
CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
CITY COMMISSION CHAMBERS, 405 W. 3RD St.
WEDNESDAY, MAY 12, 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: Bruce Swingle, City Manager
Angela A. Torres, City Clerk-Treasurer

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

1. SILENT MEDITATION:

Mayor Whitehead read the obituary for former Commissioner/Mayor Pro-Tem Kathy Clark. She then called for fifteen seconds of silent meditation, and asked that everyone keep Kathy Clark and her family in their thoughts and prayers.

2. PLEDGE OF ALLEGIANCE:

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

3. APPROVAL OF AGENDA:

Commissioner Luna asked that presentations be moved after public comment.

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

Mayor Whitehead welcomed our new City Manager Bruce Swingle. She feels that he will do a fabulous job for the city.

D. PUBLIC COMMENT (3 Minute Rule Applies):

Ron Pacourek addressed the Commission with comments related to:

- (1) The proposed New Mexico Department of Transportation (NMDOT) roundabouts on Date Street.

Ron Fenn addressed the Commission with comments related to:

- (1) City staff having a half day off for the Fiesta event that was cancelled.
- (2) The city's budget, and spending of funds for AMI meters.
- (3) The \$50 trip fee he is being charged each month for a meter reader to read his meter.
- (4) Utility violations he sends to Commissioners, but receives no response on.
- (5) He questioned the reasoning for the AMI meters.
- (6) He welcomed City Manager Swingle.

Susan Crow virtually addressed the Commission with comments related to:

- (1) The public having to wear masks, and the health issues related to that.

Mayor Whitehead read the public comment submitted by Cary "Jagger" Gustin. (Complete copy attached hereto and made a part hereof).

E. RESPONSE TO PUBLIC COMMENT:

There were no responses to public comment.

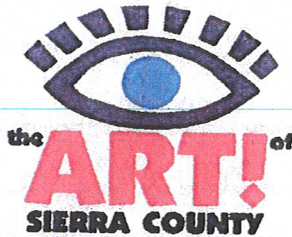
F. PRESENTATIONS (10 Minutes):

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

Mayor Whitehead presented a letter of appreciation to Traci Alvarez for the tremendous job she did serving as Acting City Manager.

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

Mayor Whitehead presented a Proclamation to our 2021 Miss Fiesta, McKenzie Luna, and she also presented certificates to our 1st runner up Kimberly Wilson, 2nd runner up and Miss Congeniality Jordan Gurule, and 3rd runner up Holly Asbell.



SIERRA COUNTY ARTS COUNCIL

P.O. Box 1924, Truth or Consequences, New Mexico 87901
scacnewmexico@gmail.com

May 12th, 2021

Mayor Sandy Whitehead
City of Truth or Consequences
City Hall 505 Sims Street
Truth or Consequences, NM 87901

RE: Dedicated City Employees

Dear Mayor Whitehead:

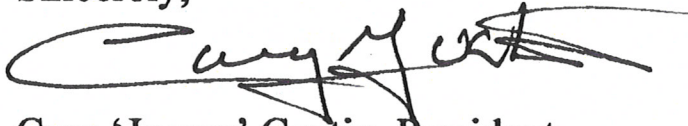
Some 20 years ago when the fountain at Geronimo Springs was being built, then City Manager Evelyn Renfro personally dug through dusty file boxes to find paperwork needed for "Government Springs", which was what the property was called.

Now in late April, 2021 as the ceramic artist Shel Neymark was here doing repair and renovation work 2 city employees stepped up. They rearranged their daily schedules at my request and dug in to help, O. J. Hechler from Parks Dept. and Ryan Lawler from Parks Dept. They power washed the entire canal system and assisted Shel with resurfacing the canals. They helped 2 days in a row. A shout out to Carol Kirkpatrick from City Finance Dept for walking me through the vendor/invoice guidelines for City Lodgers Tax, which enabled us to pay for the repair through the City of T or C, S Public Art Advisory Board.

Please make sure these folks are recognized for their dedication and work. As a result the fountain at Geronimo Springs has been renovated and is once more in good shape. It is often the introduction for tourists to our magical hot mineral water, convincing them to stay another day, relax and enjoy the many amenities we take for granted here in T or C.

In closing—thank you again to these great City employees!!

Sincerely,

A handwritten signature in black ink, appearing to read 'Cary Gustin', with a large, stylized flourish extending from the end of the signature.

Cary 'Jagger' Gustin, President
Sierra County Arts Council Board of Directors

Cc: O.J. Hechler
Ryan Lawler
Carol Kirkpatrick

G. 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:**

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.

H. NEW BUSINESS:

- 1. Discussion/Update: Review of Municipal Court budget request for FY 2021/2022:**

Beatrice Sanders, Municipal Judge reviewed her FY 2021/2022 budget request with the Commission.

- 2. Discussion/Update: Review of Community Development budget request for FY 2021/2022:**

Traci Alvarez, Community Development Director reviewed her FY 2021/2022 budget request with the Commission.

Commissioner Luna stated that is was previously mentioned about us making Traci Alvarez the Assistant City Manager. She will still keep doing what she is doing, but also help assist the City Manager. It seems appropriate that she, and City Manager Swingle work together on a request for that position, and make the changes necessary to the budget.

City Manager Swingle stated that normally you need a little bit of time to make that type of decision, but under these circumstances, he has learned everything he needs to know about Traci. He has seen that she has tons knowledge and experience with the city, and he would very much support us moving forward with moving her into the Assistant City Manager position.

The Commission agreed that Traci Alvarez would be a great Assistant City Manager.

- 3. Discussion/Action: Award Schedule I – Rehabilitate Runway 13/31 (Preservation):**

Traci Alvarez, Community Development Director explained that this item is to award our Schedule I bid for the next project that is on our Airport Capital Improvement Plan. We get an annual entitlement of \$150,000 through the Federal Aviation Administration

(FAA), and we usually pair that with state funding. You will see later on in the agenda where we will do the FAA grant for the funding of this project. We are requesting to award this to Maxwell Asphalt to rehabilitate Runway 13/31.

Commissioner Luna made a motion to Award Schedule I – Rehabilitate Runway 13/31 (Preservation) to Maxwell Asphalt. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

4. Discussion/Action: Authorization to withdraw balance amount of Investment Electrical Construction Certificate of Deposit (CD):

Carol Kirkpatrick, Finance Director explained that we are requesting to close the Electric Department Certificate of Deposit, #13410918 that has matured so we can move \$510,616.13 into the Electric Department's operating account for current and anticipated expenditures.

Mayor Pro-Tem Forrister made a motion to approve the authorization to withdraw balance amount of Investment Electrical Construction Certificate of Deposit (CD). Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

5. Discussion/Action: Consider appointment of Brendan Tolley to fill the vacant seat on the Library Advisory Board:

City Clerk Torres explained that the Library Advisory Board had one open vacancy on their board. According to the letter we received from the Library Advisory Board, on April 26th they 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. Mr. Tolley's application is included in the packet, and the position was also advertised in the local newspaper.

Commissioner Luna made a motion to appoint Brendan Tolley to fill the vacant seat on the Library Advisory Board. Commissioner Aragon seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

6. Discussion/Action: Re-appointment of Michael Bankson to the Library Advisory Board:

City Clerk Torres explained that we received a letter from the Library Advisory Board stating that they would like to extend the term of one of their current board members Michael Bankson. If re-appointed, the term will expire on June 30, 2023. In the packet is the original letter submitted by the board.

Commissioner Luna made a motion to re-appoint Michael Bankson to the Library Advisory Board. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

7. Discussion/Update: Review of Preliminary Budget:

Carol Kirkpatrick, Finance Director gave a brief review of where we are with our budget after the May 5, 2021 Special Budget Workshop. She explained that we were able to save enough in the utility funds to help support the general fund, and get where we needed to be. Overall budget savings was \$1.8 million dollars. We decided not to implement raises at this point in time, and a lot of departments gave up funding on other items that were discussed during the budget meeting. We just need to finish out with the Capital Improvements, and debt service, and get that to you for the preliminary budget.

I. 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 explained that this ties into the previous item. This is a request for funding to fund the runway 13/31 pavement preservation project. The resolution is requesting that not only the application designate the City Manager for application submission, but also to accept the resulting grant offer. Normally, we try and bring that to the Commission prior to acceptance, and if we have time we most definitely will. However, the Federal Aviation Administration (FAA) is kind of a quick turn around, and they want a signature within 3-5 days, so we just want to make sure that we don't miss out on the funds. It looks like they may possibly fund 100%, which means we may have state funding for something else.

Commissioner Luna made a motion to approve 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. Commissioner Aragon seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

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 explained back in November of 2020, she brought this property to you for a property abatement. At that time we hadn't been able to gain entry to the trailer. The property owner is deceased, and our City Attorney

did a title search prior to the other Resolution being approved, and there are no interested parties. As you can see from the photos in the packet, all that is there after the property abatement is the structure. The photos show that the structure is being used to harbor vagrants. We get regular calls on it, and we have had to have the Police Department go out there multiple times. At this point in time the recommendation is to demolish the structure to keep unlawful things from happening. We normally try to save a structure if we can, but the inside of the structure is more than likely not a healthy environment to save.

Mayor Pro-Tem Forrister made a motion to approve 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. Commissioner Aragon seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

3. Discussion/Action: Resolution No. 41 20/21 pertaining to collection of past due utility bills:

City Manager Swingle explained that this resolution was generated due to the fact that we have a lot of informal policies or practices on collecting past due accounts. This is to solidify a practice in the Utility Office, and the city would use all resources available to us by ordinance or law to collect past due fees, which could include liens if necessary. It also allows us to give those individuals who are past due with large delinquent bills, and who cannot pay it off all at once to make a payment arrangement up to one year. The payment arrangements would include paying the current months payment (each month), plus a percentage on the past due amount. Under very rare exigent circumstances, if there are indigent issues involved, we will allow for an extension up to 2 years to pay on the customer's delinquent account.

Commissioner Luna made a motion to approve Resolution No. 41 20/21 pertaining to collection of past due utility bills. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

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 explained this resolution is giving us free money. Last year we were given \$30,000 on the CARES Act for the Airport, and those funds were used to reimburse salaries, and were used for utility bills at the Airport. This fund is giving us \$9,000 that will also be used toward salaries, and utility bills at the Airport.

Mayor Pro-Tem Forrister made a motion to approve Resolution 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). Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

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 explained that this item went before the Planning & Zoning Commission in the form of a Public Hearing on Monday, May 3rd. The motion to approve the request did not pass a majority vote. We had a 2-2 split, and we only have 2 members on our Planning & Zoning Commission at this time. The applicant wishes to divide the lot with the two different tracts. In your packet is everything that was provided to the Planning & Zoning Commission. All actions or recommendations by the Planning & Zoning Commission shall be based on findings of facts as to the impacts of the proposal, using the criteria listed in the code of ordinances *Section 11-2-2.G (Findings of Fact Checklist)* included in the Planning & Zoning packet, and Variance request guidelines as noted in *Section 15-8*. As noted in the attached draft minutes, the Planning & Zoning Commission did not discuss the request in relation to the findings of fact checklist, or *Section 15-8 Variance*. Their concerns were more towards water and sewer lines, and whether or not those lots would have to share some type of line. Per our Municipal code, both lots have un-obstructed access to our water and sewer. How a property owner chooses to run those lines crossing lots is not a Municipal decision. Concerns were also voiced pertaining to the need to require the development of the sidewalks instead of allowing variances. In this case it would result in a substantial or unreasonable hardship to the sub-divider because of exceptional topographic soil, or other surface or subsurface conditions. No sidewalk/curb/gutter exist on that section of East 1st Street, and the applicant would be required to develop per NMDOT standards along the entire block, not just adjacent to the property in question. We are asking that you approve both the Summary Plat Amendment and Variance Request at 109 East 1st Street.

Commissioner Luna made a motion to approve the 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. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

J. REPORTS:

City Manager Swingle reported the following:

- He has had the opportunity to assess a lot of the departments and leadership, and he is very impressed with the talent this city has. It really is amazing. He doesn't think we've communicated that message well enough to the community. The issues that we seem to be experiencing are a lot of administrative issues. One in particular is the authorities of the City Manager. The public is craving for information, and he believes each City Manager has handled it a little differently over the past several years. The City Manager can sign off on a lot of the agreements and contracts, but then the Commission nor the public is informed of these contracts, and that has to change. They should come before the Commission. Therefore, we should come up with a policy. He believes that a lot of the frustration from the community is the lack of access. One thing he is wanting clarified is whether the Public Information Officer is only for announcements, or does the City Manager have the ability to communicate with the media access to the department heads for information, because that has not been determined. The department heads are very knowledgeable and talented individuals, but we need to determine how we want to proceed with that.
- The budget has consumed a tremendous amount of time, and we will get through this budget long term, but we have to end the milking of funds from the enterprise funds, and formalize our government in a manner that we can afford.
- We have a lot of policies that need to be updated. Our Personnel Policy is probably 11 or 12 years old, and our safety manual he believes is from 1988, so a lot of changes need to happen.

City Attorney Rubin reported the following:

- He has had the pleasure of meeting with City Manager Swingle on a couple of things, and he is looking forward to them working together.

City Commission Reports:

Commissioner Baca had no reports.

Mayor Pro-Tem Forrister reported the following:

- She thanked City Manager Swingle for trying to be transparent with the public.
- We can now camp at the lake without a reservation.

Commissioner Aragon reported the following:

- He thanked City Manager Swingle for his update last week. They spent 5-10 minutes talking, and City Manager Swingle even asked his advice on a couple of things.
- He would consider City Manager Swingle telling the Commission what he wants, as far as media access to department heads.

Commissioner Luna had no reports.

Mayor Whitehead reported the following:


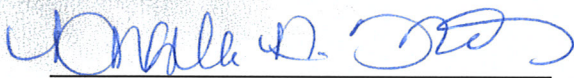
- She welcomed City Manager Swingle, and she thanked him for all he has done in the past 10 days.
- She congratulated our Hot Springs High School basketball team on their second year 3A Championship.
- She congratulated the Scat Cats on their 9th Environthon Championship.
- This is National Police Week. She thanked all of our Police Officers for their service and dedication.
- This is the end of National Nurses Week. She thanked all of our nurses and health care providers for all they do.

ADJOURNMENT:

Commissioner Luna moved to adjourn at 10:49 a.m. Mayor Pro-Tem Forrister seconded the motion. Motion carried unanimously.

Passed and Approved this 26th day of May, 2021.


Sandra Whitehead, Mayor



Angela A. Torres, CMC, City Clerk