Building and Other Construction-Contractor: office only	• Hobby Shop
• Business Service Establishment	• Hospital or Overnight Clinic
• Butcher Shop and Meat Sales	• Hotel and Motel
• Catering	• Household Appliance Sales and Service and

	Repair
• Cigarette and Cigar Shop	• Insurance Services
• Clinic	• Institutions, Public and Quasi-Public
• Clothing Store and Apparel Shop	• Jewelry Store
• Coffee Shop	• Kennel, Commercial
• Columbarium	• Laboratory (medical, dental or engineering)
• Community Center or Public Office Building	• Liquor Store - Taverns and Package Stores
• Convenience Store	• Pet Shop or Grooming Parlor
• Convention or Exhibition Hall	• Photographic Studio and Supply Store
• Country Club	• Plant Nursery
• Dance Hall or Music Academy	• Plumbing and Heating Shop
• Dentist Office	• Pool and Billiard Room
• Department Store	• Post Office
• Dressmaking Shop	• Private Club or Lounge
• Drugstore	• Public Park, Playground and Recreational
• Dry-cleaning and Steam cleaning Establishment	• Radio, Television Broadcasting Studios, Music Store
• Electrical Shop and Electricians	• Real Estate Services
• Farm Machinery	• Restaurant
• Farm and Ranch Products and Supplies	• Retail Sales
• Fast Food Sales including Drive-In Sales	• Roofing and Sheet Metal Shop

• Firewood Sales	• Shoe Repair
• Florist Shop	• Show and Sales Room for Business Products
• Food Store	• Skating Rink
• Frozen Food Locker	• Sporting Goods Store
• Funeral Home, Mortuary (including crematorium)	• Tailoring
• Furniture and Home Furnishings	• Taverns and Cocktail Lounges
• Taxicab Transportation	• Travel Agency
• Telephone Exchange Station	• Upholstery
• Telegraph and Messenger Service	• Variety Store
• Tire Sales and Service	• Warehousing and Storage
• Title and Abstracting Services	• Watch and Clock Sales and Service

D. **PERMITTED USES—WITH CONDITIONS.** The following C-1 uses are permitted in accordance with stated conditions and upon approval by the Planning and Zoning Commission.

1. **Adult Entertainment Uses:** Uses such as adult bookstores, adult movie theaters, and adult news racks, as defined in Article 8 of this Code, shall be permitted provided such use is located a minimum of three hundred (300) feet from a property line of any:
 - a. School;
 - b. Church;
 - c. Public park or recreational facility;
 - d. Residential District;
 - e. Another adult entertainment facility.

There shall be no public display visible outside of the building. In addition, display of adult pictures of other materials within a grocery store, bookstore, or other retail or wholesale store shall be concealed from public view.

2. **Amusement Park or Enterprise:** Subject to any other provisions and requirements of the Municipal Code. Temporary amusement enterprises are prohibited within three hundred (300) feet of any residential zoning District. Permanent amusement enterprises are prohibited within five hundred (500) feet of any residential zoning District.

3. **Automobile Body and Repair Shop:** Not permitted within one hundred (100) feet of any residential District.
4. **Bank Drive-up Windows:** Stacking lane(s) of one hundred eighty (180) feet by ten (10) feet for each drive-up must be provided and designed to insure that no bank traffic backs onto the street giving access. Banks must be located on a collector or arterial streets as shown on the City Street Plan.
5. **Bowling Alley:** Subject to approval of site and related plans. Bowling alleys are prohibited within three hundred (300) feet of any residential zoning District.
6. **Bus or Motor Freight Terminal:** Only when located on an arterial street as designated on the City Street Plan.
7. **Car Washes:** There shall be no run-off onto neighboring properties or streets resulting from the use. Any discharge into public liquid waste disposal systems shall be approved by the administrator of the system prior to approval of the business. If the subject property is not served by a public waste disposal system, approval from the New Mexico Environmental Department shall be required.
8. **Child Care Center, Nursery or Similar Use:** Play areas shall be in accord with State licensing requirements and enclosed by a solid wall or fence five (5) feet in height.
9. **Christmas Tree Sales:** Temporary, not prior to November 15, provided lots are cleaned and removed by December 31.
10. **Church:** Only when located on an arterial or collector street as designated on the City Street Plan.
11. **Construction or Contractor's Yard:** Yard shall be maintained in a neat and orderly fashion and enclosed by a fence at least six (6) feet in height except that the height shall be limited to three (3) feet above street curb within a clear site triangle as defined in this Code.
12. **Drive-In Theater:** Subject to approval of site and related plans.
13. **Firewood Sales:** No more than twenty (20) cords stored on site.
14. **Flea Market:** Subject to any other requirements of the Municipal Code.
15. **Furniture Assembly (Accessory Use):** Permitted only as an incidental or accessory use to retail sales. Maximum floor area for assembly shall not exceed three thousand (3,000) square feet, not exceed thirty percent (30%) of the total business floor area, and shall be within the same building.
16. **Gas Pressure Control Stations:** (Public or Private Utility.)
17. **Heavy Equipment Repair (Accessory Use):** Permitted only as an incidental or accessory use to heavy equipment sales. Floor area for repair shall not exceed three thousand (3,000) square feet and not exceed thirty percent (30%) of the total gross floor area. Welding is permitted only in conjunction with repair and shall not be used for the purpose of heavy equipment assembly.
18. **Miniature Golf Course:** Subject to approval of site and related plans. Not permitted within one hundred (100) feet of any residential District.
19. **Mini Storage Units:** Units shall not be used for commercial sales of products, merchandise, service or repair. (This does not preclude a business from using storage units solely for storage of commercial or business related items provide that the actual commercial operation or business is conducted elsewhere, and there is no external evidence of the business at the storage unit.)
20. **School, Public, Private or Trade:** Sites shall be located on an arterial or collector street as shown on the City Street Plan.

21. Shopping Center: Providing site, drainage, and related plans for the entire development are approved.
 22. Storage of Wrecked or Dismantled Vehicles and Parts (Accessory Use): The storage of wrecked and dismantled vehicles and parts thereof shall be permitted only as an incidental accessory use to a vehicle repair establishment or a body shop:
 - a. Storage shall be within an enclosed building or within a sight-obscuring fence at least six (6) feet in height;
 - b. Vehicles and parts stored at the exterior of the building shall be owned by customers of the business and such storage shall be only for the purpose of repair and return to customer;
 - c. Exterior storage of vehicles shall not remain on the premises for a period exceeding three (3) months;
 - d. A maximum of five (5) wrecked vehicles may be stored at the building exterior during any one time;
 - e. Exterior storage shall be a minimum of one hundred (100) feet from a residential District.
 23. Swimming Pools: Permitted only when a protective fence four (4) feet in height is provided around the yard, lot or pool area. The pool shall be no closer than five (5) feet from any property line, and approval from all utilities is required to insure overhead safety.
 24. Television and Radio Towers and all Other Free Standing Towers (Public and Private Uses): Towers shall have manufacturer's specifications to withstand a 75 mph wind and shall be constructed to meet New Mexico Building Code standards.
 25. Welding (Accessory Use): Welding shall be permitted only as an incidental or accessory use necessary for the repair of vehicles or equipment permitted in the C-1 District. Welding uses shall be approved by the Fire Department and shall be in accord with any other provisions of the Municipal Code.
 26. Wrecker Service: In accord with storage of wrecked vehicle provisions of Item D.22 of this Section.
- E. *SPECIAL USES FOR C-1 DISTRICT.* The following uses require approval of the City Commission. Specific conditions and provisions for special use may be referred to in Article V.
1. Dwelling Unit: Special Use Permits are required for dwellings within the C-1 District upon lots or other parcels located directly adjacent to Broadway Avenue, Main Street or Date Street. Dwellings elsewhere within the C-1 District are permitted by right. Manufactured Homes (MH's) are permitted within the C-1 District subject to the provisions stated herein and in Articles 11 and 14.
 2. Apartments ten (10) unit minimum)
 3. Concrete Sales and Ready Mix
 4. Correctional Facilities and Institutions
 5. Heavy Equipment Repair and Service
 6. Kennel (Commercial)
 7. Manufactured Home Park or Subdivision: Subject to the provisions of Articles 11 and 14.
 8. Propane or Liquefied Petroleum Gas Distribution Point: Up to two thousand (2,000) gallons, not be located within three hundred thirty (330) feet of any residential zoning district, or within the area bounded by Date, Main and Austin Streets.
 9. Racetrack
 10. Residential Vehicle Park

11. Recycle Purchase Center
12. Stadium: Baseball, Football, Soccer or Track.
13. Townhouses (R-2 Development Standards apply)
14. Welding Shop

Sec. 11-14-2. - Standards For Districts.

District	Lots: Minimum Front Setback	Yards: Minimum Rear Setback	Yards: Minimum Side Setback
R-1	25'	25'	8'
R-2	25'	20'	6' or 0'*
R-3	20'	15'	5' or 0'*
R-4	25'	25'	5'
RR-1	25'	15'	5'
C-1	20'	15'	5' or 0'*
M-1	25'	25'	5' or 0'*
T-1	25'	25'	15'

* As permissible per Section 11-14-3 and 11-14-4.

District	Lots: Minimum Area	Lots: Minimum Width	Dwelling: Minimum Area	Maximum Height
R-1	9,000 s. f.	60'	1,200 s. f.	26'
R-2: Single-Family	5,000 s. f.	60'	900 s. f.	26'
R-2: Two-Family	4,000 s. f./unit	60'	650 s. f./unit	35'
R-2: Multiple-Family	3,500 s. f./unit	60'	600 s. f./unit	35'
R-2: Apartments	3,500 s. f./unit	60'	500 s. f./unit	35'

R-2: MH*	5,000 s. f.	60'	900 s. f.	26'
R-3: Single-Family	4,500 s. f.	45'	700 s. f.	35'
R-3: Two-Family	3,000 s. f./unit	45'	500 s. f./unit	35'
R-3: Multiple-Family	3,000 s. f./unit	45'	450 s. f./unit	35'
R-3: Apartments	2,000 s. f./unit	45'	400 s. f./unit	35'
R-3: NM*	4,500	45'	550 s. f.	26'
R-4	1 acre	75'	1,200 s. f.	26'
RR-1	5,000 s. f.	50'	800 s. f.	26'
C-1	5,000 s. f.	60'	" "	35'
C-1: MH*	4,000 s. f.	45'	550 s. f.	26'
M-1	" "	60'	" "	35'
T-1	21,780 s. f.	100'	800 s. f.	35'
T-1: MH*	21,780 s. f.	60'	550 s. f.	26'

* Not located within MHP

Sec. 11-14-3. - Residential and Transition Districts: Additional Provisions and Exceptions.

The following provisions shall apply to all development in a residential or transition District:

A. SETBACK EXCEPTIONS:

1. A minimum side yard setback of zero (0) feet in a residential District only, providing all the following requirements are met:
 - a. The setbacks are authorized by the City Commission as part of an approved development.
 - b. There shall be no less than ten (10) feet, including roof overhang, between structures, except approved condominium and townhouse developments with common wall construction.
 - c. All zero (0) lot lines shall be on the same side of all lots in a development.

2. The minimum setback distance shall be maintained for both front yards of a corner lot. A lesser setback for one front yard of a triple frontage lot shall be considered upon application for variance to the Planning and Zoning Commission.
 3. New dwellings may be erected as close to a front property line as the average distance established by existing dwellings on that side of the block, provided the lots on the same side of the block are fifty (50) percent developed.
 4. An addition to a main dwelling shall be permitted as an extension of existing building lines, which have non-conforming setbacks. Setbacks for such addition shall be the same as the main dwelling.
 5. There shall be a minimum setback of one (1) foot for each foot in height of any building, other than a single or two family dwelling, abutting on R-1 or R-2 District.
- B. *FRONT-YARD PARKING.* Parking areas shall not cover over one-third (1/3) of any open area between the front of a dwelling and the front property line; except in cases of a cul-de-sac, two-thirds (2/3) of a front yard can be used; and on existing lots less than fifty (50) feet, a twenty (20) feet parking area is permitted. Townhouses and apartment lots may use three fourths (¾) of the front yard for parking.
- C. *MINIMUM DISTANCE BETWEEN STRUCTURES.* There shall be no less than ten (10) feet between buildings or structures located on the same lot, tract, or parcel.
- D. *EASEMENT ENCROACHMENTS.* There shall be no permanent structures located on easements without written approval of the City Commission.

Sec. 11-14-4. - Commercial and Manufacturing Districts: Additional Provisions and Exceptions.

The following provisions shall apply to all development in a commercial or manufacturing Districts:

- A. *SETBACK EXCEPTION.*
1. A zero (0) foot side yard shall be permitted only when:
 - a. A building on the abutting side is at least five (5) feet from the property line; or
 - b. Both buildings share a common wall on the side property line; or
 - c. When the abutting property is undeveloped. Otherwise, a five (5) foot setback is required.
 2. There shall be a minimum setback of one (1) foot for each foot in height of any building abutting a residential District. There shall be at least a minimum distance of thirty (30) feet maintained between any residential dwelling and any commercial or industrial structure.
- B. *MINIMUM DISTANCE BETWEEN STRUCTURES.* There shall be no less than ten (10) feet between buildings or structures located on the Same lot, tract, or parcel.
- C. *PRIVATE STREETS.* All non-dedicated streets or private drives shall be a minimum of twenty-four (24) feet in width.

Sec. 15-15. - Alternate summary procedure.

A. *Approvals by Planning and Zoning Commission:* The Planning and Zoning Commission may approve or deny the following types of subdivisions:

1. A re-plat of a previously filed subdivision when:
 - a. No more lots are created than exist in the area at the time of the submittal of the replat application; and,
 - b. All lots to be created have direct, legal, unobstructed access to an existing City maintained street;
 - c. All lots to be created have direct, unobstructed legal access to existing City water and wastewater lines;
 - d. The subdivider files with the City a Letter of Credit for funds adequate to pay for connecting the lots to the City's water and wastewater lines, or, pays to the City the City's fees for connecting the lots to the City's water and wastewater lines;
 - e. The new lots comply in all ways with the standards for lots contained within the City's Comprehensive Planning and Zoning Code;
 - f. All new lots are laid out in a manner which allows utility service to be provided to the purchasers of said lots;
 - g. All lots to be eliminated or created exist within the area of a single block of lots in a previously platted and filed subdivision; and,
 - h. No vacation of street dedications or utility easements is proposed; or,
 - i. Lots are to be eliminated.
2. The subdivision of previously unsubdivided land when:
 - a. No more than two lots are created;
 - b. Both lots to be created have direct, legal, unobstructed access to an existing City maintained and paved street with curb gutter and sidewalk;
 - c. Both lots to be created have direct, unobstructed legal access to existing City water and wastewater lines;
 - d. The subdivider files with the City a Letter of Credit for funds adequate to pay to connect both lots to the City's water and wastewater lines, or, pays to the City funds for connecting both lots to the City's water and wastewater lines;
 - e. The new lots comply in all ways with the standards for lots contained within the City's Comprehensive Planning and Zoning Code;
 - f. The new lots are laid out in a manner which allows utility service to be provided to the purchasers of said lots; and,
 - g. No vacation of street dedications or utility easements is proposed.

B. *Limit on number of summary procedures:* The summary procedure shall be used only once on any one property, or within any group of contiguous or adjacent properties owned by a subdivider, unless the property has been master-planned, legally subdivided, and is zoned for industrial uses, and wherein the streets within those subdivisions have been dedicated to and accepted by the City. No subdivider who has received approval of a subdivision shall utilize the summary procedure to subsequently increase the number of lots within said subdivision.

C. *Elective pre-application procedure:*

1. Prior to filing a summary plat, the subdivider may submit a conceptual plan of the proposed subdivision to the City's Zoning Administrator. The conceptual plan shall provide enough

information for the Zoning Administrator to locate the proposed subdivision and to comprehend its scope and potential impacts. Neither a written application nor an application fee are required for submittal of a conceptual plan.

2. The City's Zoning Administrator shall place the proposed summary subdivision on the next possible agenda of the Planning and Zoning Commission for discussion, when the Planning and Zoning Commission shall consider the proposal with the subdivider or the subdivider's representative and shall indicate changes, if any, that will be required for the submittal process.

D. *Summary plat submittal requirements summary plat submittal requirements are:*

1. Application, signed by all property owners, including all parties having an equitable interest, trustees of an estate and all persons having a specific "power of attorney" in such land;
2. A record of any pending litigation or any final order entered by any court of law regarding the ownership of the subject property;
3. Application fee as established by the City;
4. Documentation from the Sierra County Assessor's Office that the current year's property taxes are paid and that no taxes are owed on the property;
5. A plat conforming to section 15-13.A of this Code; and,
6. Releases by the Public Utilities Advisory Board, and all utility companies which are proposed as providers for the subdivision.

E. *Submittal and review procedures:*

1. Incomplete submittals will not be accepted for review.
2. The subdivider shall submit all required materials to the City's Zoning Administrator.
3. The City's Zoning Administrator shall review all materials, and shall within three working days from the date the application is determined to be complete, request opinions of applicable City departments, other governmental agencies, and utility companies for review, comments and recommendations. City departments shall have ten calendar days in which to review and respond in writing to any such request. Within three working days of receiving any written reports, comments or recommendations from any City department, governmental agency, or utility company, the Zoning Administrator shall make available to the subdivider a copy of such materials.
4. The Zoning Administrator shall have the right to require that the subdivider provide additional information or to make amendments to the plat and supporting information if the Zoning Administrator determines that the information originally submitted by the subdivider was incomplete, incorrect or invalid.
5. The subdivider shall have ten working days in which to make any corrections or additions required by the Zoning Administrator, or to request a postponement of action by the Zoning Administrator for up to 135 days.
6. If a subdivision application does not meet the requirements of this Code within 180 days of its original submittal, the Zoning Administrator shall summarily reject the application and notify the applicant in writing of the reasons for the rejection.
7. At such time as the subdivider meets the requirements of this Code, the subdivider shall provide the Zoning Administrator with a copy of the final plat.
8. At such time as receiving a submittal that meets all requirements of this Code, the Zoning Administrator shall recommend that the Planning and Zoning Commission approve the final plat by consent agenda action during its next regularly scheduled meeting, and the Planning and Zoning Commission shall approve the subdivision by consent agenda action during its next regularly scheduled meeting.

9. The subdivider shall file a signed copy of the final plat in the records of the County Clerk of Sierra County, and shall provide the City with one of the signed copies.
- F. *Divisions for the purpose of mortgage:* Divisions for purposes of mortgage are not allowed. If a property is to be mortgaged it must be done so in its entirety or properly subdivided as required in this chapter.

(Ord. No. 555, 5-23-06)

Sec. 15-16. - Replats.

- A. *Occurrence:* Replatting occurs when changes take place to the layout or number of lots in a filed subdivision plat.
- B. *Creation of lots when the summary subdivision process is not applicable:* When a replat is proposed that does not meet the standards for a summary procedure, the subdivider shall follow the procedures required for approval of preliminary and final plats. The fee schedule for replats shall be as approved by the City of Truth or Consequences.

(Ord. No. 555, 5-23-06)

Sec. 15-17. - Amendment of plats.

- A. *Administrative amendment:* Any change that is required to correct an error in lettering, numbering or other minor detail on a filed plat which does not affect any material aspect of the subdivision will be considered a minor amendment. Administrative amendments may be processed and approved by the City's Zoning Administrator, who shall have the right to require review and approval by the Planning and Zoning. The City's Zoning Administrator shall insure that the corrections are noted on the original filed plat. The fee schedule for administrative amendments shall be as approved by the City of Truth or Consequences.
- B. *Minor amendment of plat:* Any proposed amendment that is greater than an administrative amendment which does not have the effect to significantly alter the impacts on utilities, drainage, or traffic, may be approved as an amendment by the Planning and Zoning Commission.
- C. *Major amendment of plat:* Any proposed correction or amendment of a filed plat that affects material aspects of the subdivision shall be considered by the Planning and Zoning Commission, with approval by the City Commission, the Planning and Zoning Commission shall determine if the subdivider may use the alternate summary procedure or if the subdivider shall be required to vacate a portion or all of the filed plat and follow the procedures appropriate for the approval of a new subdivision. The fee schedule for major amendments shall be as approved by the City of Truth or Consequences.

(Ord. No. 555, 5-23-06)



CITY OF TRUTH OR CONSEQUENCES
PLANNING AND ZONING COMMISSION ACTION FORM
DATE: MAY 3, 2021

ITEM: Public Hearing/Discussion/Action –Variance Request 109 E First

BACKGROUND:

Property owner/representative has applied for a Summary Plat Amendment at 109 E First and is requesting a variance from **Sec. 11-14-2. - Standards For Districts – Lots Minimum Area; Sec. 15-15. -A.2. b - Both lots to be created have direct, legal, unobstructed access to an existing City maintained and paved street with curb gutter and sidewalk;**

Proposed lot Tract 1 will not meet the lots minimum area C-1 5000 square feet.
Proposed lots will not have direct, legal, unobstructed access to an existing City maintained and paved street with curb gutter and sidewalk;

No sidewalk/curb/gutter is adjacent to current or proposed parcel or any existing parcels on that street and therefore would cause undue hardship on the applicant to develop sidewalk/curb/gutter to the required NMDOT Specifications.

SUPPORT INFORMATION:

- **Public Hearing Notice**
- **Municipal Code References**

Name of Drafter: Traci Alvarez	:	Meeting date: 05 -03-2021
E-mail: tburnette@torcnm.org	Phone: 575-894-6673	

Sec. 11-14-2. - Standards For Districts.

District	Lots: Minimum Front Setback	Yards: Minimum Rear Setback	Yards: Minimum Side Setback
R-1	25'	25'	8'
R-2	25'	20'	6' or 0'*
R-3	20'	15'	5' or 0'*
R-4	25'	25'	5'
RR-1	25'	15'	5'
C-1	20'	15'	5' or 0'*
M-1	25'	25'	5' or 0'*
T-1	25'	25'	15'

* As permissible per Section 11-14-3 and 11-14-4.

District	Lots: Minimum Area	Lots: Minimum Width	Dwelling: Minimum Area	Maximum Height
R-1	9,000 s. f.	60'	1,200 s. f.	26'
R-2: Single-Family	5,000 s. f.	60'	900 s. f.	26'
R-2: Two-Family	4,000 s. f./unit	60'	650 s. f./unit	35'
R-2: Multiple-Family	3,500 s. f./unit	60'	600 s. f./unit	35'
R-2: Apartments	3,500 s. f./unit	60'	500 s. f./unit	35'

R-2: MH*	5,000 s. f.	60'	900 s. f.	26'
R-3: Single-Family	4,500 s. f.	45'	700 s. f.	35'
R-3: Two-Family	3,000 s. f./unit	45'	500 s. f./unit	35'
R-3: Multiple-Family	3,000 s. f./unit	45'	450 s. f./unit	35'
R-3: Apartments	2,000 s. f./unit	45'	400 s. f./unit	35'
R-3: NM*	4,500	45'	550 s. f.	26'
R-4	1 acre	75'	1,200 s. f.	26'
RR-1	5,000 s. f.	50'	800 s. f.	26'
C-1	5,000 s. f.	60'	" "	35'
C-1: MH*	4,000 s. f.	45'	550 s. f.	26'
M-1	" "	60'	" "	35'
T-1	21,780 s. f.	100'	800 s. f.	35'
T-1: MH*	21,780 s. f.	60'	550 s. f.	26'

* Not located within MHP

Sec. 11-14-3. - Residential and Transition Districts: Additional Provisions and Exceptions.

The following provisions shall apply to all development in a residential or transition District:

A. SETBACK EXCEPTIONS:

1. A minimum side yard setback of zero (0) feet in a residential District only, providing all the following requirements are met:
 - a. The setbacks are authorized by the City Commission as part of an approved development.
 - b. There shall be no less than ten (10) feet, including roof overhang, between structures, except approved condominium and townhouse developments with common wall construction.
 - c. All zero (0) lot lines shall be on the same side of all lots in a development.

2. The minimum setback distance shall be maintained for both front yards of a corner lot. A lesser setback for one front yard of a triple frontage lot shall be considered upon application for variance to the Planning and Zoning Commission.
 3. New dwellings may be erected as close to a front property line as the average distance established by existing dwellings on that side of the block, provided the lots on the same side of the block are fifty (50) percent developed.
 4. An addition to a main dwelling shall be permitted as an extension of existing building lines, which have non-conforming setbacks. Setbacks for such addition shall be the same as the main dwelling.
 5. There shall be a minimum setback of one (1) foot for each foot in height of any building, other than a single or two family dwelling, abutting on R-1 or R-2 District.
- B. *FRONT-YARD PARKING.* Parking areas shall not cover over one-third (1/3) of any open area between the front of a dwelling and the front property line; except in cases of a cul-de-sac, two-thirds (2/3) of a front yard can be used; and on existing lots less than fifty (50) feet, a twenty (20) feet parking area is permitted. Townhouses and apartment lots may use three fourths (¾) of the front yard for parking.
- C. *MINIMUM DISTANCE BETWEEN STRUCTURES.* There shall be no less than ten (10) feet between buildings or structures located on the same lot, tract, or parcel.
- D. *EASEMENT ENCROACHMENTS.* There shall be no permanent structures located on easements without written approval of the City Commission.

Sec. 11-14-4. - Commercial and Manufacturing Districts: Additional Provisions and Exceptions.

The following provisions shall apply to all development in a commercial or manufacturing Districts:

- A. *SETBACK EXCEPTION.*
1. A zero (0) foot side yard shall be permitted only when:
 - a. A building on the abutting side is at least five (5) feet from the property line; or
 - b. Both buildings share a common wall on the side property line; or
 - c. When the abutting property is undeveloped. Otherwise, a five (5) foot setback is required.
 2. There shall be a minimum setback of one (1) foot for each foot in height of any building abutting a residential District. There shall be at least a minimum distance of thirty (30) feet maintained between any residential dwelling and any commercial or industrial structure.
- B. *MINIMUM DISTANCE BETWEEN STRUCTURES.* There shall be no less than ten (10) feet between buildings or structures located on the Same lot, tract, or parcel.
- C. *PRIVATE STREETS.* All non-dedicated streets or private drives shall be a minimum of twenty-four (24) feet in width.

Sec. 15-8. - Variances.

- A. *Cause:* Where, in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of this Code would result in a substantial or unreasonable hardship to the subdivider because of exceptional topographic, soil or other surface or subsurface conditions, or that strict compliance with this Code would result in inhibiting the achievement of the objectives of this Code, the Planning and Zoning Commission may recommend and the City Commission may approve variances, modification or waivers of this Code's requirements. No variance shall be granted simply because the subdivider disagrees with or does not wish to meet the goals, objectives or standards of this Code.
- B. *Required findings:* Before recommending approval of a variance to the Planning and Zoning Commission, the City's Zoning Administrator shall make the following findings of fact. These same findings must be made by the Planning and Zoning Commission before it may recommend approval to the City Commission. The same findings must be made by the City Commission before it may approve a subdivision with variances and must form the basis of its decision when acting on an appeal regarding a variance. Granting a variance:
 - 1. Shall not constitute a grant of special privilege inconsistent with the limitations on other properties in the area of notice;
 - 2. Shall not result in detriment to the public health, safety, or welfare, or be materially injurious to properties or improvements in the area of notice;
 - 3. Is justified because a physical hardship to the applicant is caused by existing size or shape of the lot, by existing structures, topographic or physical conditions on the site or in the area of notice, or if a physical hardship to the applicant would result from strict compliance with this Code;
 - 4. Upholds the spirit and intent of this Code, public safety and welfare will be secured, and substantial justice done;
 - 5. Will not result in the City being caused to absorb costs over and above those typically associated with subdivision approval;
 - 6. Is not contrary to the requirements of state law;
 - 7. Will not cause negative impacts on adjoining properties, properties in the area of notice, or to the public well being.
- C. *Procedures and requirements:* The following procedures and requirements shall apply to all requests for variances under this Code.
 - 1. Requests for variances and the review fee shall be submitted in writing prior to or at the time of request for preliminary plat approval.
 - 2. Variances will be reviewed and acted on as separate agenda items from the subdivision as a whole, however, approval or denial of a subdivision by the City may be determined by the results of a vote on a variance.
 - 3. The request shall describe in detail the specific sections of this Code from which a variance is being requested, and shall describe in detail the specific reasons that justify a variance. It is the subdivider's responsibility to address and prove each and every finding of fact.
 - 4. Variance requests shall be reviewed by the City Planning and Zoning Commission in public hearings prior to or concurrent with public meetings that are held for recommendations for approval or denial of the subdivision.
 - 5. Notice of the request for variance shall be given to all owners of record of property within 300 feet of the area proposed for subdivision, excluding streets, alleys, channels and other rights-of-way, and shall be published in the same manner as notice is provided for any public hearing required in this Code, and shall comply with the Open Meetings Act of the State of New Mexico

6. Variance requests shall be submitted to any reviewing agencies having expertise with respect to the subject matter for which the variance is sought. Comments on variances by such agencies shall be received by the City before the City acts on the subdivision requiring the review. In cases where a variance to the standards of any other entity is requested as part of a subdivision application, the City shall not approve the subdivision until it has received certification from that entity, in writing, that the entity has approved the variance request.
- D. *Conditions on variances:* In granting variances, the City may impose conditions regarding further expansions, maximum height limits, time limits, types of construction, and other standards that will ensure that approval of the variance results in substantial conformity with the intent of this Code.
- E. *Notification of action:* The City's Zoning Administrator shall notify the subdivider in writing within five working days following consideration of a variance by the Planning and Zoning Commission and/or the City Commission. Said letter shall state the nature and conditions of approval of variances, or alternately, shall state the reasons for denial of a variance. Said letter shall also explain the next action required or available to the applicant.

(Ord. No. 555, 5-23-06)

PLANNING AND ZONING COMMISSION FINDINGS OF FACTS CHECKLIST

Request Date_____ Address_____

Findings of facts for recommendations and decisions.

In considering all requests, the Planning and Zoning Commission shall review applicable plans and determine whether the request will:

1. Impair an adequate supply of light and air to adjacent property;
2. Unreasonably increase the traffic in public streets;
3. Increase the danger of fire or endanger the public safety;
4. Deter the orderly and phased growth and development of the community;
5. Unreasonably impair established property values within the surrounding area;
6. In any other respect impair the public health, safety and general welfare of the City; or
7. Constitute a spot zone and therefore adversely affect adjacent property values.

All actions or recommendations by the Planning and Zoning Commission shall be based on Findings of Facts as to the impacts of the proposal, using the criteria listed in numbers 1 through 7, above. The Planning and Zoning Commission shall review each of the above listed factors and accord each factor the necessary weight on a case-by-case basis in making its determination.



CITY OF TRUTH OR CONSEQUENCES

505 Sims Street, Truth or Consequences, New Mexico

Phone: 575-894-6673 ext. 353 Fax: 575-894-6690

UTILITY VERIFICATION

REASON FOR VERIFICATION: SEE ATTACHED SUMMARY PLAT AMENDMENT

LOT SPLIT 109 E FIRST STREET

Reviewed By:

Electric Department:	<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Denied	Date <u>5-3-2021</u>
Water/Wastewater:	<input type="checkbox"/> Approved	<input checked="" type="checkbox"/> Denied	Date <u>5-3-21</u>
Streets Department:	<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Denied	Date _____
Planning/Zoning:	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	Date _____

Utility Review Comments: Splitting this property would leave water only available to the property at 109 First Street, but not

available to the property where the paws and claws business operates. The opposite is true for sewer. Sewer would not be available

at 109 First street. The water line runs down First street only and the sewer runs only down the alley between First and Riverside.

**CITY OF TRUTH OR CONSEQUENCES
PLANNING & ZONING COMMISSION**

MINUTES DRAFT

MONDAY, MAY 3, 2021

REGULAR MEETING

Regular meeting of the Planning & Zoning Commission of the City of Truth or Consequences, New Mexico to be held in the City Commission Chambers, 405 W. Third, Truth or Consequences, New Mexico, via teleconference on Monday, May 3, 2021 at 5:30pm.

CALL TO ORDER:

The meeting was called to order by City Clerk, Angela Torres.

ROLL CALL:

Chris Sisney, Vice-Chairman
James Bush, Member
Steven Zeschke, Member
Michael Hogg, Member

ALSO PRESENT:

City Staff:
Bruce Swingle, City Manager
Jay Rubin, City Attorney
Traci Alvarez, Grants & Project Coordinator/Zoning Official
Angela Torres, CMC City Clerk-Treasurer
Dawn C. Barclay, Deputy City Clerk

1. APPROVAL OF AGENDA:

**Member Bush made a motion to approve the agenda. Member Hogg seconded.
Motion carried unanimously.**

2. APPROVAL OF MINUTES:

- a. Regular meeting of Monday, April 5, 2021.

**Member Bush made motion to approve minutes. Member Zeschke seconded the motion.
Motion carried unanimously.**

3. COMMENTS FROM THE PUBLIC: (3 Minute Rule Applies)

No responses from the public.

4. RESPONSE TO COMMENTS FROM THE PUBLIC:

No responses were made to comments from the public.

1. NEW BUSINESS:

a. Discussion/Action: Re-organization of Chairman and Vice-Chairman.

Vice-Chairman Sisney nominated Member Hogg as the new Chairman. Member Zeschke seconded. Motion carried unanimously.

Member Zeschke nominated Vice-Chairman Sisney to remain as Vice-Chairman. Member Bush seconded. Vice-Chairman Sisney sustained. Motion carried.

2. PUBLIC HEARINGS:

The public hearing began with an opening advisement from Mr. Rubin. Ms. Torres conducted the Battershell oath for Ms. Alvarez and Ms. Aubin.

a. Public Hearing/Discussion/Action: Summary Plat Amendment - 109 E. 1st Street, Truth or Consequences, NM. Traci Alvarez, Community Development Director

Ms. Alvarez: Addressed the board with the following statement. The property owner is requesting a summary plat amendment at 109 E. 1st, would like to split the parcel into two separate lots. The property is located in the C-1 Zone, which is our general commercial district. All the required documents have been submitted, all fees have been paid, all certified mailings have been sent to all property owners within a 300 ft. radius, property taxes are all paid. She asked if there were any questions she could answer.

Member Zeschke: Was unclear to what is being split. He asked if the lot with the garage was part of the split. He also noted during his inspection of the area there was an ad-on to the house next to the thrift shop.

Ms. Alvarez: Made clarification by pointed out the buildings on the aerial view document. She confirmed the house and the thrift shop do share the same lot and are now wanting to be split into separate parcels. She gave the board a utility handout for their review.

Vice-Chairman Sisney: Asked if there was a common wall between the two buildings?

Chairman Hogg: Stated in his opinion this split will not affect the thrift shop.

Ms. Aubin: Answered yes. There are two walls and the buildings are made out of cinder block.

Member Zeschke: Now understood, it's the house that is being separated from the thrift shop and the parking area has no bearing on the split.

Ms. Torres: Asked the board if they had any further questions for Ms. Alvarez or Ms. Aubin.

Mr. Rubin: Made clarification that the questions are for Ms. Alvarez at this time.

Chairman Hogg: Needed clarification from Ms. Alvarez on the different tracts shown on the plat of survey. She was able to assist by physically pointing out the tracks on the plat of survey.

Ms. Aubin: Spoke about the property. The house is made of adobe and cinder block, the addition was made prior to the purchase. Several out buildings were built before she purchased the property in 1997. One of the buildings is now the Thrift Shop. She would like to separate the two building into their own parcels. She stated she is more than willing to meet any requirements the City feels would be best for her situation.

Member Zeschke: Made reference to the utility handout. It stated there is no current water or sewer line source to the Thrift Shop.

Ms. Aubin: Reassured the board she was aware of this and is willing to have the water and sewer connections installed. She would like confirm with the board that her request will be approved prior to investing into an upgrade for new utility service.

Ms. Alvarez: Interjected and advised, these questions were pertaining to the next agenda item.

Ms. Torres: Asked for any more questions.

Chairman Hogg: Asked if the house zoning would be changed or remain as C-1.

Ms. Alvarez: Confirmed, the house will remain as Residential unit in the Commercial District which meets City Municipal Code.

Mr. Rubin: Advised the board they may want to hear the second agenda item before making a ruling on the current agenda item being discussed. Getting the full scope of what is being asked by Ms. Aubin will help the board with their final recommendation.

The board as a whole moved forward to hear the "Various Request" before making a ruling on the "Summary Plat Amendment".

- b. Public Hearing/Discussion/Action: Variance Request - 109 E. 1st Street, Truth or Consequences, NM. Traci Alvarez, Community Development Director**

Ms. Alvarez: Explained the applicant is requesting a variance from the Municipal Code as this pertains to both lots must be connected to sidewalk, curb and gutter. There is “not existing” in this area at the secondary lot. So we would not request her to install along the entire street to meet DOT standards.

Member Zeschke: Asked if it was only on the house side or both side including the Thrift Shop?

Member Zeschke: Pointed out there are sidewalks on both sides of the street and would like for this split to remain consistent with the surrounding properties. He stated, at what point do we upgrade the area for the downtown district for pedestrians to have walking access.

Ms. Aubin: Needed clarification on the procedure of this public hearing. She was concerned if she invested into sidewalks the board would still not approve her request.

Ms. Alvarez: Reminded the board, if they request a sidewalk install, the install would have to be for the entire block. She would not be allowed to install a partial sidewalk in accordance to NMDOT ADA specifications from corner to corner.

Ms. Torres: Asked if there were any more questions?

Member Bush: Felt Ms. Alvarez addressed the fact that there are no sidewalks therefore it will not be required. He is ready to make a motion to pass the Amendment and Variance based upon the P&Z Commission “Finding & Facts Checklist”.

Ms. Alvarez: Understood the boards concerns. She went on to say the board has the right to approve or deny this request as it will be presented as a recommendation to the City Commissioners.

Ms. Torres: Advised the board to start with the “Summary Plot Amendment”, she will call for a motion, then move on to a roll call vote for each agenda item.

Member Bush made a motion to approve the “Summary Plot Amendment”.
Chairman Hogg seconded. Ms. Torres asked for a roll call vote.

Chris Sisney – Nay
James Bush – Aye
Steve Zeschke – Nay
Michael Hogg – Aye

Motion was a 2 to 2 vote. Motion did not carry.

Ms. Aubin – Asked Member Zeschke why he voted nay?

Mr. Rubin – Advised the board once they vote they are not required to justify their decision, though, they may choose to do so, if they would like.

Vice-Chairman Sisney: Choose to respond by saying part of the board was not ready to move forward with an approval at this time. He referenced back to the utility department handout which stated the property is not ready.

Ms. Alvarez: Explained by having the outcome as a tie, means it did not pass. This recommendation will now go the City Commission.

Ms. Torres – Advised the board that this recommendation will now go to the City Commission for final approval at the next regular meeting held on May 12, 2021.

Ms. Aubin – Restated all her concerns to the board. She was thinking this was a dead issue at this meeting. She was not clear what the next step is going to be moving forward from here.

Mr. Swingle – Took a minute to help Ms. Aubin understand what the next step is going to be. He explained the split vote recommendation will go to the City Commissioners. The Commissioners will then make a determination at the City Commission meeting.

Ms. Torres – Moved on to the next item. She requested a motion for the “Variance Request”.

Member Bush made a motion to approve the “Variance Request” based upon the “Facts and Finding Checklist”. Chairman Hogg seconded. Ms. Torres asked for a roll call vote.

**Chris Sisney – Nay
James Bush – Aye
Steve Zeschke – Nay
Michael Hogg – Aye**

Motion was a 2 to 2 vote. Motion did not carry.

Ms. Torres – Stated both agenda items will be presented to the City Commission at the May 12, 2021 and that both items were 2 votes against and 2 votes for on each item. They Commission will make their final decision at that time.

5. COMMENTS FROM THE PLANNING & ZONING COMMISSION:

Member Zeschke asked if there were any more board applicants. Ms. Torres responded, it is still in the process of being advertised. Mr. Swingle made a recommendation that when the board has all 5 seats filled, the board be offered some training, and recommended Randy from the Municipal League.

6. COMMENTS FROM STAFF

Mr. Rubin pointed out, regarding the variance issue, under (Section 15-8, b.) which is a list is of

required findings. It was not gone through step by step, however he thinks the minutes will reflect under what the concerns were, which would fit within (Sub Section b.) regarding the utility issue and consistency issue regarding the sidewalks which may fit (b. 7. Impacting Surrounding Properties).

Member Zeschke made a reference to a prior hearing. He did vote to approve a variance without the installation of a sidewalk. He wanted noted this particular request is located in the City and impacts future development.

Mr. Rubin wanted to make sure the record reflects, looking at the order of required findings. This is what the City Commission will be made aware of. We need to make sure the record reflects that we are looking at the ordinance and the required findings so the Commission will have a basis of what the ruling was and the reasons why you made your recommendations.

Mr. Zeschke stated his decision was partially influenced by the handout information which was not part of the agenda packet.

7. ADJOURNMENT

There being no further business to come before the Planning & Zoning Commission.

Member Zeschke moved to adjourn meeting. Chairman Hogg seconded the motion. Motion carried unanimously.

PASSED AND APPROVED ON THIS 7th DAY OF JUNE 2021.

Michael Hogg, Chairman
Planning & Zoning Commission