

Steven Green
Mayor

Sandra Whitehead
Mayor Pro-Tem

Kathy Clark
Commissioner



Rolf Hechler
Commissioner

Joshua Frankel
Commissioner

Juan A. Fuentes
City Manager

505 Sims St.
Truth or Consequences, New Mexico 87901
P: 575-894-6673 ♦ F: 575-894-0363
www.torcnm.org

REGULAR MEETING

THE REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO, IS TO BE HELD IN THE COMMISSION CHAMBERS, 405 W. 3RD ST., ON WEDNESDAY, FEBRUARY 28, 2018; TO START AT 9:00 A.M.

A. CALL TO ORDER

B. INTRODUCTION

1. ROLL CALL

Hon. Steve Green, Mayor
Hon. Sandra Whitehead, Mayor Pro-Tem
Hon. Rolf Hechler, Commissioner
Hon. Kathy Clark, Commissioner
Hon. Joshua Frankel, Commissioner

2. SILENT MEDITATION

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF AGENDA

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

D. RESPONSE TO PUBLIC COMMENTS

E. PRESENTATIONS

1. Presentation of the Water Harvesting Drainage Pilot Project. Joshua Frankel, Commissioner
2. Presentation related to the HR and Payroll program operations. Paige Vest, Payroll and Becky Rodriguez, HR

F. CONSENT CALENDAR

1. City Commission Regular Minutes, January 24, 2018
2. Public Utility Advisory Board Minutes, January 16, 2018
3. Recreation Advisory Board Minutes, February 5, 2018
4. Golf Course Advisory Board Minutes, October 4, 2017 and January 3, 2018

G. ORDINANCES/RESOLUTIONS/ZONING

1. Discussion/Action: Resolution No. 24 17/18 to abate a dangerous structure at Lot 11, Blk. 76 Original Townsite. Robbie Travis, Building Inspector and Susanna Diller, Planner/GIS Tech
2. Discussion/Action: Resolution No. 25 17/18 declaring surplus property for an Auction to be held on March 17, 2018. Renee Cantin, Clerk-Treasurer
3. Discussion/Action: Resolution No. 26 17/18 setting fees for land leases for Private Vehicle Parking at the Airport. Mark Bleth, Airport Manager
4. Discussion/Action: Resolution No. 27 17/18 Budget Adjustment. Melissa Torres, Finance Director
5. Discussion/Action: Resolution No. 28 17/18 confirming the City of Truth or Consequences to participate in the Department of Transportation Municipal Arterial Program Local Government Road Fund Program. Traci Burnette, Grants/Projects Coordinator and Mario Juarez-Infante, Wilson & Company
6. Discussion/Action: Alley Vacation for Anthony Flores in Bella Vista Heights, for the alley contained in Block 12. Robbie Travis, Building Inspector and Susanna Diller, Planner/GIS Tech

H. UNFINISHED BUSINESS

1. Discussion/Action: Automated Meter Reading Project for Electric and Water System – Yearout Energy Services Company. Juan Fuentes, City Manager

I. NEW BUSINESS

1. Discussion/Action: Amendment to the Joint Powers Agreement (JPA) between the Sierra County Commission, Sierra County Detention, and the City related to the renewal of detainee housing term. Mike Apodaca, Police Chief
2. Discussion/Action: Branding for the City of Truth or Consequences. Steve Green, Mayor

J. REPORTS

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

K. ADJOURNMENT

NEXT CITY COMMISSION MEETING MARCH 14, 2018



E.1

**CITY OF TRUTH OR CONSEQUENCES
COMMISSION ACTION FORM**

ITEM:

Presentation of the Water Harvesting Drainage Pilot Project.

BACKGROUND:

Joshua Frankel, Commissioner will present this item.

STAFF RECOMMENDATION:

None. Presentation only.

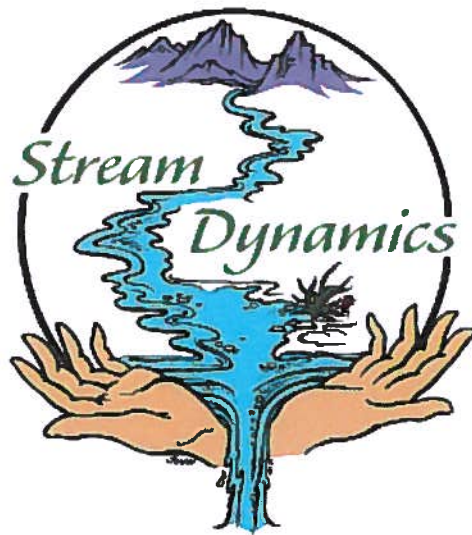
Submitted by: Renee Cantin, City Clerk-Treasurer

Meeting date: 02/28/2018

**Truth or Consequences
Stormwater Harvesting Assessment**

**Reconnaissance Report
September 16, 2013**

**by
Van Clothier
Stream Dynamics, Inc.**



Overview

On Wednesday, September 11, 2013 Van Clothier from Stream Dynamics, Inc. met at city hall with Mayor John Mulcahy, City Manager Juan Fuentes, and Street Department supervisor Buster Smith. We discussed the damaging rainwater runoff situation and I gave a presentation on water harvesting techniques that could potentially help solve the problem. After about an hour I departed with Buster Smith for a tour of the problem areas and source areas where the water was coming from. While doing this we were eventually joined by the mayor as well as commissioner Jeff Richter.

We looked at 20 sites where flowing water was contributing to down slope flooding, and discussed potential improvements that could be made. That night it rained all night and was still raining in the morning. I returned to the source areas, and looked at flowing water at all the problematic downtown intersections, a total of 14 more sites, and was able to understand the nature of the problem and come up with a proposed solution. Each of these sites is discussed individually at the bottom of this report. Many of these are executable on public right of ways, either on T or C land or State Highway right of way.

Executive Summary

The basic situation is that urban stormwater runoff from the upper parts of the watershed is flowing down residential streets on the hill all the way to downtown. These are not very big watersheds, and there is not a huge amount of water, however a severe problem is created because it ponds on Broadway Street and creates traffic hazards and flooding problems for downtown merchants. The configuration of the streets allows water to arrive to downtown faster than it drains off, creating deep ponding which vehicles splash through, making big waves and roostertails that exacerbate the flooding. My proposed solution has multiple parts; the first two specifically address the downtown flooding issue, and the rest deal with water quality and Green Infrastructure.

#1 The easiest thing to do is to reconfigure the intersections downtown to eliminate ponding on Broadway by draining the water more efficiently down Clancy, Daniels, Foch, Pershing, and Mims. Broadway is very flat, and these intersecting streets are steeper, but the slopes of the intersections are causing ponding on Broadway. By re-sloping these intersections, the water that arrives from upslope neighborhoods can be drained across Broadway instead of ponding on Broadway. The flooding problem will be drastically reduced. Reshaping these intersections will not really send more water down the above mentioned streets, because this is where it eventually goes anyway; it will just send it sooner and reduce ponding on Broadway.

#2 Water harvesting in source areas. We can also make the problem smaller by slowing the rate of arrival of water to the downtown area. Several excellent example sites are located on city property. See Assessment Sites and Photos, beginning on page 5.

Water Quality and Green Infrastructure

#3 Water harvesting in the neighborhoods south of downtown. These southward draining streets are built with deep "V" shaped cross sections so that they will act as swales to drain water out of town toward the river. There are a few opportunities to create water harvesting basins on private property and empty lots along the way to improve water quality. This area was not assessed in a detailed manner on this trip. A future site visit could look for the best opportunities to harvest water in this part of the urban watershed.

#4 Increasing the size of the wetlands near Jack Baker Park and the sewage pumping station. This would be the last chance to slow and clean urban stormwater runoff prior to putting it in the Rio Grande, and there is enough land in this vicinity to handle the volume of runoff. There is plenty of unused land in this area, and it would be a very good ecological restoration project, in addition to mitigating urban stormwater runoff. It is also a very low risk project because the slopes are very flat, the available area for a project is large, and the amount of water from the watershed that drains to here from T or C neighborhoods is quite manageable. In my opinion, this would be a valuable contribution to the ecology of the river and should get a high priority.

Funding may be available through the U.S. Fish and Wildlife Service or many other state and federal agencies that fund habitat and restoration projects. Doing a project like this would require careful planning and may need permits from the Army Corps of Engineers and the New Mexico Environment Department.

#5 Narrowing some of the streets. This will reduce the impervious acreage, and therefore reduce stormwater runoff. At the same time, it would reduce pavement and maintenance costs, and create parkways along the streets that can serve as drainage swales with water harvesting basins integrated into them. This will separate vehicle traffic from water flows. Mesquite trees grow quite well in T or C, and could be planted in the basins to shade the street. A narrower tree lined street will help reduce the heat island effect and keep town cooler in the summer. I spoke to Cyndi at La Paloma Hot Springs about this idea. She thinks it would work as long as enough street parking is retained to support small businesses.

Suggestions for moving forward

Stream Dynamics has done a reconnaissance level assessment of the problem and come up with a preliminary design concept. If T or C is interested in continuing to work with Stream Dynamics, Inc. on this problem, I would propose doing a field design for the treatment areas that make sense to the commission and the streets department. If the project is going to actually get built, I would like to be on site with my laser level to make sure that the elevations and slopes are correct. With water flow problems, the devil is in the details. If critical elevations or slopes are not correct, the project will fail.

Stream Dynamics, Inc. Design / Build Policy

Since successful application of watershed restoration techniques and water harvesting earthworks is intimately related to the specifics of each site, Stream Dynamics, Inc.'s policy is to follow through the entire process from assessment, through design, construction, monitoring, and maintenance. If we do not build the project, we will supervise the construction of our design. This insures fidelity to the design concept, allows us to learn from the project results, and represents a commitment to both the watershed and the landowner to adjust and repair any work until it is functioning properly within the landscape.

Trainings and Workshops

Stream Dynamics offers trainings and workshops on water harvesting road drainage. For example, on May 6-8, 2013, Stream Dynamics taught the course Integrating Stream Restoration Principles & Transportation Maintenance to 30 people. There were classroom presentations, field exercises, and tours of project sites. The participants were mostly from the New Mexico Department of Transportation, and also included officials from various cities and Pueblos.

We would like to do a workshop/project with your staff in which we would go through the assessment, design and building process together with all your manpower and equipment.

Putting your staff through training in water harvesting will build your capacity to solve these problems in-house. The Water Harvesting Certification technical training taught by Watershed Management Group in Tucson is the only one of its type in our region. The course will be taught October 7-13 of this year.

See <http://watershedmg.org/tech-trainings> I took this training a few years ago, and it really opened my eyes to the importance of water harvesting, and I know your people would get a lot out of this, too. There is a wealth of practical information that you can put to use right away.

I will be teaching a course in Tucson January 16-18 titled Urban Dryland Stream Restoration Technical Training. This is sponsored by Watershed Management Group. During this 3-day training in Urban Dryland Stream Restoration, participants will gain a basic understanding of how to read and assess landscape forms and processes, design of small-scale restoration features, and hands-on implementation of those features. Emphasis will also be placed on urban wash restoration approaches and practices from backyard to larger drainage scales.

<http://www.streamdynamics.us/event/urban-dryland-stream-restoration-technical-training>

Conclusion

Since T or C is a small town, and seems very receptive to trying new solutions, it wouldn't be that hard for your municipality to not only fix the stated problem of downtown flooding, but to also become the stormwater harvesting leader in our state. I think this would dovetail well with the image of the historic hot springs and downtown area: Green Streets, trees instead of flooding, downtown beautification, etc. Stream Dynamics, Inc. would be delighted to work with you all on this exciting project.

Assessment Sites and Photos from Wednesday, September 11

1) Detention basin at Main and Jones

Note that the outlet for this detention basin is at the very bottom of the basin. If this were blocked off and a notch cut in the top of the wall, the outlet elevation would be significantly higher and the basin would have a greatly improved capacity. The present outlet could be narrowed to serve as a weep hole to drain the basin slowly in case long term ponding becomes an issue. I believe this is on city property.



2) Second Street and Lincoln

Here we see concentrated runoff from houses, streets, and driveways coming down the hill towards downtown and bringing sediment with it. There is room for basins to the side of the street to direct water off the street and cause it to soak into the ground.

Along the rim of the basins, on city property, trees could be planted to provide shade, windbreaks, beauty, fruit, habitat, etc.



3) Second Street and Juniper

Bore holes in this curb could harvest water on city property in front of Commissioner Richter's house, and anywhere else that has this general layout. Look for places where the city owns the parkway (area between the curb and the sidewalk or property line).



4) Juniper and Lincoln

It would be easy to drain this dirt road to the landscaping to the north. Just make a small hole in the low rock wall and dig out a basin that is 18" lower than the puddle amongst the mesquite and creosote. This site is on private property, and the owner may be interested in doing this to alleviate the street flooding problem because his lot is down-slope from this large puddle and has flooded in past years.



5) Complex at Garst and Main Street

This one property contributes significantly to flooding and sediment downtown. This view is from the hill above. Note a mud pit in the center of the courtyard area. This site could easily be re-graded to improve parking and driveways, retain water on site, and grow badly needed shade trees.



Showing water and sediment flowing toward downtown on September 12. Water harvesting goes in the completely opposite direction from traditional drainage designs. Note that property owner has placed stones in the drainage ditch. This is a common theme: concentrate runoff from impervious surfaces such as roofs, parking areas and roads, then armor the drainage ways. This is what creates the accelerated

runoff that is flooding downtown. In this case, proper water harvesting can completely eliminate the need for stones, drainage ditch and all this water disposal infrastructure! According to my assessment of this property, it would be very easy to retain 100% of the runoff from a very large rainstorm on site, transforming a nuisance into a benefit.

6) Juniper and Joffre

Looking down Joffre, which sends all its water down Juniper and towards downtown. There is plenty of opportunity to redirect runoff from this dirt street into basins in front of each house, and the neighborhood could use a few trees. Perhaps this could be done within the street right of way. Dirt roads and driveways contribute sediment as well as water to downtown.



7) Second and Copra



Copra is a dirt street that is sending sediment to Second Street. This creates a maintenance problem for the streets department, which needs to clean up sediment after every rainstorm. Water harvesting basins could eliminate this problem. Let's take a look at exactly where the city street right-of-way is to determine if there is enough room to do this project entirely on city property. If not, perhaps a

few of the neighbors would like a water harvesting amenity on their properties.

8) Second and Popular



There is no easy way to drain a dirt road that is this steep. The solution is to trap the water on the flats above the steep part. The roof of the house drains to the driveway and parking area, and then to the street. Their wasteful water practices become a maintenance and safety problem for the city. Dirt on paved streets can be particularly hazardous to bicyclists.

9A) Second Street

Runoff from a private property upslope is creating an intractable problem for the city here. The spread out flow tracks demonstrate the large amount of runoff and sediment yield. Behind the photographer's back, this runoff has nowhere to go except off a steep bank. The city has to repair this bank after every major storm. The solution is to retain runoff on site, which is a large flat area at the top of the hill. The



comprehensive solution to water flow problems will require public/private cooperation.

9B) Second Street looking north near the bottom of the hill.



There is a large low lying area to the east (right side of photo) where this street could be drained and the water retained on site. This would require permission from the landowner. What the city has done is put the runoff in a grate and a culvert on the left side of the photo, accelerating its exit out of town and toward Texas. This was a fair solution within the constraint of keeping water on public property once it

gets there. Most of the water is coming from private property onto the public domain, however! This seems unfair.

10) Popular Street

Sediment coming off the dirt street is creating an alluvial fan deposition on the paved street. There is plenty of unused space in the lot in front of the blue house trailer. Near the fire plug would be a good place for a water harvesting basin. This would overflow over the curb to the street with clean water. In this situation, the basin would have to be cleaned out annually to prevent it from filling with sediment.



Every piece of infrastructure needs at least some maintenance. Cleaning out sediment basins is less work and a safer transportation alternative to sweeping the streets after every storm.

11) AF-AM Building on Main Street



Mr. Mayor wondering why the water from the downspouts from this building is being wasted and allowed to flow towards downtown instead of going to a water harvesting basin. The west wall of this building could sure use some shade in the summer, and the water from the roof could be used to grow the trees for free. One important concept from water harvesting is "stacking functions." This is

done by building designs that simultaneously accomplish multiple objectives. In this case they would be:

- A) Elimination of stormwater leaving this site and contributing to downtown flooding.
- B) Growing trees to shade the building in the summer and save on energy for cooling.
- C) Creating beauty, improving property values.
- D) Improving quality of life for residents and visitors.
- E) Improving water quality in the Rio Grande.

12) 617 Garst

A very low concrete curb could be cut here to allow urban stormwater runoff to irrigate these lovely pecan trees instead of contributing to downtown flooding. This would also save the homeowner on his water bill, and the city on having to maintain water delivery infrastructure.



13) 625 Garst



Where Mayor Mulcahy and Buster Smith are walking is a muddy spot that would be hard to fix on city property. The solution here is to trap the water at the top of the driveway and prevent it from arriving to the public right of way.

Same property, east side. Same situation. It would be easy to keep this water and sediment from arriving to the public domain by water harvesting basins up on the level part of the building pad. Due to space constraints, it may be impossible to fix this particular problem within the public domain.



14) Metal fence on Garst



These mulberry trees could be getting a free drink instead of sending water and sediment onto the public right of way.

15) (place holder for my numbering system and photo database)

16) Old Foch Street

This curb could be cut to send runoff into a water harvesting basin to the left. I believe this may be on city property. In this case, a pipe would need to be installed under the sidewalk. This is a solid design concept for this site. To insure success, Stream Dynamics, Inc. would like to do a proper design with critical elevations, slopes, etc., and also be on site during construction. The devil is in the details with water flow projects, and an error in slope or elevation can cause a project to fail.



17) Filosa Park on Foch and Main



The curb on Foch Street could be cut where the mayor is standing (upper right of photo) to put more water into this detention basin. Right now, the only water it is getting is from the side street. Also, the outlet could be raised to significantly increase temporary storage capacity. This project is on city property.

18) Community Garden at 4th and Library

Curb cuts here could irrigate the row of fruit trees just inside the fence at the community garden. This is all on public land and would be a great water harvesting demonstration project.



19) Civic Center parking lot area.

This site would be good for a demonstration project on city owned land. These downspouts could conduct water under the sidewalk in a grate to arrive at water harvesting basins to grow trees for shaded parking.



Out by the street there is room to make a detention basin on city property.

20) Hanson Street Arroyo

This site is different from the others in that the sediment is coming from a non-urbanized natural area, and therefore has a more complicated solution.



This small watershed has many erosion gullies growing all over it. This has increased the amount of runoff and sediment yield. The treatment for this is to plug the gullies in such a way that the erosion is stopped, yet the overflow from this watershed still can get past the subdivision and people's houses. Stream Dynamics has treated many similar small watersheds with one rock dams, Zuni bowls and the

technique known as Plug 'n Pond. If properly done, the runoff from this site would be significantly decreased, and the sediment volume and particle size would also be decreased. There will still be overflow, however. Fortunately, there is a good site on public land for a water harvesting detention and sediment clean-out basin.

This photo is looking up Hanson Street from the highway. On the left is the place to put the basin. This would have to be cleaned out on a periodic basis, but at least the sediment would not scatter across the highway during a rainstorm. This arroyo had flowed sediment across the highway the day before and had just been cleaned up by the city before our site visit.



20A) Municipal Golf Course



This site also has water and sediment arriving to it from a natural drainage area. The golf course was built spanning a desert wash that also drains a pretty large piece of country upslope. This is looking downstream at the start of the golf course. Note how wide and deep the arroyo is, and that it had been previously blocked off and culverted, and these treatments failed. The designer/builder of these treatments did not

take into account the natural pattern established by the arroyo for water and sediment flow.

This view is looking downstream within the golf course. Note that the watercourse is very narrow and shallow. Large runoff events carrying a lot of sediment deposit this sediment on top of the fairways and it has to be cleaned off periodically. One solution to this is to construct a channel through the golf course that is deep and wide enough to carry most large flows. Natural arroyos have the ability to



adjust their banks to accommodate the water and sediment flows that have been passed over the years. By measuring the size and shape of the arroyo upstream we can get a good template for the channel through the golf course.

Runoff Assessment Thursday, September 12

21) Foch Street Basins



This basin is contributing sediment to the street in the form of muddy water. This is because the outlet is so low that there is no longer any ponding effect to get the mud to settle out. This can be repaired by raising the outlet to create ponding, and also by cleaning out the portion of the basin in the vicinity of the outlet. Raising the outlet elevation will significantly increase the temporary storage capacity of this basin.

This basin on the other side of the street has filled in with sediment over the years. Also, why not cut the curb to allow water flowing in the gutter toward downtown to have a place to be detained?



21) Continued Foch Street Basins



This is Filosa Park at the corner of Foch and Main as discussed in item 17 above. After all the rains, the basin has filled to capacity - a pretty meager capacity! How about raising the outlet so we can get some real capacity here? The reason downtown floods is because water arrives there at a faster rate than it drains out.

Upslope from downtown in the source areas, we need to do everything practical to slow down the arrival of water.

Foch and Main, showing sediment in the water coming from the improperly maintained detention basin discussed above. At this low flow level, the water is turning left on Main Street. At higher flow, more of it will go straight down Foch to Broadway.



22) Garst and Juniper



Water from Lincoln and Joffre dirt streets comes down Juniper towards downtown. This needs to be intercepted above on Lincoln and Joffre as discussed in items 4 and 6 above.

23) Garst and Main

This photo is a repeat from site 5 above. Every property makes its individual contribution to the problem. Solving the problem at its source will take the cooperation of many people, but the solution is advantageous to them because it will improve their property values.



24) Clancy and Simms



Some water from Garst and Juniper comes here and could be detained in a basin along Main Street.

25) Broadway and Main

All flows turn and go down Broadway. There is lots of land here for water harvesting detention basins.



26) Broadway and Austin Area



North side of Broadway flows East toward downtown. This could be directed into a storm drain.

27) Clancy and Broadway

At this intersection, low flows on the north side of Broadway flow east toward downtown. Note ponding at center of intersection. The intersection could be altered to send all the water down Clancy and away from downtown. This will not create a new problem for Clancy Street, because the overflow from this pond goes there already.



28) Daniels and Broadway



Daniels already drains Broadway, but the intersection could be altered to drain water more efficiently and prevent ponding.

29) Foch and Broadway

Broadway flows downhill into Foch from both directions, so modifying this intersection to better transport water down Foch would do a lot to drain downtown.



30) Pershing and Broadway



Water from the east flows west on Broadway and crosses the Pershing Street intersection. By modifying the 3 dimensional shape of the intersection, this water could be directed down Pershing and eliminate this large puddle. Downside: Less fun for gonzo teenage drivers!

31) Mims and Broadway

At this intersection, the north side of Broadway flows west towards downtown. This could be directed down Mims.



32) Date and Joffre



Out of focus photo showing a detention basin that could use some improvements. We are under-utilizing the capability of the existing system here. Curb cut on Date could direct water into detention basin instead of sending it directly into the storm drain system. If you go and look at this basin, the outlet culvert is at the very bottom of the basin, so it has essentially zero capacity. The outlet could be raised easily by adding a

90 degree elbow and a section of pipe.

33) Pershing and Second



All this water is coming from residential neighborhoods and could easily be harvested instead of sending it directly to the river.

34) Pershing and 6th Street



Water from a drainage ditch is causing flooding of city streets here. I have done calculations based on Santa Fe rainfall rates (which are pretty close to T or C), and believe that most of this runoff could be eliminated if every 4th house in the upslope neighborhood had a water harvesting landscape feature.

35) Upper Pershing Street

There is plenty of land here to create beautiful water harvesting earthworks and to cause this water to slow down, spread out, and soak into the ground.



Treatment Technologies

1) Pipe set in curb



This was made by cutting out a 18" section of concrete curb and gutter, then re-pouring the concrete with a pipe set below the grade of the gutter. The pipe has a 2% slope or more. Note the wave form in the gutter to direct water into the pipe. The critical elevations in both of these examples (above and

below): 1- It is essential for the basin inlet to be the lowest elevation part of the gutter. 2- the difference between the basin inlet and the bottom of the basin is your nominal pond depth. 3- the bank of the pond is at the same or higher elevation as the curb. This means that this treatment never contributes to flooding of the nearby property. This type of treatment works well where there is a parkway, or sliver of land behind the curb that is at the same elevation as the curb. Note that there is no overflow. These are "oxbow" ponds. Water can flow into them, but the only way it flows out is by soaking into the soil. The first flush of stormwater, which has the most pollution in it, goes into the basin where it is bio-remediated by the soil microorganisms instead of going directly into the river.

2) Bore hole in curb

In Tucson, Arizona there are several contractors who have concrete bore drills mounted on a truck. This works well if you have a soft asphalt gutter and a concrete curb. The drill is able to cut a bit into the asphalt gutter to insure base flow enters the basin.



3) Poured Concrete diversion



For steep streets it is necessary to make sure the water harvesting diversion is steep enough and deep enough to redirect fast flowing water. In this case, the concrete curb and gutter have been removed with a concrete cutting saw and jack hammer, and a new diversion gutter has been poured and carefully sculpted to direct the water toward a water harvesting system. Remember - you can't merely redirect the

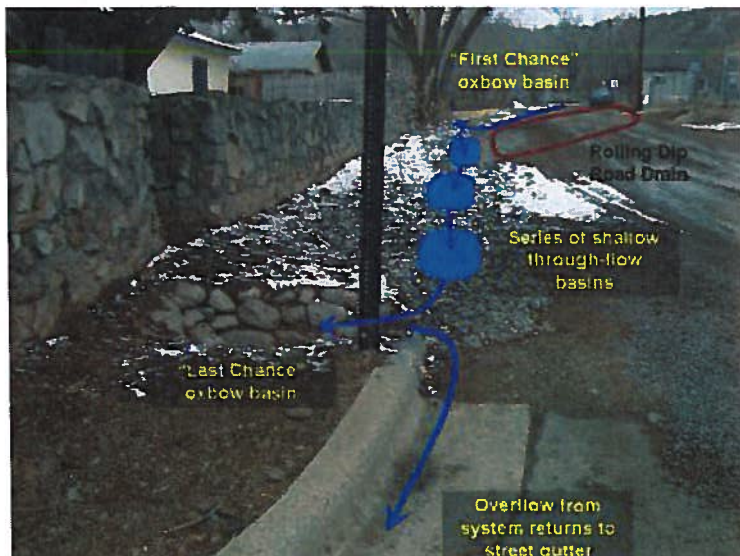
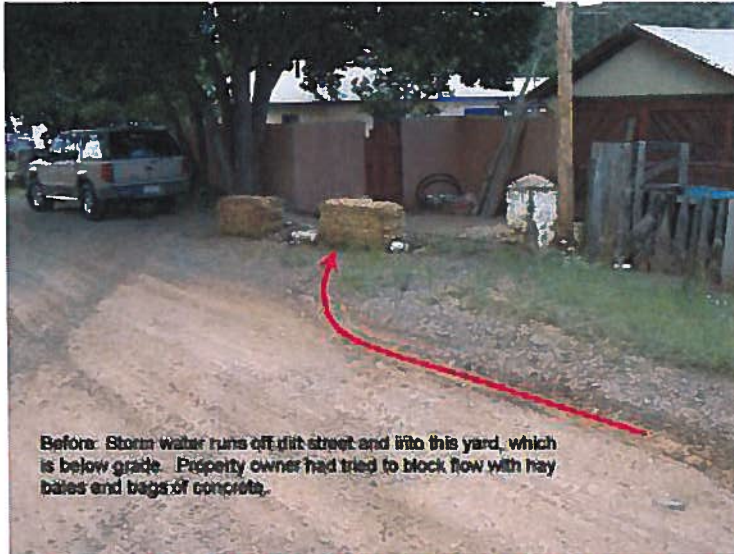
water to someplace else - you have to have a planned overflow.

4) Cut Concrete diversion

Removing old concrete is a lot of hard work. Then you have to make a form, buy and pour concrete and tool it as it cures. This takes a lot of time, about 6 man hours. Where practical, you can just cut out the curb and then grind down the gutter to make your diversion. This can be done in less than two hours, uses no materials and creates less waste.



5) Streetside oxbow basin



Elegant design can simultaneously solve several problems. In this case, my client's property was getting flooded, so she was blocking the flow with hay bales and trying to keep the runoff on the street.

A newly built wall creates a space for an oxbow basin to catch sediment from this dirt street, then overflow to a series of shallow basins along the side of the street within the public right of way. The first basin needs to be cleaned out with a shovel 2-3 times per year because it will lose capacity as it fills in with sediment from the dirt street. The material is applied to the berm in the street to maintain its height.

This system prevents sediment from getting on the paved street from the dirt street above. This is a common problem. Cleanout basins as part of a water harvesting system, if properly maintained, will keep the streets free of sediment during and after major rainstorms.

6) Oxbow diversion from drainage ditch



This is a hand dug diversion that intercepts water from a street side drainage ditch. When the ditch flows, the first flush of water is diverted into the basin. Since the banks of the basin are higher than the banks of the ditch, once the basin is full, water continues to flow past it in the ditch. During the entire runoff event the basin is kept topped off as it soaks water into the ground.

Aldo Leopold High School Youth Conservation Corps digging the basin in 2006.

This site at State and Virginia Streets in Silver City. site is called Silva Creek Botanical Gardens. Since the water harvesting feature was built, volunteers from the Native Plant Society have planted 125 different native plant species. All are growing on harvested rainwater!



7) Street runoff going over steep bank



This small side street used to drain off a steep bank and the city periodically would dump a load of dirt to prevent this from eroding the bank. This resulted in ponding at the end of this street.



The street was reshaped, creating a series of basins that eventually overflowed to a rock rundown off the bank.



The street is now properly drained and the water is going to landscaping vegetation. The roots of the many grasses, wildflowers and young trees open up pathways in the soil and greatly increase percolation. The overflow has only flowed once in four years.

8) Large curb cut to large oxbow basin on city property



This five acre urban sub-watershed in Santa Fe used to drain straight to the Arroyo Chamisos.



Now it first has to fill in a large porous basin that has been planted with trees. The water is cleaned as it goes sub-surface into the aquifer.

In my opinion, T or C needs to do a project that would accomplish this at the downstream end of town before stormwater enters the Rio Grande. Since the water table is so high there, this would result in the expansion of the existing wetlands.

9) Rolling Dip Road Drain

This is a very important road drainage system for all dirt roads. It is very easy to build and reduces maintenance. The same thing can be used for paved roads. This is a bit more work because you first have to remove the asphalt, then reshape the street, then replace the asphalt.



This steep driveway was trapping all of the runoff from the house and parking area above in a roadside ditch that drains to the county road at the bottom of the hill.

Previously, large runoff events would remove the driveway surfacing and clog the culvert in the ditch along the county road.



Reconfigured with a "Rolling Dip" road drain, a short section of the downhill-trending road runs uphill. Water, as you know, does not flow uphill. It is directed to the side and into a water harvesting basin. Note also that the driveway has cut through a ridge. The original drainage design transferred water from one sub-watershed into another. The corrected drainage design keeps water in its originating

sub-watershed. By reading the landscape we can get clues as to how to fix drainage problems.

10) One-Rock Dam



Photo 1: day of construction - note the footprints of the workers. This is a structure designed to stabilize small degraded arroyos and cause them to start a regenerative process of growing vegetation. This reduces sediment and flooding problems as the vegetation holds on to the sediment in the bed and banks of the arroyo, creates roughness, and causes the water to slow down, spread out, and soak into the ground more.



Second photo: after one runoff event in this two square mile drainage in southeast Arizona near the Mexican border.

Water harvesting by slightly detaining flows has caused a flush of grass to grow in the arroyo bottom. This reduces sediment yield and the grass roots increase percolation - reducing runoff.

11) Zuni Bowl



This is the type of structure necessary to stop the headcuts in the Hanson Street Arroyo.



E.2



**CITY OF TRUTH OR CONSEQUENCES
COMMISSION ACTION FORM**

ITEM:

Presentation related to the HR and Payroll program operations.

BACKGROUND:

The HR/Payroll presentation will cover challenges we faced two years ago, how we've worked to solve problems and the growth we've made, to where we are heading.

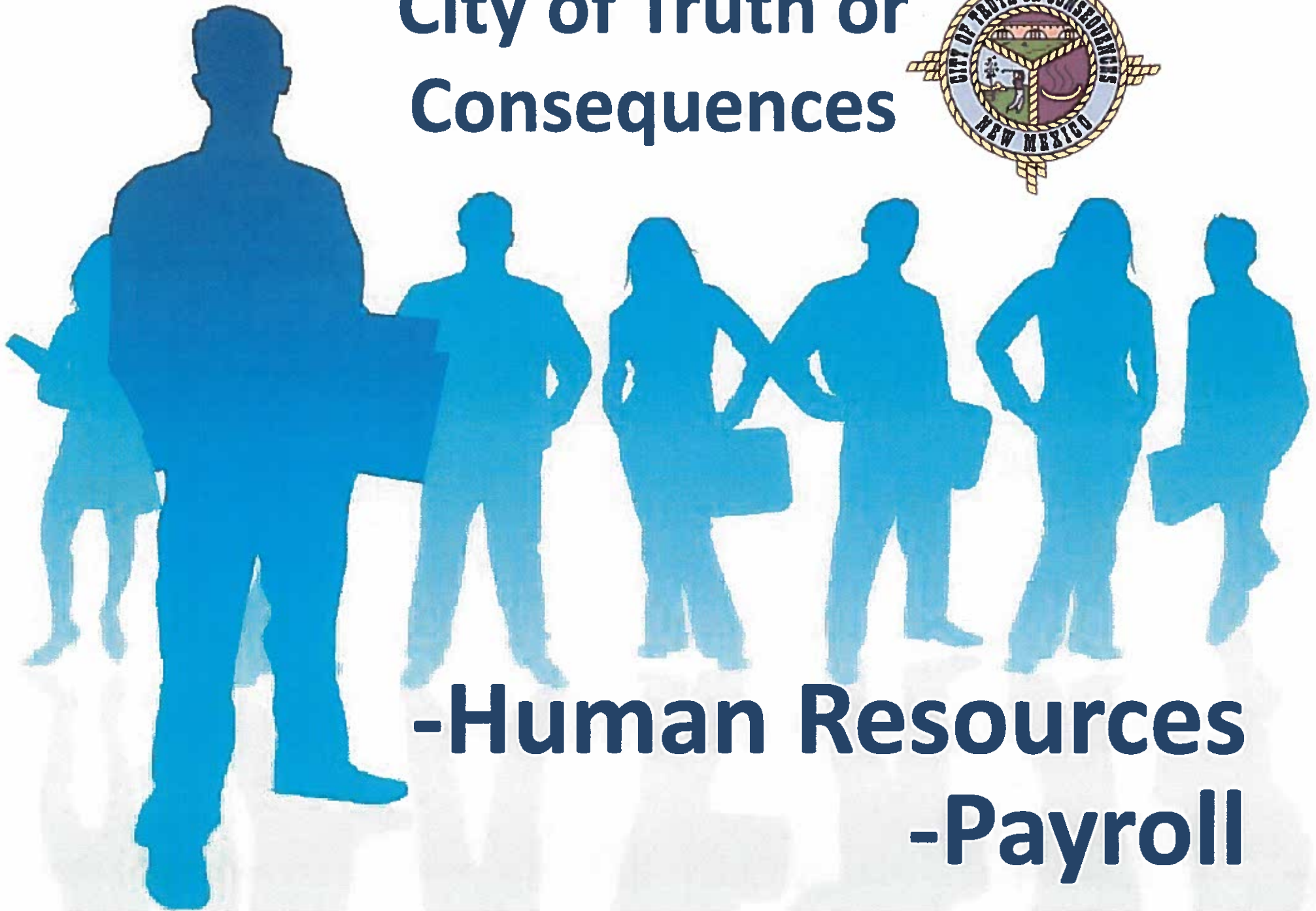
STAFF RECOMMENDATION:

None. Presentation only.

Submitted by: Melissa Torres, Finance Director

Meeting date: 02/28/2018

City of Truth or Consequences



**-Human Resources
-Payroll**



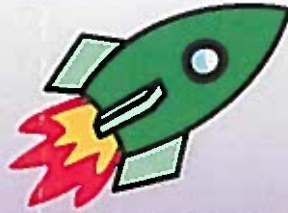
PAST



- ADG Software Lacked HR Module
- Human Resources
- Payroll
- Benefits Enrollment
- Communication
- Policies & Procedures
- Workers Compensation

PRESENT 2016 2017 2018

- Tyler Incode
- Human Resources
- Payroll
- Benefits
- Communication
- Policies & Procedures
- Workers Compensation



FUTURE...

- Tyler Incode
- Human Resources
- Payroll
- Benefits
- Communication & Outreach
- Policies & Procedures
- Workers Compensation

Thank you for your attention...





F.1

**CITY OF TRUTH OR CONSEQUENCES
COMMISSION ACTION FORM**

ITEM:

Approve the minutes of the City Commission Regular Meeting for January 24, 2018.

BACKGROUND:

None.

STAFF RECOMMENDATION:

Approve the minutes.

Submitted by: Renee Cantin, City Clerk-Treasurer

Meeting date: 2/28/2018

CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
CITY COMMISSION CHAMBERS, 405 W. 3RD St.
WEDNESDAY, JANUARY 24TH, 2018

A. CALL TO ORDER

The meeting was called to order by Mayor Steve Green at 9:01 a.m., who presided and Renee Cantin, 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. Steve Green, Mayor
Hon. Sandra Whitehead, Mayor Pro-Tem (Absent)
Hon. Kathy Clark, Commissioner (Absent)
Hon. Rolf Hechler, Commissioner
Hon. Joshua Frankel, Commissioner

Also Present: Juan Fuentes, City Manager
Renee Cantin, City Clerk-Treasurer

Mayor Green asked to let the record show Mayor Pro-Tem Whitehead and Commissioner Clark did call to let him know they could not attend today and are excused.

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

2. SILENT MEDITATION

Mayor Green announced County Commission Fletcher in your thoughts and prayers who is in the hospital and he had an email from Mayor Pro-Tem Whitehead which she asked him to read before silent meditation. She asked that we keep the family of David "Bubba" Bryant in your prayers. He passed away on January 20th and will be greatly missed. David worked with the City of Truth or Consequences Police Department from 1988-2002 where he served as Chief from 1999-2002. He was the Nephew of the late Commission Freddie Torres and Commissioner Bobbie Allen. He then called for fifteen seconds of Silent Meditation and asked us to keep our veterans in our thoughts and prayers.

3. PLEDGE OF ALLEGIANCE

Mayor Green called for Commissioner Frankel to lead the Pledge of Allegiance.

4. APPROVAL OF AGENDA

Mayor Green asked to move presentations as the next item and then follow the format as listed. He also requested items F.6 and F.7 to be removed.

Commissioner Hechler moved to approve the agenda moving the presentations before the public comment and items F.6 and F.7 removed from the agenda under Consent. Commissioner Frankel seconded the motion. Motion carried unanimously.

PRESENTATIONS

1. Presentation related to the Spaceport. Chris Lopez, VP of Land Operations, Presenter

Mr. Lopez gave his presentation. He wanted to give a good update of where they have come and where they are going. Most of the questions they receive is when they are going to open. They have been open for quite a while and have over 100 rocket launches to date. Now that we are in the legislative session, they are promoting the Legislation to protect some of the private company's information so they can proceed. They also have a budget increase included in this Legislative Session due to an increase in activity and they asked for the Commission support there. To date, they have over \$9 million in revenues from outside customers. So those are dollars that are coming out. Another item is the New Mexico State Agencies, and those tax dollars stay here where over 80% stay here.

He stated New Mexico has been in the space race since the 1930's. He showed slides of events including competitions, open houses, and the Spaceport America Cup with over 1,500 students who visit for a rocket competition. These are new opportunities which are growing the business and customers.

Their emergency teams when they are not in the middle of missions have been working with and responding to emergencies when needed. They call it the Good Neighbor Policy and they feel they are a good resource and average 3-6 calls a month now to assist where they may be needed. They appreciate the work of the City Manager and the Commission in allowing them to work with the local Law Enforcement to do that.

The first Spaceport built in America. Most of the other competing sites are old Airports or NASA sites. The resources, land, weather, and all of these items are still very much important to the customers. Each of these attributes are reasons why they are want to move their operations to Spaceport America. Again talking about the 100 plus launches, 60 were students, and 40 were private commercial space. Of the Commercial Space, we have Virgin Galactic; Ex01xos who announced their development of rockets; and of course Energetics which is another company from Washington State area, and they are taking new ideas of how to launch rockets and small payloads into space. The sea level and being almost up a mile high seems to be compelling their marketers and the runway is compelling. They are starting to see that sales pipeline of customers coming to them and negotiating with them. There is more activity now than there was 18 months ago. The industry is staring to mature and they are still well positioned to take advantage of it.

And they will keep pushing forward. They all wish the rocket launches would happen more often but the increase is coming. He showed a trend line of the increase. They just got word that a division of Virgin who have always operated out of Mojave are assigned to move to New Mexico within the next month.

He showed a snapshot of the Commercial space industry. Includes experimentation, scientists, and other materials and development. That's not just focused on DoD Government which is what is needed for a more healthy economy. Other states are recognizing the future of the Spaceport Industry. So we are the future and we are the first Spaceport Industry. So when they go to different shows, and conferences, we are recognized as a leader. The Air Space is what is most compelling about Spaceport America. The Air Space here goes from ground to infinity. In Mojave, they have to fly through what's called a keyhole to access Air Space. There are only two places that has the ground to infinity. The only other space with it is at the White House. He showed a chart with the Air Space that is shared with White Sands. That partnership with White Sands has helped them gain successes and it will continue to grow. Recently the flight providers have said they want to fly once or twice a week. There is orbital and suborbital when it comes to launching. They have to clear out Delta, Southwest, and American Airlines for launches. And the commercial airlines are not going to be happy if we have launches twice a week. But they do have Air Space that does not have to manage that, and as time goes on, we will be very well positioned. And we have an inherent advantage than others.

He explained that to go orbital you need two gas tanks and one of them has to be dropped off. And he's pretty sure Texas doesn't want them dumping gas tanks. So today they are focusing on the suborbital. Eventually they will focus more on orbital. He explained how the weightlessness can help determine better manufacture techniques.

The U.S. Government is only about 10% of the funding they receive. There is mostly private funding at this time. In the year 2025, that industry will be \$2.7 Trillion Dollars. Virgin Galactic just got a Saudi Arabian commitment of over a billion dollars last quarter, and then CNBC reported there are billions coming from other sources.

Last year's accomplishments. Boeing is working with White Sands to test the next Man's Space Crew. They received word about how they may be pulling out, but that has been worked out and they will be leading the charge for space craft. He showed a video of a capsule reentering the atmosphere. When they need to launch they don't just stay for the day. They bring a bunch of Engineers and stay for the week. He showed another video of the microgravity which their customers can get launching at Spaceport America.

Last year they hit a new milestone with testing of some motor rockets which can be tested on site. They have an agreement with Space Ex to test their rockets out there. The other thing they are exploring is how do they get more data? Do they put more solar planes in the atmosphere and keep them in the air? But they are learning once they get them up there in the restricted Air Space, they need Spaceports to operate out of. They can't just

take off from a regular Airport for a variety of reasons. They also have a diversified customer group out there and not just the Space Industry.

He then showed a video from Virgin Galactic and how they are coming closer to commercial transportation. Overwhelmingly the Pilot Crews will probably live in T or C and want to be closer. The other item is on the education side where they are working on virtual trainings for classrooms with students. It's a field trip zoom to put that product in the classrooms virtually. They said they were willing to participate but every student in New Mexico will need to be able to access this content for free. And they are willing to do that. They are proud to say every T or C student has had personnel training time and they will continue to improve that. These students are the next business and company owners. June is Spaceport America Cup event, he explained the program. One of the students had a drone in a rocket and had to eject it from the rocket and fly it down on his own. It's a project that is literally growing the industry. When they look at where they want to base their business, we want them to stay here. He showed a video of that event and he believes it was a good effect on the tourism for that one week. So its multiple countries, with all of the students, the companies want to come in to recruit these students. So the third week of June he invited everyone to come out there for the rocket launches. During this competition, it's also a lesson in compassion for the failures that also happen. United Airlines were also carrying payloads from around the country. They also work with local Law Enforcement and Paul Tooley for safety issues. University of Michigan was the First Place Cup Winner. There were 1,500 students. They also had a New Mexico Tech launch and they hold they will come back, as well as, USC, and other colleges. He showed other Spaceports but the use old infrastructure we are working on getting businesses to come here long term. The weather is also a big deal, you can't launch rockets through cloud cover. Open to any questions the Commission may have.

Commissioner Hechler asked what impacts they expect over the next year.

Mr. Lopez responded the month of June will grow by expansion. And in the April time frame, they will have another Open House; and the Relay Race will come through again. In regards to customer base, Boeing will be coming and they expect them to stay a week to up to three weeks at a time. We will see more evidence of a Corporate Customer to start coming. They can't release who that will be, but they will be sending teams into the area. It's important to remember they are in the competitive market. We need to show them this is a good place to do business and roll out the red carpet for them. But we will see an increase and we won't even know where they are from. In regards to Virgin Galactic and their continued experience, he expects 100 plus jobs to be here within the year. More and more of them are moving here and they are out of space in Las Cruces. And the entire security team lives here. It won't move as fast as we all want it to and growing a business never does.

Commissioner Hechler asked as a community how can we support them better?

Mr. Lopez said the support they've gotten from the City and the County has been fantastic. There has been an open dialogue and new ideas. And if he could speak to every member of the community, T or C has a neat opportunity; he is a native New Mexican and he knows they love that personal touch. Sometimes we discredit ourselves and say "Oh we

can't provide that White Glove, Limousine treatment that someone may want. He doesn't think that is what his customers are looking for. Their customers are looking for ease of business and we can also rally as a small community to give a good cohesive message, saying we are open for business and we can be here. We don't have to strive to be the white glove, champagne service, but we can strive to be the best customer service and show them and adventure and culture they can't get anywhere else.

But remember nothing is going to be perfect, but a single voice can fracture that and can have a negative impact. They do get asked about a negative comment at a Press Conference or on Social Media and they do get asked about that. And their customers do ask if it's easy to do business in T or C. He has also been asked if they will get harassed, and they assure them, they will be fine. But the city has reached out to them on the Open House and the Cup on how you can help. Don't get discouraged that we are not hitting a grand slam, but we are not at the first mile and the evidence is there that we are running the correct race and are on our way. We are all in the customer service driven industry. Even McDonalds, had some problems with the ordering and they all got free apple pies and they went bonkers because they remember the hospitality of McDonalds.

Mayor Green also understands sometimes people want to come into town unannounced to check it out. And some would like to have a more one on one experience and this Commission is willing to take the time to spend with them and show them our assets. And the County as well.

2. Presentation related to the Copper Flat Mines. Omar El-Emawy, Presenter

Mr. El-Emawy represents New Mexico Copper Corporation. He's here to present a brief status update on where they are with the Copper Flat Mines project. If you're not familiar with the project, they are trying to start the Copper Flat Mine which is located in Hillsboro, New Mexico. The project was purchased in 2010 by THEMAC Resources Group and is traded on the Toronto Stock Exchange. This is a Copper Mine, they will also be mining Gold, Silver, and Eilptinum. As it stands right now through the feasibility is about 12 years once the mining begins. He gathered information about the private sector, as well as, government. If you look at how much money was invested in Facebook, the Copper Flat Mines was right behind that. So far \$55 million was spent in New Mexico on that project. Approximately \$3.5 million in Sierra County alone. It's been their goal from the beginning to spend as much money as possible in bringing this project into production. This was spent on consultants and contractors, as well as, materials they purchased. He showed the indicator or employment they will need. There will be 270-300 employees needed at the Mine Site. Annual salary will be \$35,000-\$60,000 depending on qualifications and benefits. The last time he looked at the average household income in Sierra County, he believes it was around \$28,000. He honestly believes this will be a tremendous boost to the Sierra County economy and a reason for people to actually stay in Sierra County. A huge factor for the population reduction is employment opportunities, so they have to resort to other places because of the opportunities that will be available.

He showed a slide that focused on the tax contributions and of that \$53 million is devoted to the State of New Mexico. There is \$7 million in GRT that will be a direct benefit to

Sierra County. It will take \$360 million to get it off the ground and actually online. The actual annual operating expense to run the mine will be \$115 million. There will be \$24-\$30 million in annual labor which will mostly be spent on people who live in Sierra County.

One of the major focuses in the Environmental Plan will be building with the environmental concerns in mind. Up to 65% - 70% of the water used will be recycled water. The site is designed as a zero discharge facility. Which means none of the water will be released to the environment. They are taking extreme measures to contain the amount of evaporation that does happen on site. They will have caption ponds and cover them to reduce evaporation. They will also have a liner to prevent any seepage into the ground. They are not going to be using any lethal or toxic materials or solutions to process their ore. It ends as a concentrate slurry and actually goes into the smelter somewhere else in the world. Another thing they are focusing on is the Air Quality and dust control. They know that that's a major concern for folks who live in that area, and they take it very seriously. They will have control trucks spraying water to reduce dust flying in the air. They are also fencing off areas where wildlife can potentially enter.

The main topic most are focused on today is on the Water Rights. They were in a legal case with the State of New Mexico Office of the State Engineer. They did purchase 7,500 acre feet a year and will need 6,100 acre feet per year for operating. On December 28th the Judge ruled against them and provided up around 8,900 acre feet for them, which is obviously not enough for them to continue. But it's not the end of the road for them. They've spent \$55 million so far on the project and there are other options for them in terms of acquiring the needed water rights to put this into productions. They can either lease or purchase new water rights, and actually even appeal the Judge's decision. They are also submitting a new application with the Office of the State Engineer. So they are all ready to restart this mine. There is already a footprint there and back then there was not a mining law with the standards there are now. And since purchasing the property in 2010, they are responsible for that land and required to follow those standards. Before you are able to start and begin construction, you are required to have financial insurance in place so if you do go under as a company, there is money left behind so that taxpayers aren't left with this bill. Their reclamation plan as it stands right now, has been submitted to all state agencies, as well as, the BLM. In the plan they will be instituting a reclamation that will bring the site, if possible, back to the way it was before. There is a footprint their now that is not reclaimed due to the mining law not being in place in the 1980's. they plan to meet that and in some areas, exceed it.

The Permitting Status as it stands right now, the BLM is actually getting ready to announce a final EIS, hopefully by the end of the month. They feel they have addressed all of the all or most of the concerns submitted by a third party and community members, as well as, federal and state agencies. That will allow them to put in a schedule that puts the record of decision hopefully to a deadline of the late third quarter of this year. The permitting side of it is actually is going exceptionally well for them right now. Last week they met with the NMED about the Discharge Permit and they deemed it administratively complete. They will be publishing a draft permit of it and the public hearing and comment portion of it will most likely take place in March or April. The Mine Permit is also under

technical review and they hope to have it completed by late this year or early next. They've been involved with the community since 2010. They try to do their part to attend local events including the local Fiesta and the County Fair and they plan to do the same in the future. They are always available for a Site Tour, so let him know if you're interested in that. They did receive Resolutions of Support from the Sierra County Commission, City of Elephant Butte, and Village of Williamsburg also and City of T or C in 2012. They did renew them in 2015 and the City of T or C took a more neutral stance. So he's here today to formally request the City of Truth or Consequences to consider reinstating its Resolution of Support for the Copper Flat Mine Project. And with that he will end and take any questions.

Mayor Green said you talk about the Gross Receipts Tax, he assumes that will be created by the paychecks that are circulating in the community, not sales tax collected. Mr. El-Erawy confirmed that is correct.

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

Mayor Green called for Public Comment, noting those wishing to comment would get three minutes, may only approach the podium once, and any material for the Commission was to be left in the black box by the podium.

Diane Lombardo addressed the Commission related to:

1) She put a copy of the New Mexico Guidelines for Sheltering and she asked City Clerk Cantin to be sure the Police Department gets a copy. And the important information starts on page 32. On what's loosely called the board, they have well over 100 years of experience on that board for information which the Police Department has not taken advantage of. They have a CAAT sister group in Hillsboro called SCARS whose sole responsibility is to help with the shelter. She personally emailed Acting Chief Apodaca and offered assistance and said it's on the agenda. Then he went ahead without asking anyone who knows. And owning a dog does not qualify you to make rules for a shelter. She has been asked by a lot of people if the Shelter will be like it used to be. Well they can't kill animals, can't use them for target practice anymore, it's against the law. They had high hopes for this Shelter. With that being said it's been put in the hands of people who know absolutely nothing about shelters and no included people who do know about them.. They have decided not to let volunteers interact with animals. We will probably be the only shelter in the state that she knows of that doesn't allow volunteers. There are very good reasons for it and they have had offers of help for training from an organization that has had seven years with no attacks. CAAT has had several events and no one has been bitten.

Susan Curry addressed the Commission related to:

1) In support of volunteers at the shelter and being able to interact with the dogs and walk them. Last night she went online and the Shelter volunteer thing came up. It says in most of the state, volunteers are allowed to walk the dogs, feed the dogs, socialized with the dogs, clean the cages (which she knows nobody really wants to do). The Shelter Manager is only one person and she doesn't know how she can do it. If you're afraid of

dogs, then don't do it. But all of them want to help and the whole object is being able to socialize with the dogs. We have a great Dog Park and it's a problem. She doesn't know Erica or Chief Apodaca and hasn't had any interaction with them which is probably good. Ileana has Tuesday morning that you can go and play with the dogs. If they are not socialized they will bite you and cower. So she's in favor of volunteers.

Carolyn Cazares addressed the Commission related to:

1) People, good work. This is big. We the people have wisely chosen against the City Governments Police Department project. Ron Fenn should be thanked for bringing this issue and referendum and giving the voters their right to choose against the city government. He has saved tax payers untold money for the 25 year loan and the ongoing expenses of maintenance and utilities. How's that compared to the \$8,000. The next step will be the plan to designate those GRT dollars for Public Safety to do any work on the Water System, Sewer, and Streets. Proportionate to police needs and to start making a better T or C for everyone.

2) You must register to vote by February 6th for the March 6th Municipal Election where seats number one and three are coming up for election. Let's put some new energy and new ideas in these seats with a sense of priorities, wise use of our tax dollars and a vision of a better T or C. Please use more about the candidates and vote in March. Yes, together we will make a better T or C. But we need your vote. Thank you and God Bless us all.

Michael Simpson addressed the Commission related to:

1) He believes in the future of this city. He believes in the future of the Spaceport. He's been watching space his whole life. He believes that this is the way of the future for so many things, private industry and so many things. He is a member of the public, it appeared to him the fairness of the public and their wishes was not being heard by the government. That's problematic to democracy. His only interest is application of process and equal application of law and democracy. That's it. And when that takes place, what happens is growth. If we are resistant to change, we are resistant to the fluidity of democracy. It is fact, its fluid, it's always changing. And the moment we are resistant to it, we hinder ourselves and hindering the votes of everyone that surrounds us. The things taking place is reinvesting over and over is Amazon. Virgin Galactic and Ellen Lust is doing the same thing. We have a voice that's heard and it's not being heard in Social Media. He utilizes Social Media to the maximum. He goes in and talks to every one of his representative and insists on what the will of the people is. And when we do that we see magnification, we see growth, and we see unity, community and democracy. It is what it is. He's spend his whole life fighting because he was a state kid and was thrown away because he had inactive parents. He fought for every city he lived in. That's his interest and his interest for everyone who is here and this town. We have Warm Springs, Copper, Silver, Gold, Hospitality, and good attitude. We have everything we need for growth and we are not utilizing it, that hurts everyone.

Cathy Rosenquist addressed the Commission related to:

1) Has never heard of an Animal Shelter not having volunteers. They need volunteers because they cannot take care of them properly without them. Without volunteers there

won't be public access to the animals. And she hates to think what could happen to these animals just because they don't have enough help. Also many of the shelters, when volunteers come in, there is no liability of the volunteer signs a waiver that they are responsible if anything happens with an animal. It does not happen very often. She hopes the council will say yes, we need volunteers here in this shelter. We really really do.

Mickey Nichols addressed the Commission related to:

1) Read a letter she wrote to Police Department about a message on 1/18/2018 about an experience she had with Officer Sokolow. And she was concerned with how he handled the pilfering matter she experienced. Be advised she received no return call. She went to the Police Station and spoke to Lt. Baker who was very defensive and she believes disrespectful when she explained her incident with Officer Sokolow. She was defensive and said she was attacking one of her Officer's. That was not her intent. She merely wanted to take the information and to arrive at resolution. Lt. Baker advised her that she would discuss the matter with Officer Sokolow and said she would contact her the next day. Lt. Baker failed to contact her. This is one of the major reasons that the Police Department has an unacceptable reputation in the state of New Mexico. She suggested that they have a meeting with her and Officer Sokolow where all parties concerned could resolve the issue and arrive at resolution. Lt. Baker declined. Another reason things don't work relative the Police Department in the state is by copy she asked for kind assistance and request an appointment in order to consider this matter. The Police Department needs communication skills and good business activity. They don't need to be defensive. They need good people skills so they can act with the public in an amicable manner.

Ron Fenn addressed the Commission related to:

1) Yesterday, we saw for the first time, the people actually had a voice. They spoke and the message was that they do not want to be ignored. When you make decisions you must take into consideration what the people that you theoretically represent, have to say. If you act without their say, they will act as they are able. He believes the vote would have been higher if the Commission didn't spend so much time trying to make it a Ron Fenn issue. It was not a Ron Fenn issue, it was an issue of financial importance to this community. And you took your action unanimously without the support of the people. The support needs to come before the vote and not after the vote and hoping that the people will not do a referendum against your ordinance. It can be done against any decision you make. In order to do that you have to give full disclosure, full truth and let the people decide what they want to do for their community.

2) Another issue is the City of Truth or Consequences is getting \$3,600 from Spaceport America. Senator Cervantes of Las Cruces is getting \$46,000 for a smaller rent and El Paso Electric gets \$4,800 for electricity. And the city is only getting \$3,600 for one of the finest buildings in the city. If you keep letting them get away, there will be nothing left for the people here to look forward to.

Audon Trujillo addressed the Commission related to:

1) First is the extension of the Golf Course contract. He doesn't think it should be renewed with the current Manager. Look at the Golf Course today and how it was when he took over. He use to see the former pro watering the grass himself after hours. He doesn't see that since Mr. Taylor has taken over, look at the posts along Marie St. There are three that are uprooted. There are also weeds,

2) Article on where is the money for the GRT tax for Public Safety. They estimated \$235,000 a year would be generated by this new tax that was put into effect in 2012. That's a good question. The vote we had yesterday is one thing. We do not need to spend money on a building when we do not need it. The building we have is a nice building and we need to utilize it. Why are we not using that money generated for salary increases for City Police? He was arrested in 2014 for a DWI, and the only reason he was arrested was because none of the Officers were certified to give a breath test. According to Chief Mullins. He could have been released right there, but three months and \$350 out of his pocket because the Commission didn't do their job in making sure they were getting certified. Under Police Chief Alirez, he understands all of the Officers are now certified to do those tests in the field. We need to keep their certifications and give more money to retain them.

Randy Ashbaugh 1023 Poplar St. addressed the Commission related to:

1) He's been around this country and traveled quite a bit looking at things. He's never been away from this town for more than ten days. He took that back he had a job in Arizona for three months. This city has more potential than any other town, he's ever seen. We have a river, a lake, mountain, cattle, farming, hot mineral water, Spaceport, and almost a mine. We have interstate and railroad and we have lost population in the last ten years. The census comes out in 2020 and if we lose more population then we will lose out on larger companies in this town. He had a deal cancel last year and they told him the demographics look bad, which they do. Our per capita income per household is about \$22,000. In Dona Ana it's \$44,000. We have to get back to the basic things in our city. Like cleaning our streets, keeping up the alleys, fixing potholes, etc. That is incompetence on somebody's part. Not to mention hundreds of others around town. Yesterday's vote expressed one thing. There are a lot of mad people. That's a pretty good turnout for a one issue item. The Police Department the Mayor said it was restricted money and in May, Mr. Fuentes said it was for salaries, equipment and new hires. It's been for everything but that. A lot of that money has gone in the General Fund. That money ought to be put in a restricted account and used properly. For new Police Officers its better wage, better equipment, better training. We are going in the wrong direction. He hears rumors about doing something different with the Golf Course and the city would lose money. He sees people downtown all week, but they could be going and cleaning the ditches at the Golf Course. He also asked for all of the expenses for the sidewalks on S. Broadway, where is the other money coming from. It's a gift from the State of New Mexico and the federal government.

Hans Townsend, Chamber of Commerce and Desert View Inn addressed the Commission related to:

1) He hopes they are listening to a lot of these comments. Because you don't really do things the way they should be done. You have to listen to the advisory committees you

are appointing. That's why he's not on the Lodging Board anymore and that's why four of them left at the same time. When you try to say something you need to do, nobody listens and it gets overridden. Unfortunately, the City's becoming not a democracy anymore but ruled by the City Manager. Instead of telling the City Manager what he should get done, he tells you what should be done. So that's the picture they get more and more and he thinks they got the reaction yesterday that you aren't going in the direction you should be going. To him it was the end with the city paid a half a million dollars on a blow up roof. There was no logic and common sense in a lot of things. And you don't react until people get angry and that's sad. Listen to those committees and people, they do it because they want to see it better. You don't improve the city for people who come in and see it. On a better note, they printed 35,000 Visitor's Guides and distributed it all over. If you haven't see it, he really believes it brings people in. He's talked to people in Northern Colorado who are coming. He told them about the new things in the Visitor's Guide that weren't there before,

Sophia Peron, 316 N. Joffre addressed the Commission related to:

- 1) She is so happy to be here the day after they won the election. She commended her friend and colleague Ron Fenn who did so much work to make it successful. Running around town over 70 years old and making the greatest fake money that's ever been made in the world.
- 2) They met ten years ago in 2008 and this will be the big one where 300 people sat down at the Civic Center in August 2008 and they told Mr. Green, and a whole bund of others there shoving the Hot Springs Motorplex, down our throats and we told them we don't want it, don't take a fake town 12 miles away and bring it here. We were overwhelmingly against it and they said screw you, we're doing it anyway. And it's cost us over a quarter of a million dollars to get out of that stupid deal. Any sheister that comes to town is wonderful in T or C, lay the red carpet out.
- 3) Zoning. There are many thing in this agenda that are zoning. She sees something about going out and allowing a trailer to be dropped into 623 Garst St. and that's under ordinances/resolutions/zoning. Then we have H.2 Discussion/Action: Use for a mobile home on the Airport property. These things should all be done by a Zoning Commission. Get people back on those boards. We have a lot of smart talented people with a lot of common sense who can get things done.
- 4) And finally please condemn and empty this urine soaked residence being occupied by four dogs and God knows how many people. Please Mr. Apodaca and Mr. Chavez Travis who do nothing.

Stanley Rickert addressed the Commission related to:

- 1) Has concerns with the property adjacent to him which he thinks is being changed to a Home occupancy permit. But he's not sure. He was curious as to what is being done because the operations seem to be continuing as far as allowing vehicles to be stored there and parked and changing the views of the property. There was a Code Enforcement Officer who came and looked it over. He doesn't know what he found there but he did write a citation for a parked RV. But it needs something more than allowing it to continue to fester as far as what is taking place. The owner has brought in more vehicles and taken others out. He's brought in more oversized damaging the infrastructure of the

streets. Something has to be done with all of the noise and listening to all of the vehicles running around and not being a very laid back atmosphere like he envisioned. He's just wondering what he can do?

D. RESPONSE TO PUBLIC COMMENTS

Commissioner Hechler first wanted to thank the people who get up to make the comments. Sometimes it's painful to hear some of the things we have to hear. But he appreciates the information. And maybe they are up for a readjustment. But he thanked the folks for getting up and speaking their mind. Regarding the volunteers at the animal shelter, he worked with volunteers for years. And for many organizations they are the backbone and important in many things we do. But in order to have volunteers you have to have a volunteer program. And you have to grab job descriptions, interviews, and a selection process. It's important that the volunteers share the mission of the organization that's recruiting volunteers. He's hoping we can get this in place to find volunteers who share the same mission and common goals. And to Mr. Rickert, and the issue that you have with one of your neighbors. You could certainly contact one of the Commissioners like him and they can certainly make a request to have them go back out there again. He doesn't think it should be necessary for him to come to the Commission every time he has an issue. But feel free to give him a call and he would be happy to speak with him about the issue.

Mayor Green responded to Mr. Rickert that he felt that at some point this might come before the Commission and he felt it might be inappropriate for him to talk about things that he might have inside knowledge of that no one else did. We did talk about the process of coming to the Commission and he didn't feel it was appropriate for him to have any inside knowledge or any other Commissioner who might then have to recuse themselves when the vote comes. There is always that possibility of a stale mate. And also under advice of legal counsel, he was told he could talk about process.

Mayor Green also echoes Commissioner Hechler's comments on volunteerism. He understands the value of volunteerism and has done so for many years but you have to have a program and it has to be done right. He is concerned of the willingness and wanting this to work to make the animals lives better.

PRESENTATIONS

3. Presentation related to the Spaceport. Dan Hicks, Presenter
Discussed above.

4. Presentation related to the Copper Flat Mines. Omar El-Emawy, Presenter
Discussed above.

E. CONSENT CALENDAR

1. Public Utility Advisory Board Minutes, December 18, 2017
2. Airport Advisory Board Minutes, November 14, 2017
3. Lodger's Tax Reports – 1st Quarter late filings and 2nd Quarter Reports
4. Subrecipient Reports – 1st Quarter late filing and 2nd Quarter Reports

5. Notice of Candidates and appointing Precinct Boards for March Regular Election.
6. MOU with Elephant Butte for Animal Control Services. (Removed)
7. JPA with Sierra County for Animal Control Services. (Removed)
8. JPA with Williamsburg for Police Services and Animal Control Services.

ITEMS REMOVED FROM THE CONSENT CALENDAR

F.6 MOU with Elephant Butte for Animal Control Services.

F.7 JPA with Sierra County for Animal Control Services.

Commissioner Frankel moved to approve the Consent Calendar as noted. Commissioner Hechler seconded the motion. Motion carried unanimously.

Recessed the meeting at 10:48 a.m. and reconvened at 10:57 a.m.

Commissioner Frankel will be joining by conference call for the rest of the meeting.

F. ORDINANCES, RESOLUTION, & ZONING

1. Discussion/Action: Resolution No. 22 17/18 Budget Adjustment. Melissa Torres, Finance Director

Finance Director Torres started by notifying the Commission the Second Quarter projected numbers look pretty good and we are already passing that number. She then read each of the transfers that are being requested and included in the Commission Action Form.

Commissioner Hechler moved to approve Resolution No. 22 17/18 Budget Adjustment. Commissioner Frankel seconded the motion. Roll call vote was taken by the Clerk. Motion carried unanimously.

City Manager Fuentes said before we go on to the next item, Finance Director Torres is going to give an update on the 2nd Quarter Report.

Finance Director Torres went on to present the 2nd Quarter Report. She summarized areas where they may have questions or concerns. As a 2nd Quarter they are looking at the 50% threshold. Some areas of concern are the Capital Projects, the Debt Service, and the Golf Course. The Capital projects has the Animal Shelter, Colonias, Fuel Farm and they are still waiting for reimbursement. The Golf Course is lower in revenue and they are looking at that. The Debt Service is part of the New Mexico Finance Authority. As they may recall it was one of the findings as to the posting of the payments for that. They are proud to say that has been resolved on the book side, however, on the back side of the new financial system they are having a little bit of trouble and they are trying to work through that. She then showed the breakdown of the General Fund Revenues. She explained the detail of the payments for some residents. The Fines and forfeits have jumped tremendously because of the Code Enforcement cases that are being filed.

Mayor Green has one question where she talked about being proactive for expenses. Does that mean we are curtailing all wants on purchases to determine if there is a true need? Finance Director Torres agreed definitely they have to make hard decisions to make sure it's something they need and not just a want. If it has safety or affects their day to day operations, they will definitely look at how it will be funded.

2. Discussion/Action: Variance request to allow a 1995 mobile home onto lot at 623 Garst Street. Susanna Diller, Planner/GIS Tech and Robbie Travis, Building Inspector.

City Attorney Rubin wanted to add a procedural recommendation. Ordinarily, he would recommend the Battershell Process and in looking at the application, it doesn't really affect any setback or parking or traffic or any other issue that requires a Battershell. However, he did recommend that the Commission consider finding out if anyone may want to speak on the issue. Mayor Green responded he will take that advice.

Planner/GIS Tech Diller presented the information. The property owner has done significant work to clean up the property at 623 Garst. The mobile home is close to the maximum age allowed per our ordinances. And it's in good condition. Staff feels that approving the Mobil home doesn't affect the approving the Mobile home Ordinance. In the packet you should have the Variance notice, for the mobile home in question and the variance property layout.

Commissioner Hechler asked if this home was going to stay and not be moved to another location. Building Inspector Travis responded no he doesn't think so. Mr. Oakes is here to answer any questions they may have.

Doug Oakes said the add-on is being torn down as we speak. So it will just be the motor home. They would put a small porch in front of the entryway. Commissioner Hechler asked if it will be new construction. Mr. Oakes confirmed it would. Commissioner Hechler also asked about the skirting for the Mobile Home. Mr. Oakes said it will be replaced. Commissioner Hechler then said he noticed a window was broken and asked if it was going to be fixed. Mr. Oakes said yes, they do fix them. Commissioner Hechler said so from what it looks like in the photo it will be more attractive once it's set up. Mr. Oakes confirmed that was correct.

Mayor Green inquired as to whether it will be a rental home or if he will be living in it. Mr. Oakes responded it's a rental. There's a duplex on that piece of property and there was an old mobile home that was unusable and unfixable and was torn down. Mayor Green said he only concern is we have passed an ordinance for the year of the mobile home that is allowed. And you are the first person who has come before them asking if it can be approved. We certainly do not want to discourage people from picking up their property. He is most concerned if they approve this one, more would come forward for an exception. He also asked what they meant by the Spirit of the Mobile home ordinance. Planner/GIS Tech Diller responded to his first to remind them about when the ordinance was approved on July 12th, Commissioner Hechler asked what would happen if someone

had a unit in good repair that was within a few years. And Building Inspector Travis said in situations like this they could apply for a variance. Next referring to the Spirit of the ordinance. It's really about making sure people don't bring old dilapidated mobile homes to the town which would bring the property values down and being an eyesore. As she understands it, the 20 years was chosen by looking at the age limits surrounding communities have and find a date people could be comfortable with. So you had to draw a line somewhere and 20 years was that line. But the spirit of the ordinance has to do more with the condition of the city and the property. Mayor Green said so the 20 years was just a touch stone that they could work off of.

Building Inspector Travis added they have had three or four come to them and they have turned them down. He explained those incidents, and two were just too old. They are not going to bring every one for a variance. The goal is to help clean up the town.

Commissioner Hechler is there going to be significant improvement if we approve this? If we improve the situation itself then he's more likely to vote for it. We are trying to make it more improved.

Commissioner Hechler moved to approve Variance request to allow a 1995 mobile home onto lot at 623 Garst Street as presented. Mayor Green seconded the motion. Motion carried unanimously. 2-1. Commissioner Frankel voted nay.

H. NEW BUSINESS

1. Discussion/Action: Appointment of Lodger's Tax Board Members. Renee Cantin, Clerk-Treasurer

City Clerk Cantin notified the Commission, we currently have five vacant positions on this board. The former Tourism Director was working on soliciting names to serve on this board. She also received an additional application from Theresa King for the Sierra Grande Lodge which was handed out to the Commission. The requirement for that board is there has to be two from the Lodging Industry; two from tourist industry and one from the general public. With that we have the following applications.

Jake Foerstner, Riverbend Hot Springs (Lodging Industry)

Linda DeMarino, MainStreet T or C (Tourist Industry)

Moshe Koenick, Tourism, General Public, Business Owner

Theresa King, Sierra Grande Lodge (Lodging Industry)

City Clerk Cantin continued we don't have any veteran members left on that board. So once we have some new members we will need to do some training with them to show them their responsibilities before we designate Lodger's Tax this year.

Commissioner Frankel appreciates those who applied for the positions. He thinks Linda DeMarino has her plate full with MainStreet and all other applicants sound great. Mayor Green added with his experience with Lodger's Tax, he appreciate Commissioner Frankel's input.

Commissioner Hechler thinks with the list of applicants, he would refer to Commissioner Frankel and his opinion.

City Attorney Rubin said just one thing he noticed on one application it said it was for the Public Art Board. City Clerk Cantin responded and it may have been sent to him with that already added. She believes he is interested in the Lodger's Tax Board. Mayor Green noticed the bottom of his has a reference to seeing Heads in Beds. City Manager Fuentes notified the Commission of the importance of having a quorum appointed to get started on the process.

Commissioner Hechler moved to approve Jake Forestner. Commissioner Frankel seconded the motion. Motion carried unanimously.

Linda DeMarino fails for the lack of a motion.

Commissioner Hechler moved to approve Moshe Koenik. Commissioner Frankel seconded the motion. Motion carried unanimously.

Commissioner Hechler moved to approve Theresa King. Commissioner Frankel seconded the motion. Motion carried unanimously.

Mayor Green would like the record to show, he has had the privilege of serving on the MainStreet Board almost since its inception and is the Ex-Officio on that board. And he appreciates the job Linda DeMarino does as the Executive Director. And even though he would love to see her on this board, he would like to say he appreciates the comments of Commissioner Frankel.

2. Discussion/Action: Use for mobile home on Airport Property. Mark Bleth, Airport Manager

Airport Manager Bleth presented the item requesting for a Uniformed Officer to live onsite in the Mobile Home just purchased on the Airport Property. It makes sense to use the security with someone who is onsite. Chief Apodaca echoed what he said it makes good sense to have security. And with the Fuel Farm there is potential for fuel theft.

Commissioner Hechler asked how it was going to work with utilities. Airport Manager Bleth said their thought process was they would pay for their own utilities. We are just supplying the residence and the meter and propane tank will be separate. The water will be furnished by the city because it's part of our water system. Commissioner Hechler also asked if there was going to be a contract. City Manager Fuentes responded yes, we will have an agreement in place. It will have to be documented for HR reasons. Finance Director Torres came from an organization that housed Law Enforcement agents. So she is obtaining that contract to help build ours.

Mayor Green asked if it would also be available to the State Police or Sheriff's Department. Airport Manager Bleth responded any of those including State Park Law Enforcement representative would be allowed.

Commissioner Hechler moved to approve authorizing City Manager and staff to move forward to make the mobile home ready for occupancy and developing a contract to allow a law enforcement representative to occupy it. Commissioner Frankel seconded the motion. Motion carried unanimously.

3. Discussion/Action: Approval of Airport Annual Lease renewals. Mark Bleth, Airport Manager

Airport Manager Bleth said the current leases are 12 month leases that occur when that person takes possession of a unit. On every month we probably have about 5 that need to renewed. So essentially we would like to have one annual renewal that would be done by the Clerk's Office to get all of the agreements in place. During this process he's meeting with City Attorney Rubin to go through our existing contracts to address insurance and other things. We can take this opportunity to update it.

Commissioner Hechler asked if this would be an appropriate place to talk about fees. City Manager Fuentes said that would be a separate issue. As you can see these three items came from the Advisory Board and he believes the next thing will be revisiting the fees which will have to be adopted by resolution.

Mayor Green asked if we are fully rented. Airport Manager Bleth said yes and we have five on our waiting list. Mayor Green said at one time those hangars would not be using them for hangars. Airport Manager Bleth said the majority have planes and they are weeding through them. They will basically have a month to month extension with those hangars until they can show air worthy certificates, liability insurance, and a current inspection to show they do have a plane. We will not offer the new leases to those who may only have a boat. This is not a boat storage.

Commissioner Hechler moved to approve the request to renew every February and when renewed we can use either 6 months or up to 18 months for those who come in to renew. Commissioner Frankel seconded the motion. Motion carried unanimously.

4. Discussion/Action: Land Leases for vehicles on Airport Property. Mark Bleth, Airport Manager

Airport Manager Bleth reported they currently have a need for some tenants to park their vehicle inside the fence. They either have homes in Elephant Butte or T or C that they fly in from some other place. They don't necessarily need a hangar but they need to have a car available for them once they get here. They have some land that's located within the Airport that's not particularly usable for any kind of hangar development. However, the City stores some vehicles on that piece of property. This is to the East of the LaFont

Hangar. And we can use that for a small vehicle or perhaps an oversized vehicle if they have an Airplane that's hangared here, but their go home vehicle is too big to fit in the hangar. He said they will do this on a case by case basis because they don't want it to turn into boat storage or anything like that. This is intended for Aviation use that will only be for those using the Airport. Plus, we will gain revenue on this as well.

Mayor Green asked if they will sign a liability waiver? What happens if someone picks up a rock or for a malicious reason cracks someone's windshield. Airport Manager Bleth said they will be doing a standard lease just like they do with the hangars. And they will be talking with Jay about that next week.

Commissioner Hechler moved to approve to allow the Municipal Airport to develop a parcel of land for future parking of vehicles for tenants of the Airport and to have a fee structure in place so they can collect fees for that service. Commissioner Frankel seconded the motion. Motion carried unanimously.

5. Discussion/Action: Extension of Golf Course Contract with Terry Taylor, LLC.
Melissa Torres, Finance Director

Finance Director Torres notified the Commission they are not proposing an extension to be approved today. At this time they want to delay this because there are areas that they definitely have concerns with and they want to take care of it before we do any kind of extension. She has been working with Mr. Gaylord, Mr. Fuentes, Mr. Rubin, and Mr. Appel in regards to this contract. What makes it sticky for us is we also have our liquor license that is a custodian of Mr. Terry Taylor. So our liquor license is getting ready to expire and we definitely don't want that to happen. She was able to make contact with Mrs. Garcia with the New Mexico Regulations and she was definitely willing to work with us and advised us that we have until February 28th to get back with her in writing to say how we are going to pursue. If we are going to pursue extending the contract, we have to have it signed prior to renewing the license, all one package. If we are not and we are going to take 100% control of the Liquor License then all we have to do, as a city, is respond that is what we want to do.

City Manager Fuentes recommended the Commission to table this item so staff could do some additional work and contact Mr. Taylor and bring it back to a future meeting before the 28th.

Commissioner Hechler was going to ask when the contract expires and if we are ok? Finance Director Torres responded unfortunately the contract has already expired back in October. Commissioner Hechler asked if we are still able to maintain this property with Mr. Taylor there. City Manager Fuentes responded yes, he thinks we will go month to month. Finance Director Torres notified them they checked with our attorneys and that's where we are at right now based on the clause we have on our existing contract. City Attorney Rubin let them know the parties involved have been acting as if the contract is still in effect. He's still providing services.

City Manager Fuentes notified them he did meet with Mr. Taylor yesterday and discussed some of the concerns with him. He will be coming before the Commission at a future meeting.

Mayor Green wanted to make sure he understands, the license is in the name of the city and Mr. Taylor is the custodian and we are the renewing agent. Finance Director Torres confirmed that.

Commissioner Hechler moved to postpone any extension of the Golf Course Contract to Mr. Taylor until we get a chance to visit the issues and have a discussion. Commissioner Frankel seconded the motion. Motion carried unanimously.

I. REPORTS

a. City Manager

- 1) Will be traveling to Santa Fe tomorrow for the NMFA Board Meeting regarding the Sierra Vista Hospital.
- 2) Last week he delivered our Legislative Requests to the Legislators Offices. So we will just have to wait for the 30 Day Session, and hopefully there will be some Capital Outlay this year. If he has the opportunity, he will stop by and visit with Senator Smith and Representative Dow in regards to our requests.
- 3) In light of some of the questions on Code Enforcement and Animal Control, he will be meeting with the Chief to address some of the issues moving forward.

b. City Attorney

- 1) Said in response to the volunteers at the Shelter. The implication seemed to be that the Police Department is not willing to accept their help. He visited with Chief Apodaca and Lt. Baker and as a general rule we're always delighted to accept some help from the public. But one of the concerns is liability. There was a suggestion about a waiver being signed. But they will look into it. Chief Apodaca commented they may be looking at hiring a part-time person to help once they get a better assessment to the cost. Between Animal Control, himself, and Lt. Baker, they will make sure it's covered. City Manager Fuentes said we did have a similar arrangement with volunteers at the pool. And there are some legitimate concerns. Unfortunately, if something happens and report or lawsuit is filed. We also need to consult with our insurance company.

c. City Commission

Mayor Green gave kudos to Jesus and his group who saved people a lot of aggravation. He added, we heard some comments that the city operates in a vacuum, we don't listen, or do anything. And that's just not true. The Law Enforcement project was discussed for years. To say that they do not listen is incorrect. Mr. Fenn was given an opportunity at a City Commission meeting to please his case. He just wanted on record that they do

listen. They are not going to make everyone happy all of the time. But if their votes are made honestly with no money coming into their packet and no game, that's the way it works. But to say they don't inform the public, is not a true statement. They hold public hearings, public forums, etc.

J. ADJOURNMENT

moved to adjourn at 11:56 a.m.

seconded the motion. Motion carried unanimously.

Passed and Approved this ____ day of _____, 2018.

Steven Green, Mayor

ATTEST:

Reneé L. Cantin, CMC, City Clerk



F.2

**CITY OF TRUTH OR CONSEQUENCES
COMMISSION ACTION FORM**

ITEM:

Approve the minutes of the Public Utility Advisory Board for January 16, 2018.

BACKGROUND:

None.

STAFF RECOMMENDATION:

Approve the minutes.

Submitted by: Renee Cantin, City Clerk-Treasurer

Meeting date: 2/28/2018

**CITY OF TRUTH OR CONSEQUENCES
PUBLIC UTILITY ADVISORY BOARD
TUESDAY, JANUARY 16, 2018**

REGULAR MEETING MINUTES

Regular meeting of the Public Utility Advisory Board 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 Tuesday, January 16, 2018 at 5:30 P.M.

INTRODUCTION:

PRESENT:

George Szigeti, Chairman
Ron Pacourek, Member
Gil Avelar, Member
Randy Ashbaugh, Member

ABSENT:

Jeff Dornbusch, Vice Chairman

ALSO PRESENT:

Juan Fuentes, City Manager
Jesus Salayandia, Water/Wastewater Department Director
Andy Alvarez, Sanitation Director
Traci Burnette, Grant Project Coordinator
Boaz Easley, Electric Division Director
Tammy Gardner, Electric Division Administrative Assistant
Ruby Otero-Vallejos, Water/Wastewater Administrative Assistant
Kristin Weddle, Scale House Operator
Angela A. Torres, Deputy City Clerk

APPROVAL OF AGENDA:

Chairman Szigeti called for approval of the agenda.

Vice Chairman Dornbusch moved approval of the agenda as submitted.

Member Avelar seconded the motion. Motion carried unanimously.

APPROVAL OF MINUTES:

Regular meeting of Monday, December 18, 2017:

Chairman Szigeti noted a few corrections on page 3 and page 4 of the minutes.

Chairman Szigeti moved approval of the December 18, 2017 minutes as amended.

Member Pacourek seconded the motion. Motion carried unanimously.

COMMENTS FROM THE PUBLIC:

There were no comments from the public.

RESPONSE TO COMMENTS FROM THE PUBLIC:

There was no response to public comment.

Discussion/Update: Electric Department- Bo Easley, Electric Division Director:

Electric Division Director Easley reported the following:

- High School Fitness Center-They are still waiting on the contractor for the ground breaking.
- Animal Shelter – The electric portion should be complete in about 3 weeks.
- They met with Bohannon Huston Inc. last Thursday to review the engineer drawings for the Cielo Vista Subdivision. Hopefully they will be 100% finished with the drawings by the end of January.
- Substation Battery Replacement – American Electrical Testing Company is engineering the replacement of the batteries in the battery container box that hold the batteries. Hopefully they can go out to bid on that by the end of the month and they should be finished with the design by mid-January.
- McDonalds Construction – They pulled the old primary underground wire and replaced the transformer.
- They contracted out, a pole replacement on the corner of Austin & Clancy that was done last week and a new switch was added.
- Merchant testing went well. His crew tested last Friday and everyone passed.
- He's been working with DARcor and Associates on all of the lift stations for Phase 2B of Wastewater Treatment Plant Project.

Discussion/Update: Sanitation Department – Andy Alvarez, Sanitation Director:

Andy Alvarez, Sanitation Director reported the following:

- His crew has been periodically driving through alleys to check for illegal dumping.
- They will be working with Gordon Environmental on the monitoring wells at the BLM Landfill, at the Oasis Golf Course. These wells are at ground level, and we need to bring them up to code which is above ground level. That will be one of their large projects this year.

- Recycling is going very well. It looks like the department that he has been working with will soon be purchasing plastics because they found a company out of Texas who purchases plastics.
- Curbside Recycling is a future goal of his. The process for that would be to purchase new Polycarts, purchase a new Polycart truck (which is around \$250,000) and expand the facility, because curbside recycling would require single streaming, which is where we dump the mixed recyclables on the floor, we bail everything together, and we send it to vendor who will sort it for us. He may also need one or two more employees to handle this.
- He is working on a notice for policies and procedures of what is supposed to go into your Polycart. The notices will be added to the utility bills and will include where Polycarts need to be placed, and what time they need to go out and if the rules are not followed, then they won't get their trash picked up. He also wants to put something in writing stating that there will be a charge for additional items that do not fit in the Polycarts. The reason for that is because the cost to pick up items that are not on the regular trash route is not cheap, because he has to pay for fuel, he has to pay for the labor, and he has to pay for the wear and tear on the truck.

Discussion/Update: Water/Wastewater Department - Jesus Salayandia, Water/Wastewater Director:

Traci Burnette, Grant/Project Coordinator, reported the following:

- They have implemented Phase 1 for the Wastewater PER and it is complete for the most part. That money, as received by a USDA Grant is as a total of 4.4 million dollars. They are in the process of Phase 2A right now, and that should be completed by July.
- Phase 2B, which is their big phase, is a 5.2 million dollar grant loan combination through USDA, and that is in the design phase right now. We are 90% complete on that design. Jesus and Arnie will review those, and they will then go to USDA and NMED for review and approval, before we start moving forward on that. It will be the end of 2018 before start going out to bid and getting contractors for that project.
- Within the Water PER we identified Cook Street Station and our Chlorination System as well as treatment for the water. The PER specifically speaks of the downtown infrastructure. We are working on applying for multiple grants. We've applied for 3 grants through the Water Trust Board, 3 grants through Colonias, and 3 grants through USDA. We have a pending application through USDA right now for the Cook Street Project, as well as a pending application for the 1st Phase for NMFA Colonias. We applied through Water Trust Board. However, they do not have a lot of funds at this time.

Chairman Szigeti – He heard... the fact that our water rates haven't been updated in a number of years, may be hurting our ability to get some of this funding. Is that correct?

Traci Burnette, Grant/Project Coordinator - Yes, that is correct. Our rates are a lot lower than other Municipalities, and she believes that plays a part, because the funding sources are looking at, if we raised our rates, then it's possible that we could have that revenue to repair our own lines and they are also looking at, if they give us a grant loan, or grant cash match... can we make that loan or that match, and if we don't have that revenue to support that, then they aren't going to grant us the money. They also want to know if they give us a few million dollars to fix those lines, do we have the revenue to keep up on those lines. They don't want to spend money

on something that's just going to fall apart again. She believes that the last time the water rates were increased was back in 2007.

Jesus Salayandia, Water Director reported the following:

- The Manhole Project will begin within the next month or so.
- The high priority alarms on the SCADA aren't going to dispatch when they should be, so that is being addressed.
- Phase 2A Clarifiers – They just finished the framing for the 12ft walls and they poured the concrete for the flooring.
- North Date will be getting a generator.
- They interviewed potential candidates for positions they have open and both candidates are certified. One has a level 4 Water certification, and a level 4 Wastewater certification. And the other one has a level 4 Wastewater certification, and will be testing for his level 3 certification for Water.
- About a month and a half ago, they had a main blow out on Clancy. The 10 inch cast iron Force Main, which pumps the sewage from Clancy Street up the hill, blew out at the bottom. However, they contained it, and Smith Co. did the repairs.

COMMENTS FROM THE BOARD:

Chairman Szigeti – He presented the Electric Cost Adjustment at the last City Commission meeting, but they asked that they not take any action on it until all the data could be verified. He will be meeting with the Utility and Electric Dept to go over the numbers to make sure everything is 100% kosher, and then they will take it back to the Commission for action. He noted that City Manager Fuentes pointed out that the ordinance allows us to increase the pass thru, but it only allows us to increase it. It doesn't allow us to adjust it downward if costs go downward. So that is one thing that we will have to change on the ordinance.

Member Pacourek – The minutes quote, "Mayor Green made the motion to change the name to energy cost adjustment" when is the wording going to be changed on the utility bills?

City Manager Fuentes - That is going to require an ordinance change, so we will have that drafted, and then taken to the Commission for approval.

Brief discussed ensued regarding the Electric Cost Adjustment.

COMMENTS FROM STAFF:

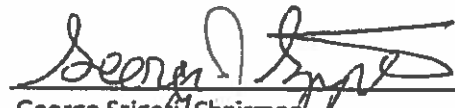
There were no additional comments from staff.

ADJOURNMENT:

There being no further business to come before the Public Utility Advisory Board, George Szigeti, Chairman, declared the meeting adjourned.

APPROVAL:

PASSED AND APPROVED this 20th day of February, 2018 on a Motion duly made by Ron Paciorek, seconded by Jeff Dornbusch and carried.


George Szigeti, Chairman
Public Utility Advisory Board



F.3

**CITY OF TRUTH OR CONSEQUENCES
COMMISSION ACTION FORM**

ITEM:

Approve the minutes of the Recreation Advisory Board for February 5, 2018.

BACKGROUND:

None.

STAFF RECOMMENDATION:

Approve the minutes.

Submitted by: Renee Cantin, City Clerk-Treasurer

Meeting date: 2/28/2018

**City of Truth or Consequences
Recreation Advisory Board
Regular Meeting
2/5/2018 6 PM
MINUTES**

5:00pm- Special Workshop- Present: Greg D'Amour, Destiny Mitchell, Isabelle Sheele, Ed Ragsdale, and Christie Conklin. Meeting to discuss minutes and recommendations from 2017. Secretary Sheele apologized for absences with new job and girls scout's conflicts making it difficult to attend meetings. Minutes from past meetings were presented, and Vice-Chair Mitchell volunteered to compile minutes and present them to Commission after approval of board. No retrospective recommendations will be reported.

6:00 pm Regular Meeting of the Recreation Advisory Board of the City of Truth or Consequences, New Mexico to be held at the Recreation Department Building, 2800 S. Broadway, Truth or Consequences, New Mexico.

INTRODUCTION:

ROLL CALL:

Greg D'Amour, Chair- Present
Destiny Mitchell- Present
Isabelle Sheele- Absent*
Ed Ragsdale- Present
Christie Conklin- Present

*Vice-Chair Mitchell agreed to take minutes in the absence of Secretary Sheele.

1. Approval of Agenda- Mitchell approved Agenda, Conklin seconded. Motion passed.
2. Approval of Minutes for Regular meetings of 2017- Tabled until completion.
3. Comments from the Public- None
4. Recreation Department Needs Assessment/Update- Parks and Rec Director OJ Hechler reported that he was excited to see three new faces in the parks department. They worked on removing the cattails from Ralph Edwards Pond and included it on the future yearly schedule of maintenance. Updated that for the Soccer fields that the water main was hooked up, and that they had a few leaks but were digging them up and fixing them. They should put in sprinklers this week and should be mostly done by next week. Next major task is removing rocks from C-Field. They have a couple of emergency hires to hopefully help with that. Chuck Wentworth suggested using the soccer kids to help with the removal of rocks. Soccer begins next week. Hechler told the board that grass seed had been ordered to reseed C-Field. After discussion where Chair D'Amour questioned whether Softball and Little League could work together on both A and B Fields to allow seeds to germinate, Ragsdale made a recommendation to refuse play on C-Field until after the 2018 season was over. Conklin seconded and motion passed.
5. Swimming Pool Update-- Hechler also informed the board that there was a new Interim pool manager. He said one major project was that the floors were being painted. He said they were in contact with Kristy Ziehl, the state NMDOH inspector. They were also working on certified pool operator classes for staff. Hechler also stated that though it was subject to change, the pool should reopen

on April 15th. Vice-chair Mitchell asked about the resurface and Hechler speculated that it was done.

6. Dog Park development- Hechler commented that the newly planted grass was already being worn down due to high traffic. He also mentioned that Wheeler was looking for Park Monitor volunteers.
7. Board Positions- application received from Carole Wheeler to return to the RAB. Discussion ensued over current positions. The five positions are currently filled. Mitchell requested that D'Amour and Sheele submit renewal applications for their positions. D'Amour clarified that our by-laws state that appointed members are automatically renewed until dismissed or resigned, and therefore current members need not reapply every two years, and that is it up to the commission to make changes if they see fit. Discussion ensued about Mitchell's current campaign, and that in the event she is elected to the commission, then the board would make a recommendation for Wheeler to join the ranks once again. Tabled until the April meeting.
8. Other Business/Discussion- Vice-Chair Mitchell brought up quarterly meetings once again, due to lack of action items and lack of quorums. Chair D'Amour countered with a desire to support new Recreation Director and assist him in his needs. Board agreed to support and tabled quarterly meeting discussion. Ragsdale engaged Hechler in conversation about the seeder, which was purchased while he was working for the department, and he offered his assistance in calibration of and determination of seeding baskets for said device. Mitchell brought up, once again, the request for a backboard at the tennis courts, which was requested at several meetings last year, however Chair Greg tabled discussion of topic until minutes from the past year were officially entered.
9. Adjournment made by Mitchell at 6:47pm.


Recommendations from Recreation Advisory Board to City of TorC Commission for Meeting Held on February 5th, 2018:

1. To refuse play on C-Field until after the 2018 season was over.

I attest that these minutes are true and accurate to the best of our abilities and that the recommendations presented are the will of the Recreation Advisory Board:



Signature



Date

NEXT RECREATION BOARD MEETING
March 5th, 2018
Recreation Department Building
2800 S. Broadway 6PM



F.4

**CITY OF TRUTH OR CONSEQUENCES
COMMISSION ACTION FORM**

ITEM:

Approve the minutes of the Golf Course Advisory Board for October 4, 2017 and January 3, 2018

BACKGROUND:

Minutes of both meetings are attached, as well as, the notice showing there was no quorum for the November 1st, 2017 and the December 6th, 2017 meetings.

STAFF RECOMMENDATION:

Approve the minutes.

Submitted by: Renee Cantin, City Clerk-Treasurer

Meeting date: 2/28/2018

TRUTH OR CONSEQUENCES GOLF ADVISORY BOARD
MEETING OF OCTOBER 4th, 2017
T OR C MUNICIPAL GOLF COURSE

Meeting was called to order by Les DuFour at 5:07 on October 4, 2017.

Present were Les DuFour, Leroy Biener, Mary Ann Weaver, and Vivian Bonner.

A motion was made by Les DuFour to approve the agenda Leroy Biener second. Motion passed.

Leroy Biener made a motion to accept minutes as read and Les DuFour second. Motion passed.

No guest were present.

Committee Reports: Dollar Fund was discussed. Leroy Biener stated that the Truth or Consequences Treasurer did not have a current report. Les DuFour tabled the discussion for the next meeting.

Long Range Planning: Linda Hale was not present so the Long Range Planning was table.

Old Business: Discussion was made on course condition, pumps, equipment, water filter and fresh water pumps. Leroy Biener detailed issues pertaining to course and management of the course. The Golf Advisory discussed the issues and a motion was made by Les DuFour to table further discusses until Terry Taylor could attend.

No New Business was discussed.

Les DuFour made a motion to adjourn Leroy Biener second. Motion passed. Meeting adjourned.

Next Meeting is schedule for November 1st. At the Truth Or Consequences Golf Course at 5 O'Clock.

Approved:  Les DuFour 1/3/18

**AGENDA
TRUTH OR CONSEQUENCES
GOLF COURSE ADVISORY BOARD**

**Regularly Scheduled Meeting – October 4th, 2017 at 5:00 PM
T or C Municipal Golf Course**

1. Call to Order.
2. Roll Call.
3. Approval of the Agenda.
4. Welcome guests.
5. Comments from the Public.
6. Response to public comments.
7. Reading/Approval of the Minutes from the August 20d, 2017 meeting.
8. Committee reports
 - A. Leroy Bierner – status of \$1 fund
 - B. Linda Hale – Long Range Planning Document
9. Old Business.
 - A. Course Condition. Terry Taylor
 - B. Pumps. Terry Taylor
 - C. Equipment – Terry Taylor.
 - D. Water filter
 - E. Fresh water pumps
10. New Business -- No new business
11. Adjournment

**Next Regular Scheduled Meeting: November 1st, 2017 at 5:00 P.M.
At the T or C Municipal Golf Course**

11/18/2017

RE: November 1, 2017 Board Meeting

City of Truth or Consequences

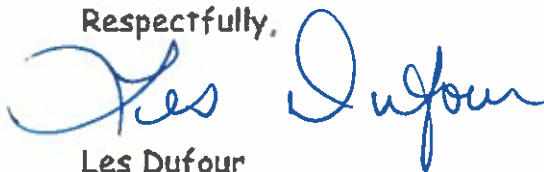
Honorable Mayor

Honorable Commissioners

City Manager

Due to unforeseen circumstances, we did not have a quorum at the November 1st meeting and therefore it was cancelled. The next regular meeting is scheduled for December 6th, 2017. If you have any questions or concerns, please feel free to contact me.

Respectfully,



Les Dufour

Chairperson

Golf Course Advisory Board

12/18/2017

RE: December 6th, 2017 Board Meeting

City of Truth or Consequences

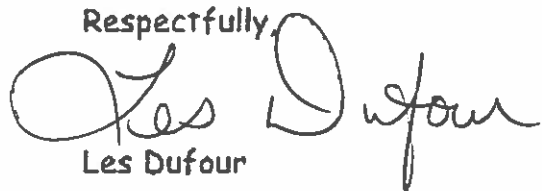
Honorable Mayor

Honorable Commissioners

City Manager

Due to unforeseen circumstances, we did not have a quorum at the December 6th meeting and therefore it was cancelled. The next regular meeting is scheduled for January 3rd, 2018. If you have any questions or concerns, please feel free to contact me.

Respectfully,

A handwritten signature in black ink, appearing to read "Les Dufour". The signature is fluid and cursive, with the first name "Les" and last name "Dufour" clearly distinguishable.

Les Dufour

Chairperson

Golf Course Advisory Board

TRUTH OR CONSEQUENCES GOLF ADVISORY BOARD
MEETING OF WEDNESDAY JANUARY 3RD.2018
T OR C MUNICIPAL GOLF COURSE

Les Dufour called the meeting to order January 3rd. At 5pm.

Present were Mary Ann Weaver, Vivian Bonner and Les Dufour. Also present was Terry Taylor.

Guest Carl Bonner.

The Agenda was passed out read and approved.

The Minutes were read and approved. Motion made by Vivian Bonner to accept as read seconded by Mary Ann Weaver. Motion passed.


Reports on the \$fund and the Long Range Planning were table until Leroy Bierner and Linda Hale were present.

Terry Taylor was present to discuss Old Business: He stated the course was in good condition. He also stated that there were issues with pumps, water, sprinklers and a need for part replacements. Les Dufour expressed to Terry Taylor that at our last meeting Leroy Bierner had a least of complaints that the Golf Advisory Board was aware of and would reopen those issues when both Leroy Bierner and Terry Taylor were present. Terry Taylor was willing to deal with these issues when he and Leroy Bierner could meet. The need for a Water Filter was brought up again. It was determined that a Water Filter System would help the course and decrease some of the expense of watering the course.

New Business was up for discussion next. Terry Taylor stated he was open for all new ideas for Holiday Tournaments, fun tournaments, and in an effort to re-establish the Fiesta tournament and the City Municipal Tournament, if interest was there for them. Les Dufour also mentioned involving the State Police, City police, Local employees as fireman and hospital persons. Les Dufour was interested in involving the City of Truth Or Consequences in a golfing experience.

Vivian Bonner made a motion to adjourn. Mary Ann Weaver second. Motion Passed meeting adjourned.

Next meeting will be February 7th at the Truth Or Consequence Golf Course at 5pm.

Approved:  Les Dufour Chair.
2/7/2018

**AGENDA`
TRUTH OR CONSEQUENCES
GOLF COURSE ADVISORY BOARD**

**Regularly Scheduled Meeting – January 3, 2018 at 5:00 PM
T or C Municipal Golf Course**

1. Call to Order.
2. Roll Call.
3. Approval of the Agenda.
4. Welcome guests.
5. Comments from the Public.
6. Response to public comments.
7. Reading/Approval of the Minutes from the October 4th, 2017 meeting.
8. Committee reports
 - A. Leroy Bierner – status of \$1 fund
 - B. Linda Hale – Long Range Planning Document
9. Old Business.
 - A. Course Condition. Terry Taylor
 - B. Pumps. Terry Taylor
 - C. Equipment – Terry Taylor.
 - D. Water filter
 - E. Fresh water pumps
10. New Business -- Concerns with current contractor performance
11. Adjournment

**Next Regular Scheduled Meeting: February 7, 2018 at 5:00 P.M.
At the T or C Municipal Golf Course**



G.1

**CITY OF TRUTH OR CONSEQUENCES
COMMISSION ACTION FORM**

ITEM:

Resolution to abate a dangerous structure at Lot 11, Blk. 76 Original Townsite.

BACKGROUND:

Eugene Kent moved in a dangerous and unsafe structure to the property at Lot 11, Blk. 76 Original Townsite. The court gave Mr. Kent two weeks from January 16th, 2018, to move the structure off-property; he has not complied. The court issued a summons and fine, and remanded back to the City.

STAFF RECOMMENDATION:

To proceed with demolition and clean-up of the structure, and put a lien on the property.

SUPPORT INFORMATION:

- Resolution
- Inspection Report
- Photograph of structure

Name of Drafter: Susanna Diller	Department: Community Development	Meeting date: 2/28/18
E-mail: sdiller@torcnm.org	Phone: 575-894-6673 Ext. 316	



RESOLUTION NO. 24 17/18

A RESOLUTION FINDING THE PROPERTY AT LOT 11, BLK. 76 ORIGINAL TOWNSITE, 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 in Lot 11, Blk. 76 Original Townsite to be a dangerous building. The violations include, but are not necessarily limited to, those items listed in the 12/8/17 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.
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 Lot 11, Blk. 76 Original Townsite, 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 28TH DAY OF FEBRUARY, 2018.

CITY OF TRUTH OR CONSEQUENCES

By _____
Steve Green, Mayor

ATTEST:

Renee Cantin City Clerk

12/8/17

Inspection Report on Lot 11 Blk. 76 Original Townsite

1. Doors and windows are unsecured and do not meet egress or conform to the New Mexico building or fire codes as adopted by the authority having jurisdiction relating to the requirements for existing buildings.
2. The walking surface of aisle, passageway, exit or other means of egress is unsafe.
3. The building has deteriorated and has been neglected and abandoned.
4. The building is neglected, damaged, unsecured and abandoned so as to be an attractive nuisance to children and becomes a harbor for vagrants.
5. The structure and surrounding junk and debris presents a substantial fire risk.
6. The structure cannot be used for dwelling purposes because of inadequate maintenance, dilapidation, decay, and damage.
7. The structure is unfit for habitation because of inadequate light, ventilation, and unsanitary plumbing and mechanical conditions.

Robbie Travis

Building Inspector

Robbie Travis

From: Raymond Chavez
Sent: Thursday, February 01, 2018 8:48 AM
To: Robbie Travis
Subject: Kent

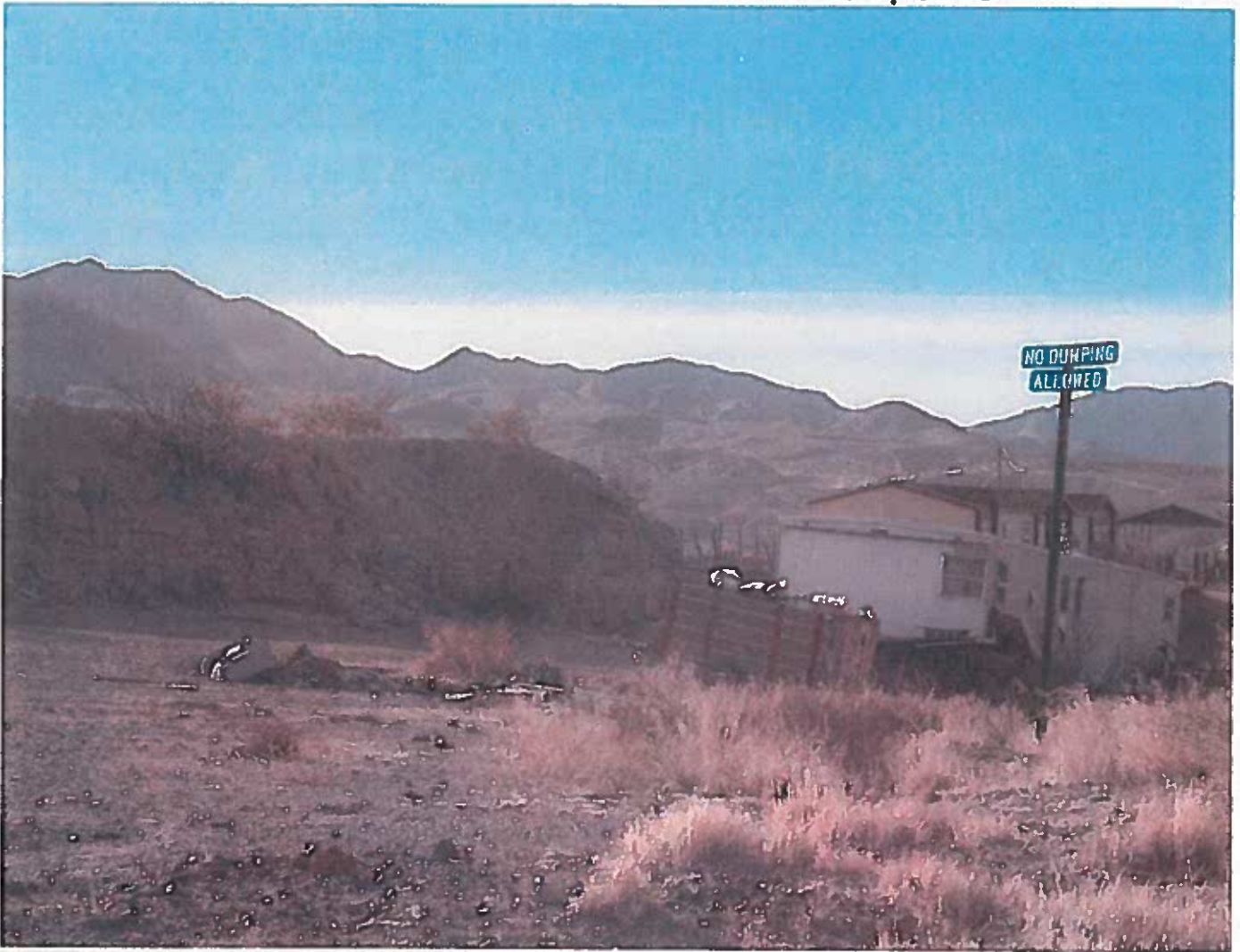
2/1/2018



Lot 11, Blk. 76 Original Townsite



8/02/12



Lot 11, Blk 76 Original Townsite



City of Truth or Consequences, NM
Commission Action Form

ITEM:

Resolution No. 25 17/18 declaring surplus property to be nonessential for Public or Government Functions to be Sold Pursuant to §3-54-2 NMSA at the March 17, 2018 public auction.

BACKGROUND:

Pursuant to Section 3-54-2 of the New Mexico State Statutes, 1978, Annotated, the City of Truth or Consequences has property that is no longer needed and the same as in the past, the City will use Willard Hall Auctions to sell various surplus properties belonging to the City. They have an auction scheduled for March 17, 2018.

STAFF RECOMMENDATION:

Approve Resolution No. 25 17/18 declaring the listed items as surplus property and allowing the City to Auction items in Public Auction.

SUPPORT INFORMATION:

Resolution No. 25 17/18

List of Items to be auctioned will be distributed before the meeting.

Submitted by: Renee Cantin

Department: City Clerk

Phone: (575) 894-6673



RESOLUTION NO. 25 17/18

A RESOLUTION DECLARING SURPLUS PROPERTY TO BE NONESSENTIAL FOR PUBLIC OR GOVERNMENT FUNCTIONS TO BE SOLD PURSUANT TO §3-54-2 NMSA

WHEREAS, the City Commission of the City of Truth or Consequences finds surplus property to be nonessential for public or government functions; and

Whereas, PURSUANT TO Section 3-54-2 of the New Mexico State Statutes, 1978, Annotated, the City of Truth or Consequences serves notice that the City will use **Willard Hall Auctions** to sell various surplus property belonging to the City.

NOW THEREFORE BE IT RESOLVED THAT:

- The City of Truth or Consequences may sell personal property having a value of more than two thousand five hundred (\$2,500.00) at public or private sale. If a private sale is held under this subsection, such sale shall be held only after notice is published at least twice, pursuant to the provisions of Subsection J or Section 3-1-2 NMSA 1978, not less than seven days apart, with the last publication not less than fourteen days prior to the sale.
- If a public sale is held, the bid of the highest responsible bidder shall be accepted unless the terms of the bid do not meet the published terms and conditions of the municipality, in which event the highest bid which does meet the published terms and conditions shall be accepted; provided, however, a municipality may reject all bids. Terms and conditions for a proposed sale of lease shall be published at least twice, not less than seven days apart, with the last publication no less than fourteen days prior to the bid opening, and shall be published according to the provisions of Subsection J of Section 3-1-2 NMSA 1978.
- The City of Truth or Consequences may sell, at a private or public sale, exchange or donate real or personal property to the state, to any of its political subdivisions or to the federal government if such sale, exchange or gift is in the best interests of the public and is approved by the local government division of the department of finance and administration. The provisions of Section 6-6-11 NMSA 1978 shall not apply to such sale, exchange or a donation.

PASSED, APPROVED AND ADOPTED this 28th day of February, 2018.

Steve Green, Mayor

ATTEST:

Reneé L. Cantin, CMC, City Clerk



G.3

**CITY OF TRUTH OR CONSEQUENCES
COMMISSION ACTION FORM**

ITEM:

Resolution No. 26 17/18 setting fees for land leases for Private Vehicle Parking at the Airport.

BACKGROUND:

The Airport Advisory Board recommended land leases be available to pilots for purpose of parking of vehicles inside the fenced area of the municipal airport. Staff has selected property that does not have adverse effect on the current or future use of the airport.

STAFF RECOMMENDATION:

Pricing be set at \$25 per month for 12'x30' and \$30 per month for 14' x 50'. Lease terms would be month to month.

SUPPORT INFORMATION:

Local rate comparison was done on 2/22/2018 and 12'x30' is \$150 for 6 months and \$250 for 12 months. 12'x50' is \$200 for 6 months and \$350 for 12 months.

Name of Presenter: Mark Bleth	Department: Airport	Meeting date: 2/28/2018
-------------------------------	---------------------	-------------------------

RESOLUTION NO. 26 17/18

A RESOLUTION OF THE CITY OF TRUTH OR CONSEQUENCES CITY COMMISSION ADOPTING A RESOLUTION FOR PARKING FEES AT THE MUNICIPAL AIRPORT.

WHEREAS, the City of Truth or Consequences operates and maintains the Truth or Consequences Municipal Airport, and;

WHEREAS, the City desires to make parking areas available for the pilots and to charge fees for such usage, and;

WHEREAS, the City has selected property inside a fenced area which will not have an adverse affect on the current or future use of the airport, and;

WHEREAS, the City is willing to enter into separate month-to-month leases with the individual pilots for the purpose of allowing the pilots to park their vehicles in the selected areas, in consideration of the fees established in this Resolution.

NOW THEREFORE, be it Resolved as follow:

1. The fees are established as follows:

A. 12' x 30' = \$25 per month

B. 14' x 50' = \$30 per month

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2018.

CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO

By: _____
Steve Green, Mayor

ATTEST:

Reneé L. Cantin, City Clerk-Treasurer



G.4

**CITY OF TRUTH OR CONSEQUENCES
COMMISSION ACTION FORM**

ITEM: Resolution No. 27 17/18, Budget Adjustments transferred, as listed below

AUTHORIZATION TO: To authorize budget adjustments in the categories as listed below.

BACKGROUND: DFA required Impact fees be adopted by Resolution – Approved by Commission on February 28, 2018.

Description	Amount	Recommendation
Municipal Street Fund – Transfer In Fund 216 216-4503-49935	\$60,000	Transfer In – Reimbursement back to Streets for the pool repair
Municipal Pool Fund – Transfer Out Fund 295 295-4803-39930	\$60,000	Transfer Out – Reimbursement to Streets for the pool repair

SUPPORT INFORMATION:

- Finance Documents as presented.

Name of Drafter: Melissa Torres	Department: : Finance Director	Mtg: 02/28/2018
---------------------------------	--------------------------------	-----------------



RESOLUTION NO. 27-17/18

A RESOLUTION REQUESTING BUDGET ADJUSTMENTS IN THE REVENUE AND EXPENDITURE BUDGET FOR FISCAL YEAR 2017-2018.

WHEREAS, the final budget for was approved by the City Commission of the City of Truth or Consequences, New Mexico, pursuant to Chapter 6, Article 76 NMSA 1978; and

WHEREAS, the City Commission resolve to request a budget adjustment in the 2017-2018 Fiscal Year Revenue and Expenditure Budget as per the Schedule of Budget Adjustments.

NOW THEREFORE, approval of the above is hereby requested of the New Mexico Department of Finance and Administration, Local Government Division.

PASSED, ADOPTED AND APPROVED this 28th day of February, 2018.

Steven Green, Mayor

ATTEST:

Reneé L. Cantin, CMC, City Clerk-Treasurer

Department of Finance and Administration
Local Government Division
Financial Management Bureau
SCHEDULE OF BUDGET ADJUSTMENTS

REVISÉD 12/08/06

ENTITY NAME:	City of Truth or Consequences
FISCAL YEAR:	2017 / 2018
DFA Resolution Number:	27 17/18

For Local Government Division use only:

[illegible]

ATTEST:

Renee Cantin, Clerk-Treasurer

(Date)

Steve Green, Mayc

(Date)



G.5

**CITY OF TRUTH OR CONSEQUENCES
COMMISSION ACTION FORM**

ITEM:

DISCUSSION/ACTION: APPROVAL OF RESOLUTION 28 17/18 CONFIRMING THE CITY OF TRUTH OR CONSEQUENCES TO PARTICIPATE IN THE DEPARTMENT OF TRANSPORTATION MUNICIPAL ARTERIAL PROGRAM LOCAL GOVERNMENT ROAD FUND PROGRAM

BACKGROUND:

City Staff is working diligently to find funding available for Road repairs. This resolution is required by NMDOT Project Oversight Division for application submission for the Department's Municipal Arterial Program (MAP) for FY 2019. Applications are due by March 17, 2018.

SUPPORTING DOCUMENTS:

- MAP application solicitation letter
- Resolution No. 28 17/18
- Attachment "A" indicating the scope and location of the proposed work

STAFF RECOMMENDATION:

- Approve Resolution 28 17/18 and Attachment A

Requested by: Traci Burnette w/ Mario Juarez-Infante of Wilson & Co.	Department: Community Development Water Department	Meeting date: 2/28/18
E-mail: tburnette@torcnm.org	Phone: 575-894-6673	



RESOLUTION NO. 28 17/18

A RESOLUTION CONFIRMING THE CITY OF TRUTH OR CONSEQUENCES TO PARTICIPATE IN THE DEPARTMENT OF TRANSPORTATION MUNICIPAL ARTERIAL PROGRAM LOCAL GOVERNMENT ROAD FUND PROGRAM

WHEREAS, The City of Truth or Consequences allocates from its General Fund, as its local match to State Funds;

WHEREAS, The City of Truth or Consequences will have available funds representing the total cost of the proposed project and will be available when the agreement becomes effective, and;

WHEREAS, Attachment "A" indicates the scope and locations of the proposed work.

NOW, THEREFORE, BE IT RESOLVED THAT, The Governing Body of the City of Truth or Consequences, New Mexico approves participation and the scope of work for the FY 2018/2019 Municipal Arterial Program,

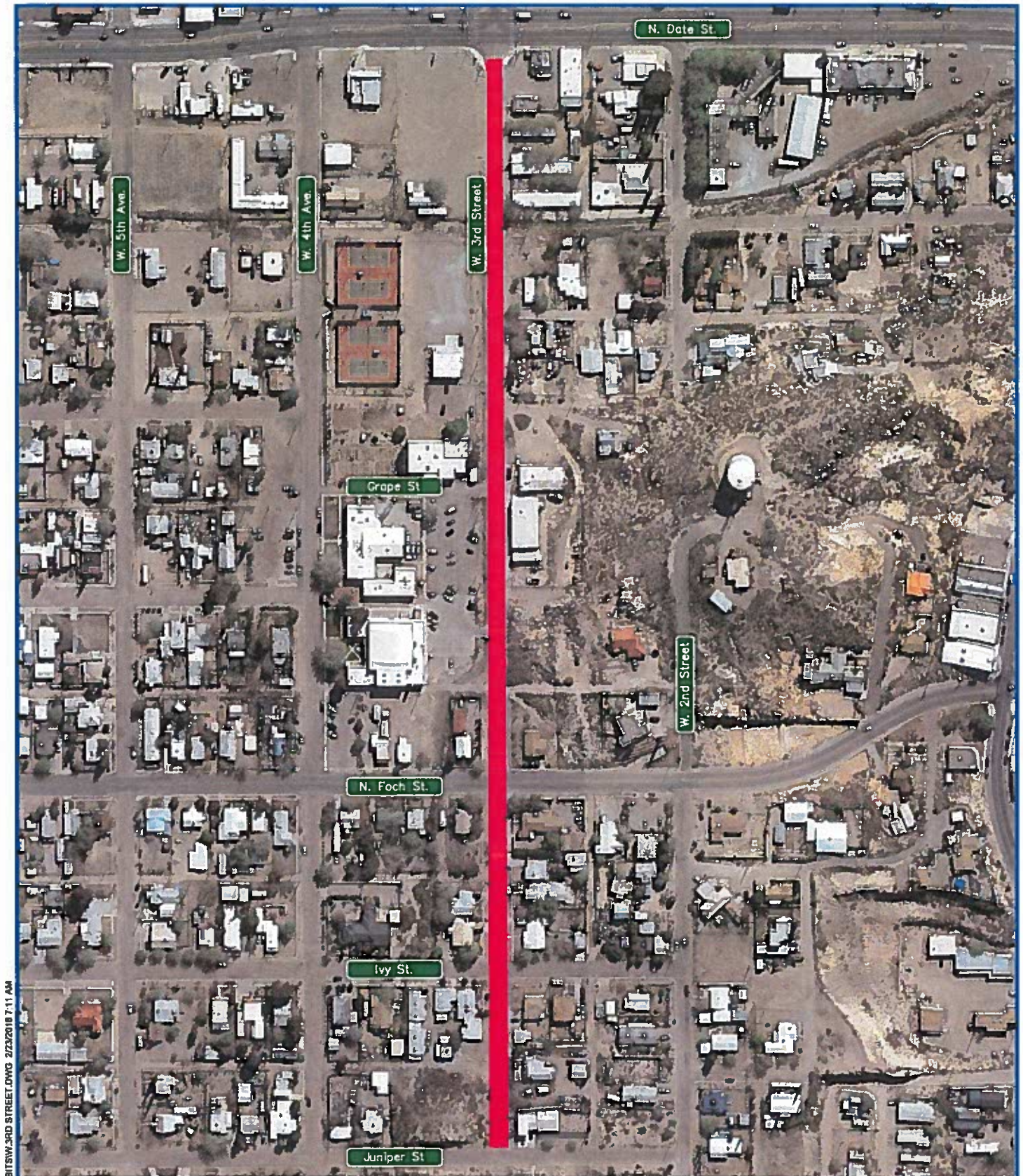
BE IT FURTHER RESOLVED, that City Manager Juan Fuentes is hereby designated as the City's representative on behalf of this application.

PASSED, APPROVED AND ADOPTED this 28th day of February, 2018.

Steve Green, Mayor

ATTEST:

Renee Cantin, City Clerk



LGRF MUNICIPAL ARTERIAL PROGRAM LOCATION MAP FY 2018/2019

LEGEND

PROJECT LIMITS



TRUTH OR CONSEQUENCES

W. 3rd Street

T:\PROJECTS\OR CONSEQUENCES\EXHIBITS\W. 3RD STREET.DWG 2/23/2018 7:11 AM



GRAPHIC SCALE



(IN FEET)
1 inch = 250 ft.

WILSON & COMPANY

414 MAIN ST
LAS CRUCES, NEW MEXICO
88001
PH (505) 348-4000
FAX (505) 348-4072
www.wilsonco.com



January 25, 2018

Mr. Juan Fuentes, City Manager
City of Truth or Consequences
505 Sims Street
Truth or Consequences, New Mexico 87901

Dear Mr. Juan Fuentes:

The Project Oversight Division is soliciting applications for the Department's Municipal Arterial Program (MAP) for fiscal year 2019. The purpose of the MAP program is to assist municipalities in project development; construction, reconstruction, improvement, maintenance, repair, and right-of-way and material acquisition of and for those streets that are principal extensions of rural state highways and of other streets not on the state highway system but determined to qualify under designated criteria. In general, the criterion for eligibility is the degree to which the route would assist in the distribution of state highway system traffic. As a "rule of thumb", the four general criteria are designated as:

1. A through extension of state highway routes;
2. Major connections between state highway routes;
3. Major streets of particular service to state highways; or
4. Major local service streets.

The request package shall include the following:

1. A map of the project limits (including proposed phasing),
2. Current and 20 year projected traffic volumes (ADT, DHV, and percent heavy traffic),
3. Pavement design criteria (10 year Minimum),
4. Typical section,
5. Major intersection and traffic signal analysis (including warrants),
6. Drainage reports,
7. A preliminary cost estimate (including department share and municipality share),
8. Local Government resolution of support for the project, and
9. A Project Data Sheet summarizing existing and Proposed Project information.

Two (2) copies of the complete application must be received no later than close of business March 17, 2018. All incomplete applications will be returned to the municipality for submission the following year.

Sincerely,

A handwritten signature in blue ink, appearing to read "CAM".

Clarissa Martinez
LGRF Coordinator

Xc: Trent Doolittle, District One Engineer

Susana Martinez
Governor

Tom Church
Cabinet Secretary

Commissioners

Ronald Schmeits
Chairman
District 4

Dr. Kenneth White
Secretary
District 1

David Sepich
Commissioner
District 2

Butch Mathews
Commissioner
District 5

Jackson Gibson
Commissioner
District 6



G.6

**CITY OF TRUTH OR CONSEQUENCES
COMMISSION ACTION FORM**

ITEM:

Alley Vacation for Anthony Flores in Bella Vista Heights, for the alley contained in Block 12

BACKGROUND:

The alley runs through Mr. Flores' property and contains no City infrastructure or utilities

STAFF RECOMMENDATION:

To proceed with alley vacation

SUPPORT INFORMATION:

Vacation application, Plat of alley

Name of Drafter: Susanna Diller	Department: Community Development	Meeting date: 2/28/18
E-mail: sdiller@torcnm.org	Phone: 575-894-6673 Ext. 316	



CITY OF TRUTH OR CONSEQUENCES

505 Sims Street, Truth or Consequences, New Mexico

Phone: 575-894-6673 Fax: 575-894-6690

VACATION APPLICATION

Comes now the undersigned and hereby requests the City of Truth or Consequences, New Mexico to consider vacation of the following described property:

The Alley Between Block 12

REASON FOR VACATION: Since I own Both Parcel I was hoping
to build on property to be able to connect and close both.

The following property owners would be affected by vacation of said property and hereby consent to said vacation:

NAME	ADDRESS	SIGNATURE
<u>Anthony Flores</u>	<u>1319 N. Ash</u>	<u>[Signature]</u>

Applicants Signature: [Signature]
Applicants Address: Anthony Flores

Reviewed By:

Electric Department:	<u>[Signature]</u> Approved	Disapproved	Date <u>2-6-18</u>
Water/Wastewater:	<u>[Signature]</u> Approved	Disapproved	Date <u>2/22/18</u>
Streets Department:	<u>[Signature]</u> Approved	Disapproved	Date <u>2-15-18</u>
Planning/Zoning:	<u>[Signature]</u> Approved	Disapproved	Date <u>2-22-18</u>

• Embracing the NW 1/4 of the NW 1/4 of Sec. 34 and the W 1/2 of the SW 1/4 of Sec. 27 of T12S, R4W, of the New Mexico Principal Meridian

NOTE: Vacated portion of GOLD ST recorded in Macintoshes Book 45
 Pages 424-425
 Vacated ALLEY (Sheet 27) recorded in
 Macintoshes Book 45
 Pages 428-429

(2) Revenue Code
3rd June 1938



4.1

**CITY OF TRUTH OR CONSEQUENCES
COMMISSION ACTION FORM**

ITEM:

AUTOMATED METER READING PROJECT FOR ELECTRIC AND WATER SYSTEM - YEAROUT ENERGY SERVICES COMPANY

ACTION:

TO ACCEPT AND APPROVE CITY MANAGER JUAN FUENTES AND STAFF TO PROCEED FORWARD WITH YEAROUT ENERGY SERVICES COMPANY (YESCO) FOR A SELF FUNDING ENERGY PERFORMANCE CONTRACT FOR WATER AND ELECTRIC METER REPLACEMENT WITH FINANCING OPTION AS PRESENTED.

BACKGROUND:

Over the last 2 years, staff has worked closely with YESCO to provide data on a Meter Replacement Project and has presented findings to both the Public Utility Advisory Board and City Commission as noted below.

03-16-2015	PUAB Board Recommends Project to Commission for Approval
03-24-2015	Project Presentation to Commission, public workshop requested
04-28-2015	Public Workshop held
05-26-2015	PDA presented to Commission – Commission request more information
09-18-2015	Water and Electric Department Meter Presentations to Commission
09-21-2015	PUAB Board Recommends LOA be Sent to Commission for Approval
10-13-2015	LOA Approved by City Commission
06-14-2016	PDA/IGA Presented to City Commission – Tabled pending more information
08-23-2016	PDA/IGA Presented and Approved by City Commission
10-15-2016	IGA Meter Testing Begins / Data Analysis
04-05-2017	IGA Preliminary Findings Presented to City Staff
05-05-2017	Vendor Interviews / Presentations with City Staff
06-01-2017	Vendor Selected by City Staff
06-28-2017	PDA/IGA Results Joint Workshop and Vendor Equipment Review Commission and PUAB
07-13-2017	PDA/IGA Results Workshop with PUAB- More information requested
08-21-2017	PDA/IGA Results Workshop with PUAB – Board recommends Project to Commission for Contract Approval 3-2 Vote – (Members Szigeti, Pacourek and Avelar YES, Ashbaugh, Dornbusch NO)
10-25-2017	Presented to Commission for Final approval with Financing Option as presented by Mr. Valenzuela – Sent back to PUAB to discuss Water Rate increase if needed, or as stand alone projects with no Water Rate increase needed.
11-13-2017	Presented to PUAB – Different scenarios shown – Water only – no water rate increase; water and electric with no water rate increase. Presentation shows project will fund itself either way, even without increasing Water Rates. Board voted not to give recommendation 2 to 1 Vote, (Members Szigeti YES, Dornbusch, Pacourek NO – Absent Avelar and Ashbaugh).

12-13-2017

Presented to Commission, and authorized staff to move to the next step by reviewing information and look for savings that does not obligate the City. Motion carried 3-2 vote, (Commissioner Frankel and Mayor Pro-Tem Whitehead voted NO).

(PDA – Project Development Agreement; LOA – Letter of Authorization; IGA – Investment Grade Audit)

OPTIONS:

- To approve a self-funding energy performance contract with YESCO as previously presented
- To modify the existing self-funding energy performance contract and request YESCO to provide alt. options
- To reject the contract and authorize staff to research additional options for water and electric meter replacement programs

Name of Presenter: Juan A. Fuentes	Department: City Manager	Meeting date: 02-28-2018
------------------------------------	--------------------------	--------------------------



I.1

CITY OF TRUTH OR CONSEQUENCES COMMISSION ACTION FORM

ITEM:

Consider/ Approve JPA between Sierra County Detention Center and City of Truth or Consequences for Detainee Housing.

BACKGROUND:

The City of T. or C. and the Sierra Co. Detention Center are presently in an agreement to house subjects taken into custody by the officers of the T or C. Police Department. The agreement has not been modified and will continue as previously agreed upon.

STAFF RECOMMENDATION:

I respectfully request that the City of T. or. C Board of Commissioners approve this Joint Powers Agreement with the Sierra County Detention Center.

SUPPORT INFORMATION:

Contract between the County of Sierra, Sierra County Detention Center Administrator and The City of Truth or Consequences for the purpose of Housing and Care of Prisoners.

Name of Drafter: Michael S. Apodaca	Department: Police	Meeting date: February 28, 2018
Email: mapodaca@torcnm.org	Phone: 894-1204 Ext. 430	

**AMENDMENT (1) TO JOINT POWERS AGREEMENT BETWEEN THE BOARD OF
SIERRA COUNTY COMMISSIONERS, SIERRA COUNTY DETENTION
AND THE CITY OF TRUTH OR CONSEQUENCES
RENEWAL OF DETANEE HOUSING TERM**

THIS First Amendment to the JPA ("JOINT POWERS AGREEMENT") is made as of January 23, 2018, by and between the BOARD OF COUNTY COMMISSIONERS OF SIERRA COUNTY, NEW MEXICO, a political subdivision of the State of New Mexico ("COUNTY"), and CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO, ("CONTRACTOR").

RECITALS:

A. The COUNTY issued a JPA between the Detention Center Administrator of Sierra County, hereinafter referred to as "Administrator", and the City of Truth or Consequences, New Mexico, a Municipal Corporation, hereinafter referred to as "T or C", within Sierra County.

B. The initial term of the CONTRACT expired on July of 2018, which represented two years from the commencement of the services under the CONTRACT, as expressly contemplated by the solicitation, and has subsequently been extended July 1, 2015 through July 1, 2018.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. **Incorporation of Recitals.** The foregoing recitals are incorporated by reference as a material part of the JPA as if the same were set out completely in the JPA.

2. **Amendment.** The JPA shall be amended as set forth in this instrument, and, except as expressly amended by this instrument, shall remain in full force and effect as written.

 **ORIGINAL**

3. **Modification to the Scope of Services of the JPA.** The JPA term/1st extension shall begin January 23, 2018, and the Agreements may be amended to provide the following with respect to the term: This Agreement shall continue in force on going until terminated or amended as provided in this Agreement, unless terminated as provided by Section XX. **TERMINATION-** Either Party may terminate this Contract by providing thirty (30) days written notice to the other Parties of its intention to terminate this Contract of the JPA.

IN WITNES WHEREOF, the parties have hereunto set their hands and seals the date noted below:

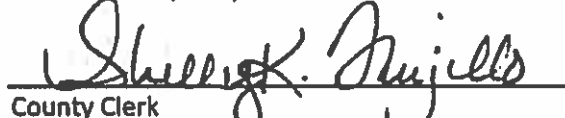
APPROVED AS TO LEGAL FORM
AND SUFFICIENCY:


County Attorney

BOARD OF COUNTY COMMISSIONERS
OF SIERRA COUNTY, NEW MEXICO


Chairman- Ken Lyon

ATTEST: (SEAL)


County Clerk

Date: 11/23/18


Vice- Chairwoman- Frances Luna

APPROVED AS TO LEGAL FORM:

City Attorney


Detention Administrator- Virginia Lee

CITY OF TRUTH OR CONSEQUENCES,
NEW MEXICO, a MUNICIPALITY

ATTEST: (SEAL)

City Clerk

MAYOR

Date: _____

APPROVED:
NEW MEXICO DEPARTMENT OF FINANCE AND ADMINISTRATION, LGD

By: _____ Date: _____

DFA Secretary



I.2

**CITY OF TRUTH OR CONSEQUENCES
COMMISSION ACTION FORM**

ITEM:

Discussion/Action: Branding of Truth or Consequences.

BACKGROUND:

Mayor Steve Green will present this item. There are already a few branding slogans that may or may not be used at this time. It would be great if we could all come together with public input to select one branding and proceed to use it for our community.

STAFF RECOMMENDATION:

None.

Submitted by: Renee Cantin, City Clerk-Treasurer

Meeting date: 02/28/2018