

*Steven Green  
Mayor*

*Sandra Whitehead  
Mayor Pro-Tem*

*Kathy Clark  
Commissioner*



*Rolf Hechler  
Commissioner*

*Paul Baca  
Commissioner*

*Juan A. Fuentes  
City Manager*

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## 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. 3<sup>RD</sup> ST., ON WEDNESDAY, MARCH 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. Paul Baca, 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 and update on the J. A. Hodges Municipal Swimming Pool. Tammy Garner and Don Armijo, Public Works Director
2. Update on the Cook Water Station Project and Colonias Application. Arnie Castaneda, W/WW Supervisor & Traci Burnette, Grant/Projects Coordinator

### F. CONSENT CALENDAR

1. City Commission Regular Minutes, February 28, 2018
2. Recreation Advisory Board Minutes, January 2017 – December 2017
3. Public Arts Advisory Board Minutes, November 13, 2017 & January 16, 2018
4. Out of State Travel request for Judge Sanders

G. ORDINANCES/RESOLUTIONS/ZONING

1. Discussion/Action: Ordinance No. 693 for publication amending Section 8-38 of the Municipal Code for unlawful carrying of a concealed weapon. Mike Apodaca, Police Chief and Jay Rubin, City Attorney
2. Discussion/Action: Ordinance No. 694 for publication amending Section 8-39 of the Municipal Code for Negligent use of a deadly weapon. Mike Apodaca, Police Chief and Jay Rubin, City Attorney
3. Discussion/Action: Resolution No. 30 17/18 Budget Adjustments. Melissa Torres, Finance Director

H. UNFINISHED BUSINESS

1. Discussion/Action: Appeal of Resolution No. 24 17/18 for Eugene Kent regarding property at Lot 11, Blk 76 Original Townsite. Robbie Travis, Building Inspector and Susanna Diller, Planner/GIS Tech

I. NEW BUSINESS

1. Discussion/Action: Request to close the "C" field at Louis Armijo Park per the recommendation of the Parks & Recreation Advisory Board. Orrin Hechler, Parks Manager
2. Discussion/Action: Lodger's Tax Guidelines.
3. Discussion/Action: Subrecipient Grant Allocations. Juan Fuentes, City Manager
4. Discussion/Action: Approve the Sale of City Properties; 613 Gold St.; 808 Maple St.; and 309 Birch St. Traci Burnette, Grant/Projects Coordinator

J. REPORTS

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

K. ADJOURNMENT

**NEXT CITY COMMISSION MEETING APRIL 11<sup>th</sup>, 2018**



F.1

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

**ITEM:**

Status of the Municipal Pool

**BACKGROUND:**

To update the Commission and the public about the status of the pool upgrades, inspection, and personnel

**STAFF RECOMMENDATION:**

To provide the Commission with the current status of the pool

**SUPPORT INFORMATION:**

PowerPoint containing highlights and pictures of the pool resurfacing project and other updates

Submitted by: Tammy Gardner	Department: Pool	Meeting date: March 28, 2018
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# City of Truth or Consequences

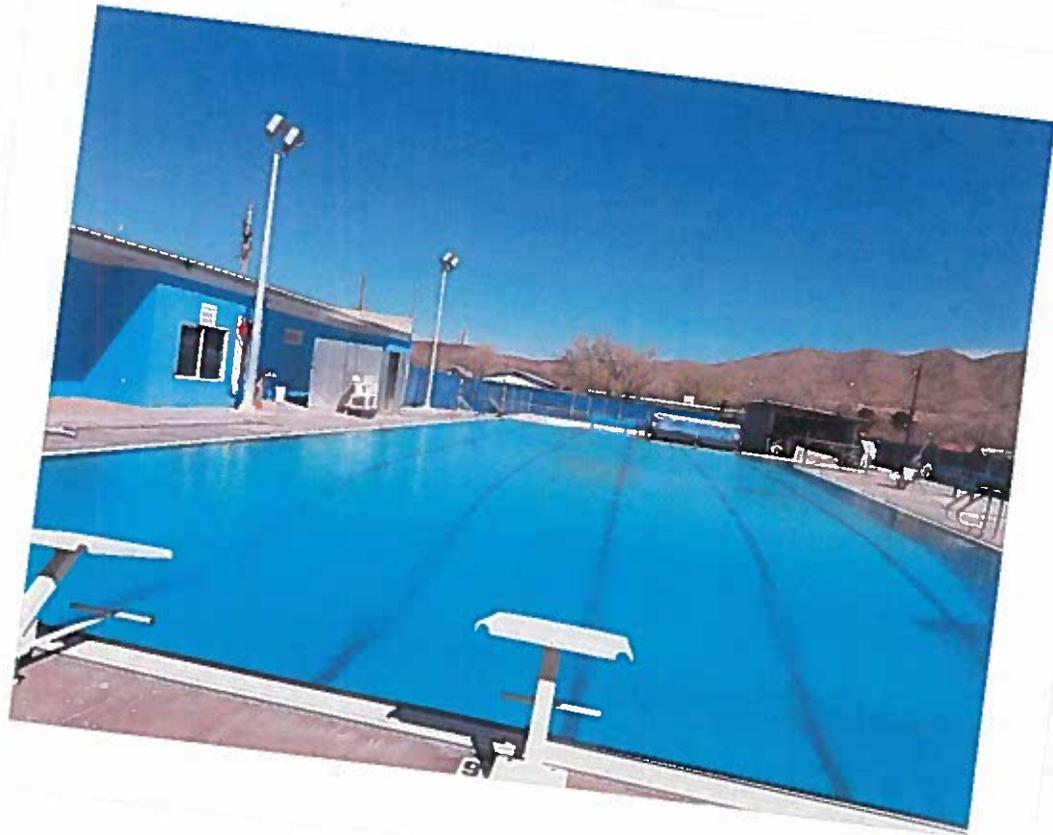
J.A. Hodges Municipal Pool

# J.A. Hodges Municipal Pool

- Resurfacing
- Painting
- Grounds
- Pumps/Chemicals
- Personnel
- Inspection

# Resurfacing

- Project was started December 11, 2017
- Completed on January 18, 2018
- New lane tiles
- Hand rail fixed and new anchors installed



# Resurfacing



Old plaster – resurfacing has begun



Close-up of chips in old plaster

# Resurfacing



Old plaster completely removed  
New lane tiles installed



New plaster being installed

# Resurfacing



Plastering complete  
Beginning to fill



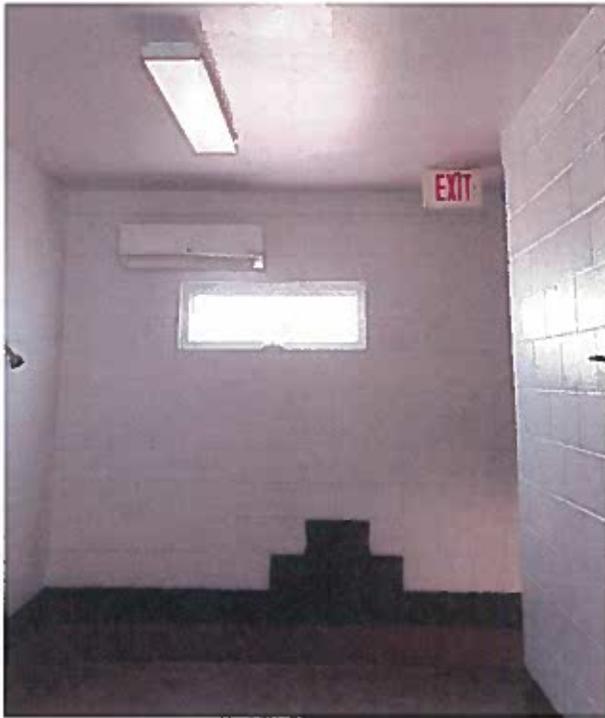
Handrail fixed – new anchors installed

# Painting

- **Inside – walls/ceiling painted throughout**
- **Floors are next to be repainted**
- **Outside – eve cleaned up and repainted**
- **Wall along parking side (below artwork) being repainted**



# Painting



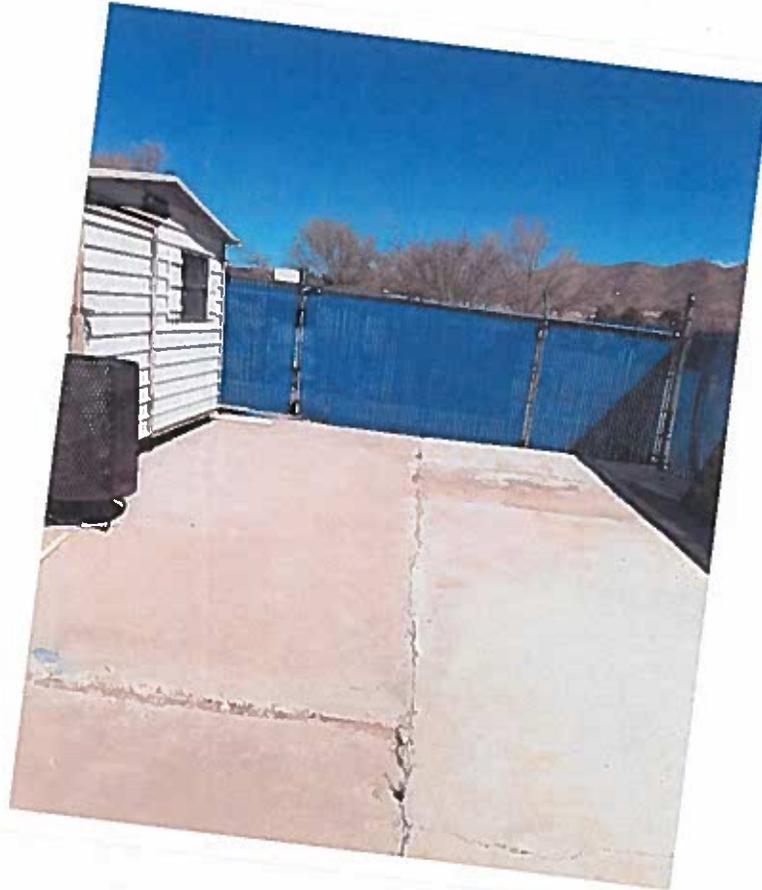
Boys shower – fresh new look



Parking area – “Municipal Pool”

## Grounds

- Weeds/grass has been taken care of
- Debris around pool grounds/shed area have been cleaned up
- Shed around the blower unit has been reinforced and beautified



# Grounds



Weeds and grass have been addressed



Trash and clutter removed

# Grounds



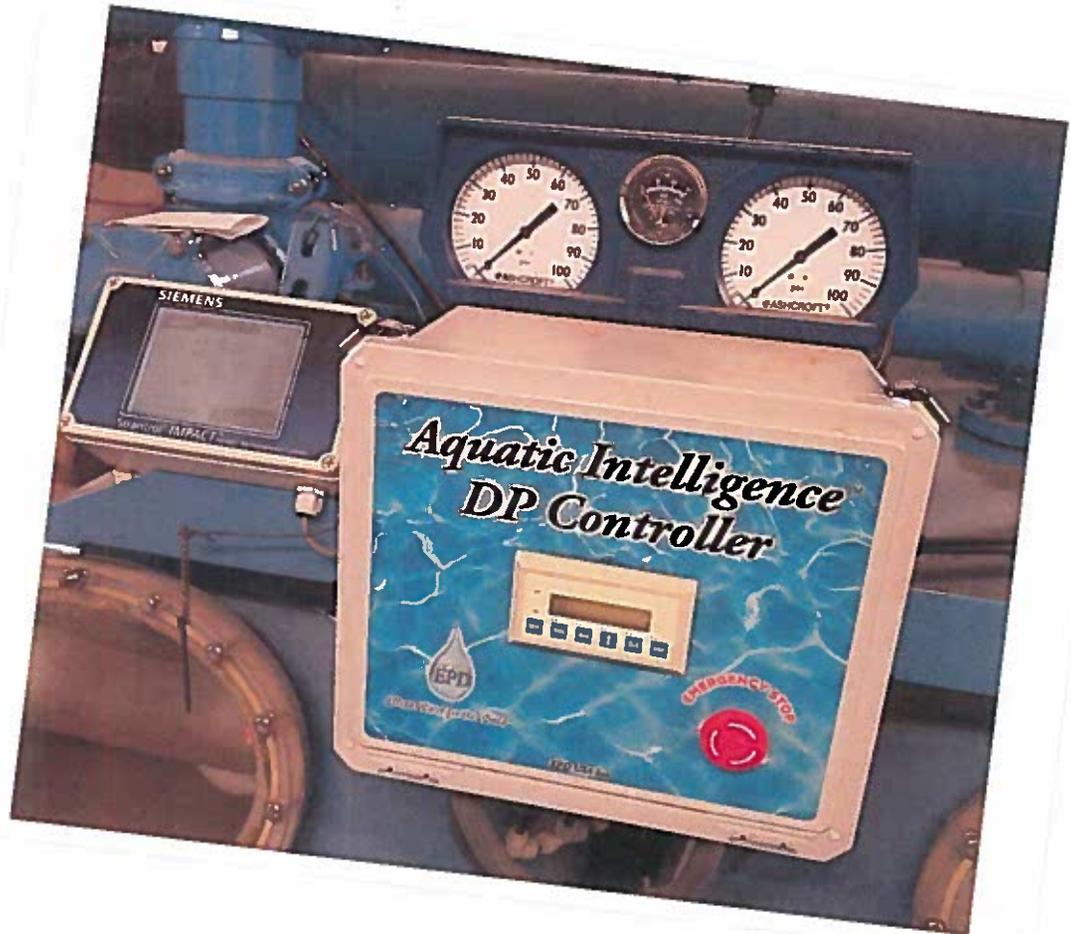
Trash and debris removed



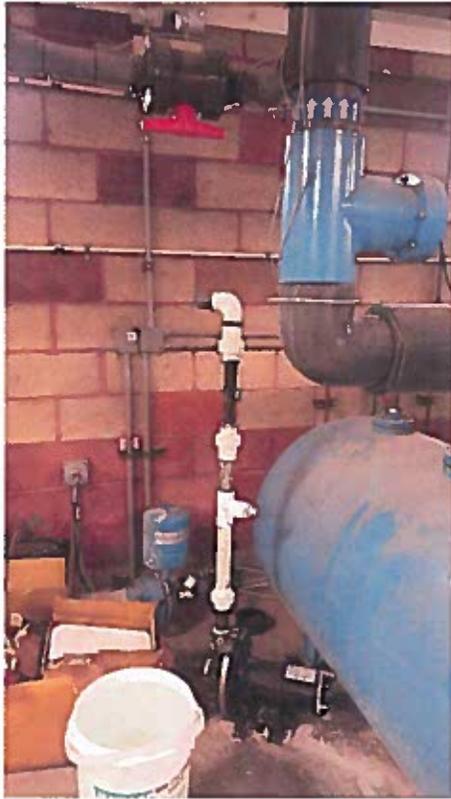
Noise deflector reinforced

# Pump/ Chemicals

- Pump serviced
- Leak at temperature sensor is resolved
- Chlorine pump was/is working properly
- Acid pump issues – Ph levels not yet balanced



# Pump/Chemicals



Pump area of reported leak



Temperature sensor

# Pump/Chemicals



Chemical controller – good to go



Booster pump – functioning properly

## Personnel

- Interim Pool Manager – CPO
- Need more applicants
- Interview/hiring process takes time
- Low number of applications could affect opening date

**NOW  
HIRING**



# Inspection

- **Inspection scheduled for April 6, 2018**
- **Highly confident we will pass**
- **Inspections are available to view upon request**

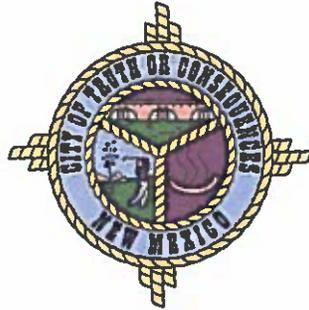




Q & A

THANK  
YOU

E.2



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

**ITEM: DISCUSSION/UPDATE**

2018 Colonias Infrastructure Grant Application and Policy Waiver Request Cook Street Treatment Facility

**BACKGROUND:**

The City of T or C submitted a grant application to the NMFA Colonias Infrastructure Board for a funding request for Cook Street Water Treatment Facility in the amount of \$1.1M. Policy Waiver was required as part of the application process for past award funds currently being used for WWTP Phase 2A Improvements. A Project and Waiver presentation was made to the Colonias Board on March 14<sup>th</sup>.

**SUPPORT INFORMATION:**

- CIB Presentation Handout
- CIB Application Presentation List

Name of Presenter: Traci Burnette	Department: Community Development	Meeting date 03-28-2018
E-mail: <a href="mailto:tbumett@torcnm.org">tbumett@torcnm.org</a>	Phone: 575-894-6673 ext. 353	Presenter: Traci Burnette & Arnie Castaneda

# Cook Street Treatment Facility and SCADA Improvements

City of Truth or Consequences

### Request

The City of Truth or Consequences, New Mexico is requesting \$1,100,000 to plan, design, and construct improvements to the Cook Street Water Treatment Facility and SCADA improvements.

### Project Summary

The Cook Street Water Treatment Facility supplies water to residents within the City of Truth or Consequences and the Village of Williamsburg, and is the most critical part of the water system in regards to public health and safety since the facility is responsible for disinfecting groundwater from the supply wells and subsequently pumping the disinfected water to distribution.

A primary need of the water systems is to have a dependable disinfection process, therefore a new gas chlorination system and a second additional storage transfer tank will be installed at the Treatment Facility to provide more reliable disinfection equipment and a redundant back up to the existing storage transfer tank.

### Project Benefits



**Protects Public Health by Ensuring Clean Water**



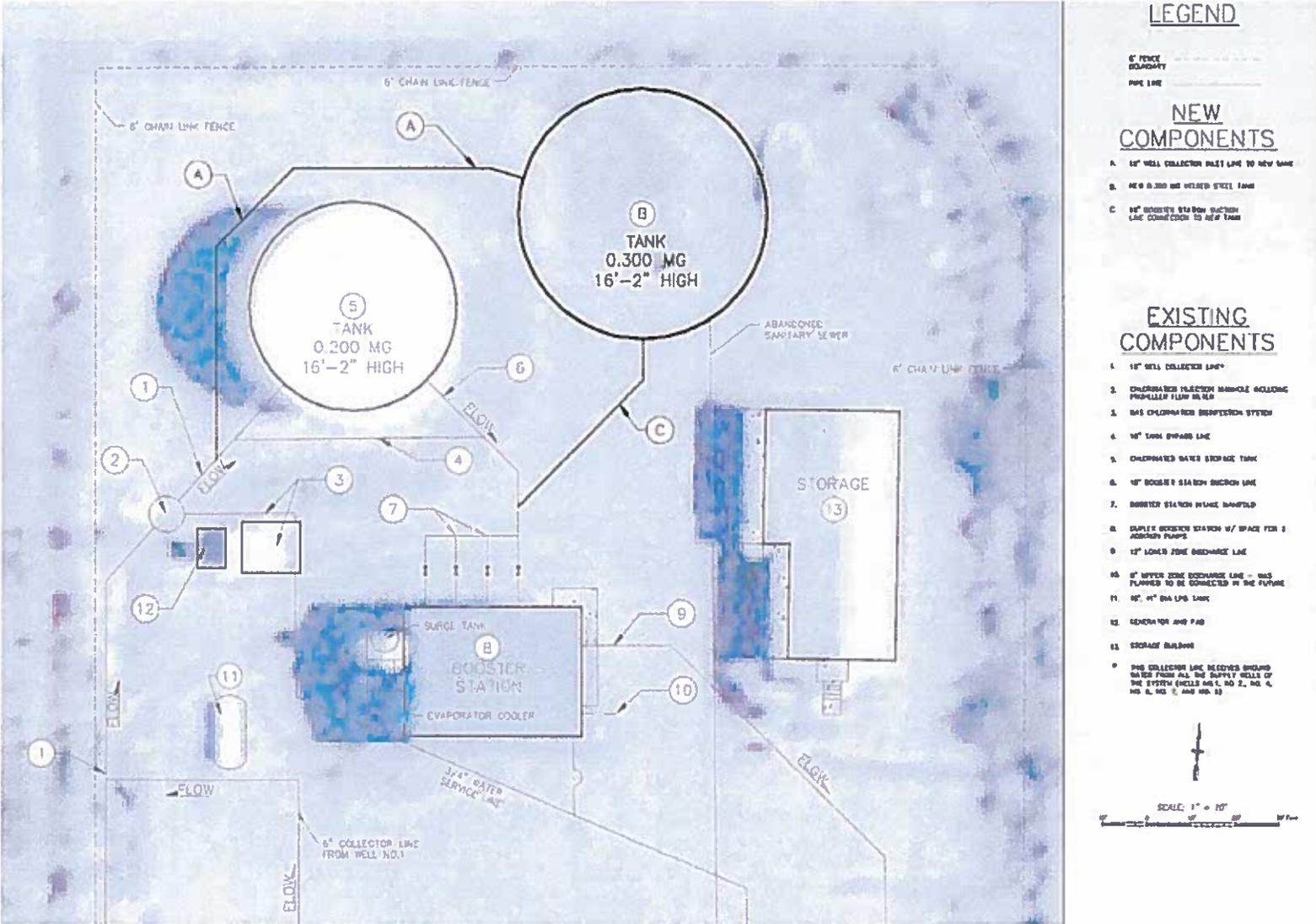
**Provides Reliable Disinfection Equipment**



**Energy Efficient Equipment**

# Cook Street Treatment Facility and SCADA Improvements City of Truth or Consequences

## Site Plan



**Colonias Infrastructure Board  
2018 Application Presentations  
March 14, 2018**

<b>Applicant</b>	<b>Benefitting Colonia</b>	<b>Project Name</b>
<b>Water Infrastructure</b>		
Bayard, City of	Bayard	Well Redevelopment Project
Casas Adobes MDWCA	Mimbres	Mimbres Water System improvements, Phase II
Capitan, Village of	Capitan	Water System Improvements
High Valley MDWCA	Vado	Water System Improvements
Lake Arthur, Town of	Lake Arthur	Water System Improvements
La Luz MDWCA & MSWA	La Luz	Water source improvements
Lordsburg, City of	Lordsburg	Water distribution system improvements
North Park MDWCA	North Park MDWCA	Water System Improvements
Vista Del Rey MDWCA	Vado	Vista Del Rey water system improvements
<b>Flood Prevention</b>		
Socorro County	San Antonio	Water Drainage & flood mitigation
Columbus, Village of	Columbus	Northeast Channel
<b>Wastewater Infrastructure</b>		
Columbus, Village of	Columbus	New Facultative Pond
Deming, City of	Deming	West Cedar St. sewer improvements
Dona Ana MDWCA	San Ysidro	SE Collection
Ruidoso Downs, City of	Ruidoso Downs	North Parker Road wastewater collection system
Dona Ana County	Chaparral	Chaparral Wastewater Phase 1C
Dona Ana County	San Miguel, La Mesa, Mesquite, Chamberino, Berino, Las Palmeras Montana Vista, Vado/Del Cerro	South Central WWTP
<b>Roads/Drainage</b>		
Dona Ana County	Dona Ana County	Organ Road improvements
Catron County	Reserve	Foster Rd, Road and drainage improvements
Cider Mills Farms MDWCA	Cider Mills Farms	Roads/Drainage
Grant County	Grant County	Rosedale Road Phase II
Sunland Park, City of	Sunland Park	Memorial Pines road & drainage reconstruction
<b>Waiver Requests</b>		
Santa Clara, Village of	Santa Clara	Street and drainage improvements on Bayard St.
Hanover MDWCA	Hanover, Vanadium, Fierro	Water System Improvements
Carrizozo, Town of	Carrizozo	Carrizozo Street improvements
Luna County	Rockhound Colonia, Luna County	Rockhound Ph II street & drainage improvements
Silver City, Town of	Silver City	Ridge Rd Street & drainage improvements, Ph I
Silver City, Town of	Silver City, Tyrone Townsite, Rosedale	WWTP headworks & digester improvements
Truth or Consequences	TorC	Cook St Treatment Facility, SCADA RTU



F.1

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

**ITEM:**

Approve the minutes of the City Commission Regular Meeting for February 28, 2018.

**BACKGROUND:**

None.

**STAFF RECOMMENDATION:**

Approve the minutes.

Submitted by: Renee Cantin, City Clerk-Treasurer

Meeting date: 03/28/2018

CITY COMMISSION MEETING MINUTES  
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO  
CITY COMMISSION CHAMBERS, 405 W. 3<sup>RD</sup> St.  
WEDNESDAY, FEBRUARY 28<sup>TH</sup>, 2018

**A. CALL TO ORDER**

The meeting was called to order by Mayor Steve Green at 9:00 a.m., who presided and Renee Cantin, City Clerk-Treasurer, acted as Secretary of the meeting. Mayor Green thanked Mayor Pro-Tem Whitehead for filling in.

**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  
Hon. Kathy Clark, Commissioner  
Hon. Rolf Hechler, Commissioner  
Hon. Joshua Frankel, Commissioner

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

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

**2. SILENT MEDITATION**

Mayor Green called for fifteen seconds of Silent Meditation and asked us to keep families of Parkland Florida victims in our thoughts and prayers.

**3. PLEDGE OF ALLEGIANCE**

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

**4. APPROVAL OF AGENDA**

Mayor Pro-Tem Whitehead moved to approve the agenda. Commissioner Clark seconded the motion. Motion carried unanimously.

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

## CITY COMMISSION FEBRUARY 28, 2018 REGULAR MEETING MINUTES

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.

Ron Fenn, addressed the Commission related to:

1) Speaking on Item No. H.1 the supposed action for approving the meter program with YESCO. He urged them seriously to dismiss this matter out of hand. This has not been going on for two years as the agenda background said, it's been going on for five years. Mr. Griffith has been here since 2013 pushing for this kind of program and has been dismissed several times. Asked and answered on many occasions, what benefits to the people of Truth or Consequences? The answer is always the same, none. The only benefit is to YESCO and their contractors, perhaps to the City Manager, and perhaps to others. He doesn't know, whoever deals with these contracts in the first place. The list goes on and on and he noticed very specifically there are no public hearings involved and yet you expect the people in this community to pay up to \$9 million. But even here at the supposed rate of \$120,000 for meter reading right now, in 20 years it will be \$2.4 million. Subtract that \$8-\$9 million, and you have a nice chunk of money to spend for meters, training, the actual use of the data that's collected currently. Every meter reading we collect is data and we don't do anything with that data. Mr. Fuentes has had five years of notice from these people, of what we need to do to fix this utility. Yet, he doesn't see any programs instituted by management to straighten out any of this. We don't need an outside consultant coming in and telling us what time it is, with our own watch. \$9 million is not the proper expenditure for the people's money. We found that out with the Armory. The people need to be asked. No public hearings.

Klaus Wittern, 618 Charles addressed the Commission related to:

1) He addressed the same issue with a different perspective. He believes the placement of the meters is desirable and financially feasible. In his opinion, he agrees with Ron, \$7 million or \$9 million is an unreasonable amount of money to pay for something that could be bought for \$1.2 to \$2 million. At the meeting here is a Partner for the Resource Wise company, and they have made a proposal in writing to the City of T or C, and their numbers are lower than anything we have heard before. If you would like to hear from them, he is sure you can ask them. And not on his dime and his time, but on the Commission's. He thinks they will be enlightened to find out what the potential for the city would be. He believes we should continue to pursue the meter replacement because its desirable for the total system to have the information that those meters can give you. He concurs that the company has the money to pay for their own and doesn't need to be finance. He recommended they take the third option and go out for an RFP and check what the potential is to get the meters replaced. And take your time, don't try to do it in 14 days. Because in 14 days, it will short change you for the opinion you need. So please take your time to do it.

Carole Wheeler, Corbett St. addressed the Commission related to:

1) Dog Park. She gave numbers for January where there were 474 dogs and 70 additional dogs were registered. They are not monitoring every day, but they left a clipboard for people to leave their comments or notes. One response was from a tourist

## CITY COMMISSION FEBRUARY 28, 2018 REGULAR MEETING MINUTES

with two dogs who said this was a great place and this was the best place he could find to spend his tourist dollars. Yesterday the four people there were from other states and Santa Fe. They have been keeping it clean and upkeep as promised. They have four items they would like to talk to the city about and one has already been addressed on Monday. One was possibly installing some fancy water faucets which would be about \$4,000 each, so they decided they didn't want to do that. So she found some bubblers for \$1,000 each. So they decided one water faucet on the outside of the gate so that anyone, even people walking dogs can have water because the hot season is coming up. And they have been hauling about 8 gallons of water bottles. The last one is ground maintenance. She left the information in box for the Commission.

Steve Zeski, 1019 Parway addressed the Commission related to:

- 1) Tabled the exclusivity tower that Verizon wants for improved WiFi and communications downtown. He understands the problem because he had to go on the roof to get service when he stayed at the Charles Motel and he has AT&T. But exclusivity is the enemy of competition. So he had a friend and a niece who visited and neither could get connectivity. It won't do anything for AT&T and Sprint users. This is a tourist town and it won't do anything for anyone who doesn't have Verizon.
- 2) He mentioned this to Sonya. He appreciates her efforts in narrowing down delinquent bills, but the late fees are way too low. They are about \$3, and back east it's about \$20 or a percentage. What you charge is not even enough for the bookwork. They've got to be high enough to get people's attention.

Ron Pacourek addressed the Commission related to:

- 1) YESCO proposal. The city has been dithering with this project for about three years. If it's such a great opportunity, why is it taking so long to make a decision? It's been back and forth between the PUAB and the Commission and still no decision. The last meeting the PUAB did not recommended approval to be sent back to the City Commissioners. If you all buy in to this project, he has a concern about Tyler Billing system being able to handle the data. There have been a bunch of SNAFU's. There budget billing has not worked like any other budget billing that he's been involved in with over the years. If any of the Commissioners are interested he can show them what he means. They could not put his electric bill with his other bills, so he has two utility bills. If the Commission goes forward with YESCO, can Tyler handle that data and bill it correctly. His last Social Security raise was less than the expenses that went up. And he gave some other details about the other bills that are going up. The only thing that is growing is the city budget, not his income. Have you noticed, its sad to say, how many people end up in the obituaries versus the announcements of new born babies. So who is going to be left to pay the bills in our community? When are the City Commissioners going to have another Town Hall meeting. And another note, this Commission Chambers was once the High School Band Room and the acoustics are horrible. How many people have come up to the podium and asked you all to speak up? He thanked them for letting him share.

Stanley Rickert, Carrie St. addressed the Commission related to:

- 1) He is here to submit his findings for 1715 Carrie St. He has an envelope with some photos and feels it's important to see the changes in the stuff being brought into that

property. In the envelope he is submitting to the Commission, he has a letter that shows some fact findings, a letter from a neighbor, a description of the zoning district for T-1 Transitional District, and the business license applications that do not have the approval or dates of approval from the Planning & Zoning Commission. He read a portion of that letter to show them what he's dealing with and what he knows: *Four years ago, Mr. Thomas was considering the purchase of the property at 715 Carrie St. At that time Mr. Thomas did not know what the zoning was or what development standards were included in that district. Mr. Thomas may have been given adverse information for the purpose of disclosing the deal on the sale of said property. Its hard to say what took place at that time, but it is now a serious situation for Mr. Thomas. The property he purchase was all in a T-1 Transition District, the intent of the T-1 District is a low density, semi rural residential district comprised primarily of single family framed and manufactured housing units. Also the permitting and special uses permits do not include any type of commercial activities or business. This means Mr. Thomas' want of a storage compound for recreational vehicles is a violation of residential zoning. It also means that Mr. Thomas' Mechanical Shop for automobiles, boats, and storage is a violation of the T-1 Code district for residential zoning.* He added that the basic part of it, but it shows the zoning there is residential not commercial.

#### **D. RESPONSE TO PUBLIC COMMENTS**

City Manager Fuentes wanted to respond to Mr. Fenn and Mr. Wittern. In regards to Mr. Wittern, he thinks we are not too far off from his thoughts. And it will be discussed during that item. He also thinks if Mr. Fenn stayed long enough rather than leaving right after public comment, he thinks he will be enlightened with the information that he will get. So if he sticks around it will be beneficial to him.

Mayor Green also addressed Mr. Fenn. To insinuate Mr. Fuentes might be receiving something because he has been involved with the YESCO project for many years is absolutely reprehensible and way beneath the quality of individual he likes to think Mr. Fenn is. He would like him to think over his thoughts again before he speaks like that. He also asked if Ms. Wheeler to give any addresses they may get from out of town guests to the City Clerk so the Commission can send them a personal thank you for visiting our town. It's another opportunity to cross market and let our guests know we appreciate them.

#### **E. PRESENTATIONS**

1. Presentation of the Water Harvesting Drainage Pilot Project. Joshua Frankel, Commissioner

Mayor Green gave a quick overview of this project which started in 2012-2013 with Mayor Mulcahy. Then they had some financial issues with the direct limited resources too. Then when Commissioner Frankel came on board, it was something he expressed an interest in developing and seeing where we could go with it. And turned it over Commissioner Frankel.

Commissioner Frankel presented as the Mayor said this project started in 2012, when the Storm Water Harvesting report from Van Clothier out of Silver City. Mr. Clothier is a water genius, he's done projects throughout the Southwest and cities like Sedona and Silver City finding creative uses for cities to store and use their water. They spent a lot of time looking at our community and where our drainage and erosion problems are and the potential for draining hazards exists. Some of our major problems exist between Bullocks and Mims to Pershing. Those areas are subject to heavy flooding and the need for sandbags during our heaviest rains and thunderstorms. He referred them to page 14 of the water report. The project he saw was the most affordable and would have the most impact would be along Foch St. hill which in the past had retaining walls. Over time they have become filled with sediment and the excess has continued to overflow down the path to Broadway and Foch St. The solution to these problems were very simple where they needed to access these drainage ponds. In the system we have now, it collects rainwater, stores that water, and releases it at a slow rate. And this should be a very beautiful green space in the city that won't require the use of city water. He sowed the drainage pond on a heavy rainy day that is not being used to it's full capacity. He showed the curb cuts they intend to do which will allow the water to flow into the drainage ponds. We were fortunate to sign a contract with Van Clothier where he would come in and put in some of the curb cuts and to teach our Streets Department employees how to put them in so we could make the improvements ourselves. He showed them pictures of the employees who required a new skill from a Master of water harvesting. He showed the openings to the access basins and where they opened them up to get more water into the basins. Native species of plants will be added to beautify that section of Foch St. Thankfully last Friday we received some rain so we could see the project in action. He received pictures from many people showing the ponds and the rain flow. You can see the level of water being release from the retention ponds is significantly less and will make a big difference. He encouraged the Commission going forward to keep on working on projects out of this book and continue to train staff. He congratulated Streets for a job well done and thanked them for letting him being part of this project.

Mayor Green thanked him for raising his hand and taking on this project. It will do so much to protect our streets and our homes.

2. Presentation related to the HR and Payroll program operations. Paige Vest, Payroll and Becky Rodriguez, HR

Ms. Rodriguez is the HR Analyst and has been with the city for ten years. They are excited to share their presentation with where they were, where they are now, and where they would like to go in the future. Ms. Vest introduced herself. She mentioned in the last four years there were five people serving in the Payroll position. Ms. Rodriguez mentioned their Department has seen four changes in the Management of the department in the last five years.

Ms. Rodriguez started by saying they used to have the ADG software and it was geared where there was only accounting and payroll and there was no HR in that system. So during the new hire process, it was all entered by payroll. That meant on any new hire,

## CITY COMMISSION FEBRUARY 28, 2018 REGULAR MEETING MINUTES

she had to do double paperwork to give to payroll to be entered. Ms. Vest added on the payroll side of that software, every step had to be printed, it was required. Once the update was performed everything was locked. Ms. Rodriguez added the paper they used was enormous.

Ms. Rodriguez continued there was limited training and she was self-taught. One of the other challenges was HR and Payroll were in different locations. Ms. Vest noticed there hadn't been much structure in the process and there were numerous errors and other things that were done wrong. All of which have been brought up to date. When she got here and Tyler was in place, there were inconsistencies in the entering of payroll and approving time for employees. They have worked on communication and outreach and new development for training staff. At one time they had a Policy Committee and the last update was in 2011, and due to turnover in staff we were due for an update. Job descriptions were out of date also.

The Tyler Module has many things that are so much better than the old ADG system. Ms. Vest added that she is so impressed by Tyler and putting it into place. All of the information is kept in a secure location off site and can be retrieved at any time since the payroll was run on the software.

Ms. Rodriguez went over some of the important trainings they have attended in the last two years and how beneficial they were. They have brought in some other trainers for our staff from the Solutions Group. They also want to continue with more training and offering more for Supervisor's, Manager's, and Director's. It's been beneficial to have HR and Payroll centralized with Finance, Accounting, and Purchasing. They have new interview processes they have been using. They've implemented new forms to use for new hires and other documents. Ms. Vest has also taken a training for potential mediation that may happen.

Ms. Rodriguez has prepared a New Hire Packet and have they implemented the overall New Employee Orientation. They also have a new Exiting Procedure that helps when employees leave. Forms can be done for PERA in the system which speeds up the process for retirement and helping them receive their benefits.

Payroll has implemented a new checklist to help with previous problems where an employee may have been skipped and to ensure the whole process is followed each time and they are consistent.

Policies are being worked on. Job descriptions have changed to include new job duties for implementation. They are reviewed every time a position is opened to keep them up to date. The input from Director's and Manager's is vital. There are numerous new forms they have implemented such as: payroll increase; worker's compensation; and other forms.

They moved into what the Future looks like for them. Ms. Rodriguez said there was no HR Module in ADG and they've signed up for training to hopefully put that into place and

update it. They should be able to scan information right into the employee files. They are looking at scanners at each desk and using fillable forms. They would also like to do more Management Training; issuing staff ID's, holding an Employee Benefits fair and getting all supplement providers together to benefit staff. They are also working on Payroll cross training and utilizing Tyler to its full potential; implementing a Supervisor of the month or quarterly employee awards; and reinstating the Service Awards Programs; and a Staff Newsletters.

There Policies are living documents and should be update each year. They would like to form a Policy Committee to formulate and review our policies.

Workers Compensation – working with Jamie Sweeney our Safety Officer in bringing the Self Insurers' Fund Safety Training and they want all management to go through the safety training to help them to grow and understand their role.

Finally, they wanted to recognize that any accomplishments they have achieved in these programs are due to the support of Finance Director Torres and City Manager Fuentes in giving them the tools they need to make changes.

Commissioner Clark said it's nice to hear that you like Tyler. We went through a monumental mess installing it. It says an awful lot seeing the two of you working together. She appreciates the work they have put into this presentation, and it says an awful lot of the Finance Director and the City Manager. If having put Tyler into the process, maybe the savings that they've been able to provide, based on the cost would be curious to know it has streamlined the work you are doing. Ms. Rodriguez said it's helped in time management.

Mayor Green thanked them and she thinks this is an awesome way to keep the Commission updated on the workings on the internal workings of the city. And how the processes and procedures they have put into place are working.

Commissioner Hechler wanted to echo what Commissioner Clark said and thanked the Ladies for bringing this up to them. He also wants to say a shout out to the Commission, one of the goals they set was to modernize our hiring practices and it's nice to see it's being done.

#### **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

Commissioner Clark announced she is not comfortable with approving the minutes of the January 24<sup>th</sup> meeting, which she did not attend. **Mayor Pro-Tem Whitehead moved to approve the consent calendar as noted. Commissioner Hechler seconded the**

**motion. Motion carried by a vote of 4-0-1. Commissioner Clark abstained for the January 24, 2018 Minutes.**

**G. ORDINANCES, RESOLUTION, & 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

Commissioner Frankel recused himself because he has property for sell nearby. Commissioner Clark recused herself with no explanation, and City Attorney Rubin also recused himself because it's a neighbor.

Planner/GIS Tech Diller began her presentation. The court gave Mr. Kent from January 8<sup>th</sup>, 2016 to move the structure off of the property and he has not complied. The court issued a summons and a fine and it was remanded back to the city. Staff recommendation at this time is to proceed with the demolition and cleanup of this structure and put a lien on this property.

City Manager Fuentes believes the window he has to clean is about ten days. Building Inspector Travis confirmed and he has ten days to appeal the resolution. City Manager Fuentes said he was provided a letter dated February 28<sup>th</sup> from Eugene Kent. He read the letter stating he intends to remove the structure and his commitment. He said if we move forward with the resolution, we don't have to take action immediately. But if nothing else, we will have the Commission's authorization to proceed if we need to

**Commissioner Hechler moved to approve Resolution No. 24 17/18 to abate a dangerous structure at Lot 11, Blk. 76 Original Townsite. And also thanked Mr. Kent for taking the steps to fix his property instead of us having to abate it. Mayor Pro-Tem Whitehead seconded the motion. Roll call vote was taken by the Clerk-Treasurer. Motion carried by a vote of 3-0-2. Commissioner Frankel and Commissioner Clark recused themselves.**

Paused to wait for the Commissioners to return.

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

City Clerk Cantin presented the list for the March 17, 2018 public auction.

Commissioner Frankel mentioned it may be a typo, but the 3 drawer file cabinet shows as \$50. Clerk-Treasurer Cantin is not sure but it doesn't mean that it won't be sold for less than the amount listed. City Attorney Rubin mentioned the publication. Clerk-Treasurer Cantin responded since we don't have anything over \$2,500 on the list, we aren't required to. But as we do for each auction, we will be publishing it anyway.

Mayor Green would like us to keep in mind the scrap metal and check to make sure we can't make more money by selling that to our buyer.

**Mayor Pro-Tem Whitehead moved to approve Resolution No. 25 17/18 declaring surplus property for an Auction to be held on March 17, 2018. Commissioner Frankel seconded the motion. Roll call vote was taken by the Clerk-Treasurer. Motion carried unanimously.**

3. Discussion/Action: Resolution No. 26 17/18 setting fees for land leases for Private Vehicle Parking at the Airport. Mark Bleth, Airport Manager

Mayor Green mentioned the great event on Saturday. There were about 50-60 people for the ribbon cutting for the experimental aircraft association. It's a wonderful opportunity for our children. He's glad Mr. Bleth and Mr. Mullinex.

Airport Manager Bleth thanked him and proceeded with the resolution we have setting the fees for Private Vehicle parking at the Airport

Mayor Green noticed there is no discount if someone would pay upfront for a year. Mr. Bleth said the purpose of this particular one is a transitional where we might have a pilot who does not have a hangar and needs to tie down his airplane and will need a place to park his vehicle. We need to have this available for people who fly in from other cities. We may need this space for use at a later date so we didn't want to tie ourselves into long term yearlong leases. So they would be just for month to month and there would be no need for advanced payment discount. They are looking at a discount for a longer term land lease for advanced payment. Mayor Green asked if someone wanted to rent the parking space for a year, what would his answer be? Mr. Bleth said "no".

Commissioner Hechler asked what would happen if they wanted a spot for two weeks. Mr. Bleth said we don't have any provision for prorating so they would pay the full \$25.

**Mayor Pro-Tem Whitehead moved to approve Resolution No. 26 17/18 setting fees for land leases for Private Vehicle Parking at the Airport. Commissioner Hechler seconded the motion. Roll call vote was taken by the Clerk-Treasurer. Motion carried unanimously.**

4. Discussion/Action: Resolution No. 27 17/18 Budget Adjustment. Melissa Torres, Finance Director

Finance Director Torres explained where they are with the pool and the process that led them to this adjustment. Some people mistrue some information. A couple of months ago we talked about resurfacing the pool for \$90,000 - \$100,000. As you know the pool is not self-sustaining and the city puts in \$110,000 to support that program. What we brought before you was a cost savings to shut down the pool. At the beginning we needed the money to get the pool resurfaced at that time. So we looked at the money put into the Street Dept. that was slated to repave Sims St. It was not coming out of the dedicated

street fund, it was money already dedicated to other streets. And now we are going to be paying it back because we are at the tail end of the project. She then went over the transfers that are required for this project.

Commissioner Frankel wanted to clarify that the \$60,000 would have been used to operate the pool while it was closed. Finance Director Torres responded those are the cost savings for the time the pool was shut down. Commissioner Frankel asked if that included the chemicals for the pool? Finance Director Torres confirmed that and the utilities is one of the highest expenses. Commissioner Frankel just wanted to say the pool is not intended to make money. Finance Director Torres agreed that is understandable but they wanted to come up with the funding.

**Mayor Pro-Tem Whitehead moved to approve Resolution No. 27 17/18 Budget Adjustment. Commissioner Frankel seconded the motion. Roll call vote was taken by the Clerk-Treasurer. Motion carried unanimously.**

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

Grant/Projects Coordinator Burnette presented as you know we are looking for funding for our roads and this is one of those programs we will be applying for. A Resolution is required and Mr. Juarez-Infante is here to answer any questions.

Commissioner Clark asked about the traffic count and how it can be used to get the funding for certain road projects. Mr. Juarez-Infante responded the 4 out of 5 criteria depend on if the road is functionally classified. It has to tie into a DOT arterial road. You can be nonfunctionally classified, but it would have to be utilized for emergency response or something.

Commissioner Clark asked if there are specific roads they are going for. Grant/Projects Coordinator Burnette responded the map is attached and this one would be for Third St. from Date to Juniper.

City Manager Fuentes asked him to explain to the Commission one of the reasons for this road. Mr. Juarez-Infante said they looked at a number of roads, and one of the questions they ask is if this is a phaseable project and this one can be and is attached to Date St. which is an arterial.

Commissioner Clark asked if it's also possible to look a new water lines and sewer lines. City Manager Fuentes responded this is only for the paving of the road but if the funding is approved they would look into whether it's feasible to do it all at the same time. They would have to do a separate analysis.

Commissioner Clark thinks it would be a great start for the all in one instead of a road on top of poor plumbing. City Manager Fuentes said there is another project for capital outlay

to do downtown street improvements. They will see if we can combine it to make it an all in one concept.

Mayor Green asked if they have determined what the buyin would be from a municipality. He also asked if there was a time frame to find the match. Mr. Juarez-Infante said it's a 24 month term and it is 25% match. The city could ask for a waiver if they want to do that. Mayor Green asked if that comes before the RPO. Mr. Juarez-Infante responded it does not go between the RTPO, it comes from Debra Hudson from the DOT.

Commissioner Clark said on this particular road where are they putting the traffic counters. Mr. Juarez-Infante said they were targeting midway through the street.

**Mayor Pro-Tem Whitehead moved to approve 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. Commissioner Clark seconded the motion. Roll call vote was taken by the Clerk-Treasurer. Motion carried unanimously.**

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

Mayor Green announced although there is nobody signed up to speak, if someone is attendance that would like to, they would give them that opportunity.

Planner/GIS Tech Diller presented the item. They are here to present the alley vacation for Anthony Flores, they showed the block on the map. Staff recommendation is to approve the alley vacation.

Commissioner Clark said if this is vacated and Mr. Flores wanted to subdivide it back into lots would he have to undo the vacation to put utilities.

Planner/GIS Tech Diller explained his plan is to build a home and fill it in and make one functional lot. So they wouldn't need to cross that property.

**Mayor Pro-Tem Whitehead moved to approve Alley Vacation for Anthony Flores in Bella Vista Heights, for the alley contained in Block 12. Commissioner Frankel seconded the motion. Motion carried unanimously.**

#### **H. UNFINISHED BUSINESS**

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

City Manager Fuentes reported we have the project back on the agenda. The system that was being proposed was a \$5.1 million project. Which included both water and

electric meters. Based on some of the comments they have heard from staff, they think there is value in moving forward with an automated reading system, but maybe this system with the original proposal is not the best fit for us. He would like to encourage us to move forward in looking for other options. He suggested that we look at what we can afford with the \$96,000 that we have identified as revenue that we can recapture. If the Commission feels comfortable we could move away from the current proposal and continue to work with staff and look at other options. The benefit of using YESCO would be we have identified a guaranteed amount, which means we don't have to look at water, revenue stream, or GRT for this project. As we heard we have some infrastructure needs that need to be upgraded. We are trying to look at different avenues for automating our system. If we go with a stand-alone system, we may have an opportunity to work with Sierra Electric who are also looking into a system. At this time the recommendation from staff is to proceed forward with continuing to research the possibility of a reasonable meter reading system for a modified plan. If we agree there is a need for an automated meter reading system, then we need to do more work on our end to provide a better option for both the PUAB and Commission to consider.

Commissioner Clark appreciates City Manager Fuentes keeping her from being the swing vote. In her opinion there may be another option and she would be open to that without causing so much questionable debt.

Commissioner Frankel would like to see our energy and resources being put into finding solutions for our water pipes and aging transistors. He thinks we should put the automation off for 24-48 months and look at other things that need to be done first.

Commissioner Clark asked if the PUAB didn't say no to the meters they just feel there are other options. City Manager Fuentes believes that is correct. They still think it's a beneficial project.

Commissioner Hechler would hope as we continue forward, that we look at a combination of contracting it out and some in-house being done. And some kind of revenue generation should be included. If we look at it that way, he wouldn't want to pass up the chance for the city to put itself in a better financial situation.

Mayor Pro-Tem Whitehead feels we should get the public involved and this would help make some decisions if they have the public involved more than they have been.

City Manager Fuentes wanted to address the question of the benefit. He brought up part of the presentation of the Investment Grade Audit. It's important to note that if we go into a new system we will be capturing new revenue. We know there will be some savings for the water and there is revenue right now we are losing with our current system. If we can make it work it will generate additional revenue to replace sewer lines. We are trying to get additional funding also and they are going to tell us we need to look at our fee structures that will make the system more sustainable. He mentioned one of our new hires, Cathy does have experience with automated systems and her background and knowledge will be very helpful as we move forward.

Mayor Green feels it's important that we do not shell things. We don't know where the state or federal funding is going. Since we have identified a need, he would like to have staff bring possibilities back to the Commission and that's where we should be going. We will have to be creative and inventive to look within our ranks to bring our services up to date. He agreed with Mayor Pro-Tem Whitehead that we should hold public hearings.

**Commissioner Hechler moved to approve not contracting with YESCO at this time and to direct City Manager Fuentes to research some other options for the automated meter reading program to include contracting out some systems and doing some in-house.** Commissioner Clark added to keep it all in as one concept as we are looking at this project. **Commissioner Hechler agreed to include that in his motion. Mayor Pro-Tem Whitehead seconded the motion. Motion carried unanimously.**

### **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

Chief Apodaca presented the item. The current contract is up for renewal. He spoke with Virginia Lee the Detention Administrator in December and she is in favor to keep the fees the same as they are.

City Attorney Rubin suggested a correction for one that expires not "expired" as it states.

Mayor Green asked how much it costs us last year. Chief Apodaca did not have that information with him.

**Mayor Pro-Tem Whitehead moved to approve the 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. Commissioner Frankel seconded the motion. Motion carried unanimously.**

2. Discussion/Action: Branding for the City of Truth or Consequences. Steve Green, Mayor

Mayor Green began by saying it should not be branding, it should be a logo. Think about "City by the Bay" or the "Mile High City". Right now we have billboards that say "Hot Springs, Cool Town". The city owns americaspatown.org. Commissioner Clark helped with the logo of America's most affordable spa town. Everyday in the last two years out of the Commission's offices alone, there have been over 1,000 emails that has been sent out of our town. He thinks we are missing the boat on having a logo. He would like to put up a survey on the City website some of the verbiage that we already have and maybe some that we would like to see.

He wants us to see what kind of response we get. We tried once and will try again with a new Tourism Coordinator. Every time we send out an email, they don't know we have the Hot Springs, and everything else we have to offer. If it's successful, and you look at New Mexico True, if we are consistent we can make something that catches everyone's eye. He asked for a motion to let Ms. Cantin set up a survey Monkey to see what the community thinks we should include in a logo.

**Commissioner Frankel moved to approve to proceed with the Survey. Mayor Pro-Tem Whitehead seconded the motion.** Commissioner Clark has some input. Her input would be to put hot springs town instead of a spa town. She added we have brand and logo, and we need to pick something whether we like it or not. And instead of changing why don't we just go with what works. She thinks it's awesome that we put this out and get feedback. It would be nice to do this like a contest.

Mayor Green said if you look at logo it's says "identifying statement". He said a brand is a mark.

**Motion carried unanimously.**

## **J. REPORTS**

### **a. City Manager**

1) We have engaged Molzin and Corbin to work with staff to work on the Impact Fee study. He thanked Commissioner Hechler and Finance Director Torres for getting some of the cable posts and millings that we can use on our roads and some of the crosswalks. Now the challenge is where to find other money and revenue sources besides the Local Government Road Fund. We owe it to citizens to try to expedite it if we can.

2) Utility Office was closed and is doing some small remodeling and painting and the getting the office updated.

3) The Manhole project is underway and they will be working in different areas.

4) April 14<sup>th</sup> is possible grand opening of the pool. Staff is working diligently to get it done.

5) The Animal Shelter will be the next opening and they have a walk through scheduled today. Looking at hiring a part-time employee to assist in the opening.

6) Parks & Recreation are doing a great job out there with some maintenance. They will be working on options to bring back to the Commission.

7) Traci sent an email that we received the Fogger for the Vector Control through the New Mexico Department of Health Grant.

8) Andy is planning to do a Spring Clean-up at the end of March.

### **b. City Attorney**

None.

### **c. City Commission**

**Mayor Pro-Tem Whitehead** thanked staff for their presentations both this meeting and last meeting; and thanked them for bringing us up to this century and online. He thanked the Commission for bring present for every meeting, and thanked Commissioner Frankel for the water harvesting project and she hopes he will continue that. She hopes to

continue after Tuesday, but everyone should get out there and vote. Early Voting ends on Friday, and everyone will need to get out there and vote.

**Commissioner Frankel** reiterated what Mayor Pro-Tem Whitehead said and also thanked staff for working with them all this time. It's been thrilling to see the things they have done including the Rodeo Arena getting upgrades, and he would like to see the Golf Course to be done and the other facilities. He thanked everyone for their time and service and hopefully he will see us in two weeks.

**Mayor Green** mentioned MainStreet Truth or Consequences Executive Director Linda DeMarino was recently elected to serve as Vice President of the New Mexico Coalition of MainStreet Communities. It's great when peoples work is recognized throughout the entire state.

2) He asked Andy to run some recycling numbers. In 2016 they recycled and sold 415 tons of recycled material and in 2017 it was 467 tons. The more we recycle, the less we send to Las Cruces.

3) Las Cruces is going to be issuing a General Obligation Bond for \$20 million for dog parks, their airport, and roads. He explained they are doing it for \$1 per month per property owner. They went to the County Assessor to take a look at the property tax and the revenue that it may generate, and he will report that back.

City Manager Fuentes did fail to report on one very signification item. Building Inspector Travis notified him that he will be resigning at the end of March and this will be a big change. He is working with Robbie and Susanna for future operations of community development.

Mayor Green wished Building Inspector Travis the best. It's a major hit for this community and for staff. Once we decide that we have some type of letter that goes out to all of the construction businesses.

Building Inspector Travis wanted to tell the Commission, thank you for your support through his time here.

#### **K. ADJOURNMENT**

**Mayor Pro-Tem Whitehead** moved to adjourn at 11:44 a.m. **Commissioner Hechler** seconded the motion. Motion carried unanimously.

**Passed and Approved** this \_\_\_\_ day of \_\_\_\_\_, 2018.

ATTEST:

\_\_\_\_\_  
Steven Green, Mayor

\_\_\_\_\_  
Reneé L. Cantin, CMC, City Clerk

F.2



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

**ITEM:**

Approve the minutes of the Recreation Advisory Board Meetings for January 2017 – December 2017

**BACKGROUND:**

None.

**STAFF RECOMMENDATION:**

Approve the minutes.

Submitted by: Renee Cantin, City Clerk-Treasurer		Meeting date: 03/28/2018
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**City of Truth or Consequences  
Recreation Advisory Board  
Regular Meeting  
1/2/17-12/8/17 6 PM  
MINUTES**

- Dec 4 2017
  - No Quorum.
- Nov 6 2017
  - No Quorum
- Oct 2 2017
  - Present: Greg D'Amour, Destiny Mitchell, Ed Ragsdale, Christie Conklin, and Isabelle Sheele.
- Sept 11 2017
  - Present: Greg D'Amour, Ed Ragsdale, Christie Conklin, and Destiny Mitchell via phone.
- Aug 7 2017
  - No quorum.
- July 10 2017
  - Present: Greg D'Amour, Isabelle Sheele, Christie Conklin, Ed Ragsdale.
- June 5 2017
  - Present: Greg D'Amour, Destiny Mitchell, Christie Conklin, Ed Ragsdale.
- May 1 2017
  - No Quorum
- Apr 3 2017
  - Present: Greg D'Amour, Ed Ragsdale, Isabelle Sheele,
- March 6 2017
  - No Quorum
- Feb 6 2017
  - No quorum
- Jan 2 2017
  - No quorum

Synopsis of Meeting Minutes for 2017:

- Dec 4
  - No Quorum
- Nov 6
  - No Quorum. Present: Greg D'Amour, Ed Ragsdale. Interim Parks and Rec Supervisor OJ Hechler was present as well. Rene Guaderrama talked about delays with Soccer Park. Hoped to be done end of November. Seeding in spring. Expect play fall of 2018. Will free up other ball fields. Carole reported that the dog



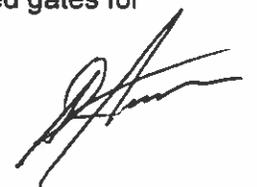
park was nearing completion. Got fencing need benches signage and other amenities. Arrangements made for installation. Park monitor program. Matt felts scheduled upcoming seasons. Both leagues would need established requirements will also broadening postseason opportunities for little league by starting earlier. No decisions just discussion would define arrangement in near future. OJ said he was new and learning but would keep safety as a priority. Greg noted that he and Isabelle terms were up but they desired to keep serving. We needed to address issues. Review application as next meeting.

- Oct 2

- Present: Greg D'Amour, Destiny Mitchell, Ed Ragsdale, Christie Conklin, and Isabelle Sheele. Juan Fuentes attended. LASC upgrades. Talked about grants and quotes for resurface. Would vote October 11. NMDOH urging city authorities to complete resurfacing as soon as possible. Proposed closing pool during upcoming winter months would save considerable about of money but said additional funding would likely be necessary to complete. Greg spoke about efforts to shore up fence supports and the installation of fencing at Dog Park. City Manager acknowledged this portion of the fence installation was nearing completion and city crews working to push project forward. Facility soon to be ready. Sheele reported lack of interest in winter league softball play would limit activity on LASC ballfields move forward with fixing C fields. Fuentes said he wasn't sure what was specifically needed to improve but that the recreation department was undergoing a leadership changeover he suggested a review of priorities for staff. Greg reminded Fuentes that the rec board had given them an improvement list well over a year ago and that if he checked back he would find it. Greg said safety was our main concern. Ragsdale said city's files should also hold a plan he set out to renew the LASC fields several years ago. Fuentes said hiring new administrative position in public works. Christie shared incident at Dinosaur park where neighboring woman shooed away some would be patrons. She questions if it was a city facility and queried the city manager for a response. Fuentes noted park came to city possession through private donation it was still a city facility. Acknowledged property issues pertaining to an adjacent ditch and said city authorities were in the process of addressing a conflict with the neighboring property owner. Sheele announced that Girl Scout troop 68285 was lowering age requirements and would accept 5 and up. Call for applicants again.

- Sept 11

- Present: Greg D'Amour, Christie Conklin, Greg D'Amour, Carole Wheeler, Ed Ragsdale, and Destiny Mitchell via phone. Also present were Don Armijo and Carole Wheeler. Armijo commented that there were water pressure issues around Ralph Edwards Park. There was a decline in maintenance at the cemetery due to lack of staff. Renovation of LASC (Louis Armijo Sports Complex) ballfields still on hold. Armijo said time was a factor in fixing fields when not in use. Master plan for future development from Armijo. Private and municipal funded. Greg said we had a plan a long time ago. Thanked Don for being liaison with city. Carole gave update to Dog Park. Rock picking party. Donated gates for



Dog Park turned out to be inappropriate for project. Armijo said that gates would be created in house. Mitchell on phone- gave update that didn't work at pool but still volunteered there and place was getting cleaned up and things getting fixed. Had an idea to close for a few months to resurface. Destiny suggested quarterly meetings since we had low action items and low turnout for meetings. Destiny suggested a workshop to get minutes together. Greg said we'd discuss quarterly meetings at that time.

- Aug 7

- No quorum. Greg and Destiny listened to Matt Felts update. He spoke about the post-season all-star competition. Invitations to regional tournaments had been declined as local teams still had regular season games on calendar. Matt wanted to set little league to begin shortly after the school district's spring break in mid-March. Start early finish early, and attend post season tournaments like all-star. Carole 20 of the 66 poles were set for new dog park and needed to be reset. Next meeting was Labor Day, Destiny asked to move meeting to Sept 11.

- July 10

- Present: Greg D'Amour, Isabelle Sheele, Christie Conklin, Ed Ragsdale. No action items. Greg noticed the intent was to compile a list for the city commission to review in hopes that the new budget will allow for many of these items and issued to be attended to in the coming months. Past request for the installation of a practice backboard at the tennis courts. Pickle ball again. New t-ball field, facility needed numerous improvements. Isabelle was present and reported dangerous sprinkler head in outfield of C-field and other issues. Christie drew attention to small Family Park, located on 8th and Kopra, and requested installing a restroom at "Dinosaur Park." No organized league play. Traveling softball team considered by Sheele. No pool manager at pool, Conklin reported that a supervisor is now in place and said the facility is presently operating on a normal summer schedule. Carole related that a therapist expressed sincere thanks for the winter enclosure.

- June 5

- Present: Greg D'Amour, Destiny Mitchell, Christie Conklin, Ed Ragsdale. No formal action items on agenda. Discussion about current conditions of city parks and facilities and ongoing projects. No one from parks and rec present, members reported on swimming pool. No replacement has been hired but Destiny said she was still assisting at the facility. Pool staff is down to one full time, and two part time guards, closing on alternative days throughout the week. Hopeful that staffing issue would be addressed in near future. Kid's normal swimming schedule postponed due to lack of staff but a swimming instructor was secured for lessons. Questions about status of field renovation, soccer field development, efforts to install backboard at tennis courts and pickle ball. Ed had complaints about upkeep of parks and cemetery. Carole reported 86 poles had been placed and she applied for \$10,000 PetSmart grant. Board member positions opening soon.

- May 1



- No Quorum-dismissed for Fiesta
- Apr 3
  - Present: Greg D'Amour, Ed Ragsdale, Isabelle Sheele, Addressed no formal action items during April 3 meeting but did learn about the growing popularity of pickle ball among the senior athletes. Robbie McFarland, of Senior Olympics explained an increasing number of area seniors have been joining to play pickle ball on a makeshift indoor court at the TorC civic center. While noting that the civic center has served the group well especially during winter, Robbie said warmer weather has prompted many to seek development of outdoor court. Board was supportive and D'Amour said somewhere near tennis court might be considered and encouraged while also recommending that McFarland contact local tennis people. Greg said he would contact the people he knew. Audon Trujillo relayed how the city commission had considered the dissolution of several inactive advisory boards during the March 21 session but postponed the matter without rendering any formal decision. He suggested the established convention and entertainment board could serve a vital function and said he was personally opposed to the action. Nonetheless acknowledging the potential loss of this body, Trujillo urged members to join in discussion with city commissioners. While emphasizing he was not seeking support for his personal view, Trujillo said he felt their input could be important and should the convention and entertainment board be dissolved, suggested that the parks and rec board could potentially assume some of the responsibility that would be lost.
- March 6
  - No Quorum. Chair D'Amour said we would examine bylaws during March 6 meeting. Destiny recommended action to review. Carol gave dog park update. Tennis court update by Carole Wheeler. Backboard for tennis courts was brought up again. Needed qualified welder to get backboard put up. Destiny submitted resignation as manager of pool. But said she would remain with swim team and FOP. Staff still working on maintenance issues and just passed inspection.
- Feb 6
  - No quorum
- Jan 2
  - No quorum

I attest that these minutes have been compiled to the best of this boards abilities and are a true reflection of meetings held for the year of 2017.

  
 \_\_\_\_\_  
 RAB Chair Signature

3-5-18 -  
 \_\_\_\_\_  
 Date



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CITY MANAGER'S OFFICE  
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F.3

## COMMISSION ACTION FORM

### ITEM:

*Public Arts Advisory Board Minutes for November 13, 2017 & January 16, 2018*

### PURPOSE OF ACTION:

*Approval of Minutes*

### BACKGROUND:

*Minutes were approved by the Public Arts Advisory Board at their March 20, 2018 meeting.*

### OPTION/ALTERNATIVES:

*Not Applicable*

### STAFF RECOMMENDATION:

*Respectfully request approval.*

Name of Drafter: Kristin Saavedra	Department: City Manager's Office	Meeting: 03/20/18
E-mail: <a href="mailto:kSaavedra@torcnm.org">kSaavedra@torcnm.org</a>	Phone: 575-894-6673 Ext. 320	

PUBLIC ARTS ADVISORY BOARD MEETING  
November 13, 2017  
MINUTES

TIME & PLACE:

The Public Arts Advisory Board of the City of Truth or Consequences, New Mexico met in the conference room in the Administration Annex at 401 McAdoo, Truth or Consequences, New Mexico on Monday, November 13, 2017 at 4:00 P.M.

PRESIDING OFFICER:

The meeting was called to order at 4:02 PM by Sid Bryan.

ATTENDANCE:

Sid Bryan, Tourism  
Eduardo Alicea, Art Representative  
Cary "Jagger" Gustin, Sierra Arts Council  
Andy Underwood, Business Community  
Juan Fuentes, City Manager

Other Staff Present: Traci Burnette, Linda Sparks, Secretary

Visitors Present: Linda DeMarino, Sazi Marri

QUORUM: There being a quorum present, the Board proceeded with the meeting.

APPROVAL OF MINUTES:

A motion to approve the minutes of the October 16, 2017 meeting was made by Andy Underwood, seconded by Juan Fuentes, and it carried.

COMMENTS FROM THE PUBLIC:

No comments at this time. Linda DeMarino participated in Board discussions later.

REED ROCKETS SCULPTURE:

Juan referenced the letter from Sabina Muñoz dated August 15, 2017 regarding her concerns over the spring on the reed rockets weakening, causing the reed rockets to lean permanently. Juan stated he ran into Jeff Barbour at the auction and he mentioned the letter from Sabina to him. Juan asked the Board if they want to take a position on her concerns. What is the will of the Board? Both Sabina and Jeff are available by phone if we need to call them. Sabina's letter was in the agenda packet and is incorporated into the minutes by reference herein.

Sid asked Juan if Jeff mentioned taking out the springs. Juan replied that he mentioned the concerns Sabina expressed. Sid asked if Jeff had any comment on that. Juan

suggested calling Jeff at this time. A call was placed to Jeff. Jeff began by stating that he spoke to Sabina that afternoon and he explained the design of the joint. He stated that Sabina's concern was that people could get their fingers stuck in the springs, but the springs never flex enough for fingers to get into them. Jeff asked if we saw the drawing he sent down. He said he sent it to Linda Sparks, unbeknown to her, about 45 minutes prior to the meeting. Linda checked her e-mail and the drawing had not come in. Juan asked Jeff what was Sabina's response to his explanation. Jeff replied that she said, "oh, that sounds great, no problem with me." Juan stated that Sabina will be communicating with Linda DeMarino as well. Jeff said that Sabina was under the impression that the spring itself was going to keep the reed going straight up and down. That's not the case. That is the wrong kind of spring for something like that motion. It's designed to prevent extension. The spring has 2 functions: one function is to sit on top of the base. That's what that kind of spring is designed for. The other function is the actual reed itself sits on top of the spring so it creates a good foot for the upper part of the reed. The side to side motion cannot go any further than the housing will allow it. (Jeff faded in and out during the discussion, therefore, making it impossible to transcribe fully what he said.)

Andy asked Jeff if he had sent the drawing to Sabina. Jeff replied, no – he only sent it to Linda. He added that his explanation to Sabina was sufficient to alleviate her concerns. Andy commented that it sounds like we don't have an issue anymore, does it. Juan replied that the Board will talk to Sabina and then make a recommendation. If we have any other questions, we'll give you a call. Jeff stated that the Board has seen the way it's built; he's gone over every step of the manufacture. You guys were down there. You've seen the whole thing in actuality.

Sid asked Jeff what is the life of the structure. How long can it stay viable? Jeff answered that it's stainless steel, stainless steel lasts forever. The 3" carbon steel plate (3" questioned by Linda Sparks, replayed recording several times, Jeff definitely said 3") at the base will last for a long time as well. The springs are almost ¼" round so their quite sturdy. Sid interjected and asked if he was confident that it would last for 5 years. Jeff replied, oh yah, easily. The ¾" drill rod is what is taking all the force and it's in regular type housing. Jeff stated he actually did a lot of metallurgical research when he built this thing to get the right materials that would be in there. That's the way it came out. Everyone thanked Jeff for his input. Before signing off, Jeff suggested that we check the fax again since he got a confirmation that it was sent off. Since Jeff was not specific as to which media he used to send the drawing, everyone assumed he had emailed it. Linda Sparks found the fax and returned to the meeting with copies for the Board. (The drawing is incorporated into the minutes by reference herein.) Jeff referred to the drawing, and pointed out the external picture of the spring and the internal of where the rod is. Juan told Jeff that the Board would make a decision after they also spoke with Sabina and the call was ended.

While Juan called Sabina, some members of the Board continued to study the drawing. Sabina did not answer. Juan asked if anyone had a position on this. Linda DeMarino replied that it would be nice to see it in person. Her only other concern that she personally had was on the base he had some wire things around the bottom where he was going to attach it to the cement that she knows little fingers could fit in that.

Eduardo started to explain something about the wires, but Linda interjected at this point. As she recalls, little fingers could fit in that, but doesn't know which incarnation that was. Juan stated that the goal ultimately is to decide if this is not a concern to the Board then we need to vote on that; but if MainStreet has a concern, then it's better to address it now. What we don't want is to try to make changes when it is being constructed. Linda replied that she is not going to say anything because she has not spoken with Sabina. She asked if we could wait. Jeff just spoke to Sabina a little bit ago. Andy commented that Sabina was okay with it after talking with Jeff. Sid agreed. Andy suggested calling Sabina the next day or something. Juan recommended tasking Linda DeMarino to call her and coordinate with her. Maybe we can get an e-mail from her. Since Sabina is working with MainStreet, it should be Linda to make that contact with her. Andy asked Linda to confirm what Jeff just said, that she is okay with it now; and if she is, then we don't have anything to be concerned about. Sid commented that we can go ahead with it. Sid asked Linda to leave Sabina a message; she may call before we finish the rest of this meeting. Juan asked Linda if she wanted to give her a call or send her a text. Sid commented that it would be nice to know so that we can do it now. Andy added that we could vote on it if we knew it. Jagger commented that if not, then table it.

#### FYE 2018 RODEO ARENA ART PROJECT:

Sid went on to Item D – FYE 2018 Rodeo Arena Art Project as it seemed to be the consensus to move on.

Juan commented that he thought we were scrapping the rodeo art project. Sid added that he thought we were too.

Jagger asked if he should speak to that. Juan replied yes. Jagger stated that he went out there and reviewed that. He honestly can't see any place where we can put art. There's lots of traffic out there. The City and the County have partnered to resurface the ground and paint. It's all fixed up really nice, but he honestly could not see any place where you can place sculpture where it would be out of the way and where the public could really see it. What he is recommending is signage.

Juan asked Traci if this is what she was working on. She answered yes. She stated that Jagger and she met and talked to Julian Marta. He called her and left her a phone message because they had been playing some phone tag. She doesn't know the Carl Perkins Grant exactly how it fits into this. Addressing Jagger, Traci said that they discussed that. They talked about signage maybe as a separate issue. Something where you can get materials donated or maybe the Art Board would be interested in sponsoring. She went out and looked at those signs that we had discussed. She thought there were rodeo signs already, but there's one on Third St. and then one on Broadway before our Service Center. They were done by FFA. It was donated by somebody else. The artist was somebody else. She doesn't know who made the actual sign. Her concern . . . Sid interjected that he thought it was a contest and they won and then they got moved to a couple of different locations. Traci, using the computer screen to aid her with her presentation continued, one of the things that she said in her e-mail was that so here is the rodeo arena area and you have Broadway coming through right here; so before a sign could be put up, a decision would need to

be made as to where is the best entry point. Of course, our Street Dept. would have to have a good amount of input as to where the entry point would be for the rodeo. If the main area where they have been coming in, in front of our Service Center, as you can see this is really congested with signs right here anyway so she doesn't know if it would be easily seen or where we would be able to put a sign. She doesn't know, with it being a State highway, what their setbacks are or anything like that. The other option is there are a few different points of entry. You have the one coming up Broadway, in front of our Service Center, which is where most of them come in from. That is a dirt road. She doesn't know what the easement is on that and whether we want all the traffic coming in that way. If they come in up here, some of the trailers she noticed have been coming in off of Broadway down Iron St. and they come into the rodeo the back way where some of the camping area is. She doesn't know if a sign needs to be there instead or some of them come in from down below and they come across clear down here on Hyde on the other side of Family Park and then they go through Veater and come up that way. Before you can even think about a sign, a determination would have to be made whether you want contestants versus participants . . . Juan interjected, and that is part of the question. When Traci brought this to my attention, is this something that even belongs to this Board in regards to signage out there. If you all feel that it's not necessarily art tied in too much and it's just a sign, then we'll handle it administratively/internally. Since it's not going to have any sort of art feature to it, then we'll deal with it as a sign. Since Traci was working on this project and this grant, we weren't sure if we tie this in with any art, and if not, we'll just handle this internally/administratively; but since we had talked about art/a sign over at that place, Juan thought to share it with the Board. Jagger commented that it seems like the students and the teachers are very willing to try to help and do something. It seems it's something they can do in that department. The design kids can work out the design on the computer and then it can be shipped over to the Ag kids for welding and fabrication. Traci asked if he was thinking of a sign similar to this one here (referring to the FFA sign). Jagger replied that he thought so because that's what they have the capability of doing. Traci commented that her only concern, and she doesn't know the history of this sign, is that if we put something similar, aren't we competing with an important piece of history or memory out there that somebody else has put up. Sid said that to his recollection it was a contest and after the contest and those were picked, there was disgruntlement. That is when they decided they should have a Public Art Board. That is what he remembers. Whoever won the contest got to have the sign placed and it wasn't originally in that location, they moved it from that location. Traci restated that there are 2 of them, one on Third St. and one on Broadway. Sid said that is definitely what it was. Some people objected to it at the time. Jagger informed Traci that the Carl Perkins Committee meets on Wednesday at 4:30 at the High School. He suggested they go to that and get more information. Traci replied okay. She wants to see how the 2 tie in because she thinks that was her confusion; it seemed to her like 2 totally different things. Jagger said that he e-mailed Julian and asked him, the e-mail is part of the packet tonight, if he thought it would fit; and Julian e-mailed back and said that's exactly the type of thing that they look for their kids to do. It seems to Jagger to be a good fit. (The e-mail chain and the pictures Traci took are incorporated into the minutes by reference herein.)

Juan asked if the Board even wants to have this on their plate or just allow the City to move administratively and deal with it. Sid replied that he has no objections to the City doing it administratively. Juan stated that both Jagger and Traci will be coordinating with the School on the Carl Perkins grant.

Linda DeMarino informed the Board that Sazi spoke to Sabina and she is going to come. The discussion then returned to the REED ROCKETS SCULPTURE. Referring to old photos of the Reed Rockets that Linda Sparks passed out at the meeting and incorporated into the minutes by reference herein, Linda DeMarino asked if these are the springs Sabina is talking about being out in the open. Juan referred Linda to another picture that showed all the springs. This picture showed the springs at the bottom. Linda asked which springs are going to be out in the open for people to touch, possibly. Juan commented that he doesn't think there is any fencing around the art pieces. Andy remarked that according to the drawing he is looking at, the springs that are in the middle section are covered. Linda replied that they're not. Andy continued, Sabina's complaint is that the spring portion needs to be removed to ensure structural integrity because the reeds are leaning permanently and Jeff said they're supposed to lean permanently. They talked together and said that is no longer an issue. Linda replied, according to Jeff. Andy said according to Jeff, right, so we'll find out about that. Andy said then on the bottom, it seems like somebody told him that they had planned a shroud around the bottom that would cover up those springs, and also the anchor bolts that would be showing will have to be addressed. Linda pointed out the shroud to Andy on one of the pictures so no one stuck their finger in. Andy commented that it doesn't look like a shroud to him. Andy stated that there are anchor bolt problems sticking up too that would have to be addressed. Linda commented that we can all use our imagination and that could become a problem a lot of times. It would be nice to see what the final piece will look like. Juan remarked that he doesn't know if Jeff addressed the bolt issue, the springs being there. Juan wondered if we should have one installed and leave it up to test it out there. It's hard to visualize what it's going to do, what it's not going to do when it's not even up. Jagger remarked that it's had story polls there 6 to 8 months and nobody's flipped out or cut them down or yelled or hollered that he knows of. They may not even notice that the real one was installed and we can test it to see if it's doing what we want it to do. Linda added that we can put it on the slab of concrete that is already onsite so not necessarily in the spot that it's going to end up in. She is okay with that as long as it looks safe. The whole issue here, even for Sabina, is safety. She's designing the Art Park. She's going to incorporate these pieces. She wants to make it a safe park. It makes sense to put one up since there are a lot of concerns.

Sazi made it to the meeting. Linda DeMarino filled Sazi in and told her that the Board wanted to know if Jeff is done modifying his pieces or not. According to Jeff, they spoke on the phone earlier today and Sabina was going to text her, but she hasn't spoken to her. She knows Sazi has spoken to Sabina. The last thing that Juan suggested was maybe we take one of the reeds and put it on the concrete slab that's there and see what it is, how it looks, whatever. Sazi replied that one is erected in his yard. There is one up and it leans permanently. It's already happening. Juan asked Sazi if she talked to Sabina. Sazi replied that she left a message earlier today and she didn't listen to it entirely. Sid asked if Sabina called her after she spoke to Jeff. Sazi answered yes –

she left a message. She said that he claims that they're fixed and that they can't move, which is not true because they are leaning. She drove by and saw and said that's not going to work because they're all just going to permanently start leaning and it's a potential hazard and also not very appealing to have them continuously leaning in the direction of the wind. Linda told her that what we've heard today is that it's his intention for them to lean permanently. Sazi said if that's what you all think is appropriate, it looks just like something that is falling over and it's not appealing at all. Sid commented that going back to the original, they all leaned. Linda responded no, they didn't. Sid said the thing that was in his office for a long time . . . Linda interjected that they were all straight up and down. Juan remarked that it was like a pendulum almost. Sazi added that the idea was that they would then move with the wind. Andy commented that now they're moving half way up. Sazi said that they're constantly at a lean because the springs are giving out so over time . . . Andy interjected, so then we go with Juan's idea and put one up and see if it fails, huh. Juan responded that as Sazi mentioned, there's already one in his property that's up. Andy asked; it's up? Sazi replied that is where all this has come from. If you drive by his house, you'll see it. That's what springs are going to do, is weaken. Over time, 20 years from now how . . . Juan interjected that Sid asked how long will it last. Maybe not even 20 years. Sid stated that he doesn't care if it leans. Juan said the question is what is the extent of the lean? Maybe that's the visual that we need, is a picture from them. Eduardo suggested that we go see how it moves and how much . . . Juan interjected that there's no wind now so how much of a lean is there. There are 12-14. Is that appealing as an art piece? If their leaning that way, the wind will have to be strong enough to pick them up the other way. Sazi commented that they are not going to go one direction. Linda stated that it's not going to throw the reed back from the spring. Sazi added that the height of the reed and the metal used will create movement. Movement will be there without the spring. The spring is not necessary for movement. When the wind blows, the movement is going to occur. The spring isn't necessary, but it is something that is going to break down over time. If this is not something that's temporary, and also once it starts leaning and tightening up on that side, it's a potential hazard. Juan stated that we can install another one that has just been sitting there and see if . . . Sid interjected that if the one that is already there that is leaning was moved in the other direction, the lean would be in that direction, correct. He thought they were going to be crossing. Linda replied that they were never going to cross. Linda added that they would all blow with the wind in the same direction, then the pendulum would bring them back to being straight up and down. Sid asked; where is the mock-up? Jagger replied that he has it. He remarked that was the original design. It doesn't look anything like the current rendition. It's been changed about 3 times that he knows of so it doesn't look anything like the original mock-up that he first constructed. Sazi commented that now is the time to change it. Her son is a metal worker and it is not a big problem to remove the spring and there will be movement. The movement will happen because of the height. Those things will catch the wind and there will be movement without the springs. She envisions this being a permanent part of this park. Eduardo said he can see if he can have Jeff make it straight so that it doesn't move at all. Sazi restated that he just needs to remove the spring. Sid asked if we should call Jeff and see what he thinks about removing the spring, having it go straight. He said he would be available. Discussion continued until Juan asked if it would be too much to ask to modify one to keep it straight and the other leaning. If we install them at the Art Park, one of each, at least we'll know what we

need to do to actual install them there. Eduardo stated that besides that, Jeff was going to put metallic mesh for the fingers. We all have ideas about how it should work, and now we'll have a complete one. Juan added that we'll find out what is going to be the mesh and how secure it is. He knows that Jeff is not going to install them because he is asking the City crew to install them. Juan doesn't know what our staff will have to do to install them. He would like to do a trial so that everybody knows exactly what we're getting into. That will give us time by the time MainStreet finds out about the grant. Sid asked what size is the base. Sazi commented that Sabina was talking about maybe using them throughout the park to slow down water since we're doing the water redirection. Maybe utilizing the base of them as seating and/or there were some ideas. It's all kind of up in the air as far as how it's going to be designed and the appropriate use of them depending on the size and if we get the grant. Andy asked Sazi and Linda if they felt the reeds are undesirable for their needs at the Art Park. Sazi answered she thinks it's up to an expert. Sabina said that they're totally usable and can be made appropriate and with artistic merit for the site. Andy remarked so that sounds positive. Sazi replied absolutely. She is planning on incorporating them. Andy stated that we need to find out what Sabrina said after she talked to Jeff. Eduardo suggested that we set 2 up in another place and people can see them exactly. Sazi replied that we don't know where they are going to go. Eduardo responded that still if we have something built, it can give us the proper vision of the whole thing eventually and then maybe know exactly where they can be put in the future, and see the effect of one straight and one bending over. Linda remarked that we have the slab that's already there so possibly just putting one of each on the slab and take a look and see. Eduardo continued that it's not in the pictures, but they went out there once on a windy day, 2 were up that day and the wind was moving them. They were bent like that, but the wind bent them over a little more. He thinks he took a video of them, but he's had different phones in the past because he's broken them all. Sazi asked if 2 are erected, can they be taken down easily. Juan and Eduardo replied yes. Andy asked if Sabina was hired as the architect for that. Sazi answered that Sabina has been hired to create the design. Andy then asked why then aren't we letting her decide. If she wants them all straight, why are we even considering putting one up at an angle? Are we micromanaging the lady we hired to do something? Sid responded that she hasn't said that she wants them all straight. Sazi countered saying that she did. She actually wrote a letter saying that she wants the springs removed. Sid responded that he thought she wanted the springs removed for safety. Jagger said that according to Jeff and speaking with her, they worked all that out. Linda responded that when Juan asked Jeff; what did she say when you told her this, he said she said oh. That doesn't sound like it's necessarily worked out. Juan stated that he felt she still had reservations when Linda spoke to her. Her preference is for them to be straight. Andy stated that if she's in charge and she is responsible for the project and she says they should be straight, then there's a possibility that they should be straight. Juan added that when it was presented to the Board and the Commission, they were straight, right? As Jagger said, the design has changed over time. Every time we met, it was a different design. Andy asked that he never had a chance to work for her at the time, right? He was working for somebody else when he did all that design. Eduardo responded that we've been dealing with Jeff on this project and Sabina doesn't have all the details. Is this a new work change order for Jeff to straighten him out? Linda replied no, he was never asked to put the springs in the first place. He took it upon himself to make that change. Sid remarked that no one objected

to it when he did it. Sazi commented that he would say that these things are done now, they are so much better, like the chime. At the meeting that Sazi was at, she said Jeff presented them as having movement, but being straight. Juan agreed. Sid remarked, referring to one of the pictures, that it was done about a year and a half ago and they were leaning then. Andy asked, so what do we do now, put one up and see what it looks like, then get him or get him now. Juan replied that it goes back to what Andy just said. Sabina, as the artist, wants these straight for her design to work and be more appealing. Eduardo added that Sabina likes the art concept, but she doesn't like the bending. Andy stated that if Sabina is responsible for the whole project and she wants the springs taken out and straightened, then maybe that's what we should do. There is a lot of talking going back and forth between her and Jeff that we are not privy to. Sazi then played a previously recorded message that Sabina left earlier to the Board. Sabina had also texted her that she was in with a client. *Message: "I told Linda Sparks that I didn't know if he had fixed the pieces recently or done something to amend the issue, but what I saw indicated they were not. They were mobile because if not, what was the point in using springs in the first place."* After further discussion, it was the consensus that there are still a lot of things up in the air. Andy remarked that if we ask Jeff to make these changes, it's not going to take him 60 days to do it. It's probably a minor job. He added that he agrees with Jagger, that we may be jumping too quick, we could give it a little time; but he also knows that if Sabina is the person in charge there and she is going to be responsible to offer the warranty to the City or whatever and she says they need to be straightened out, then we should probably seriously consider listening to her. The discussion became repetitive; therefore, it's not recorded again in the minutes. Sazi commented that when Sabina took on the project, she saw the picture where they were straight and she did have reservations about it, but at the end of the day she said she would incorporate them as long as they were as presented, but when she drove by and they were not then she got concerned.

Jagger stated that we should table it. Juan Fuentes moved to table the discussion on the Reed Rockets, Jagger Gustin seconded it, and it carried.

At this point, Sazi excused herself and left.

#### RFPs – #1 Under D – FYE 2018 Rodeo Arena Art Project

Jagger began by stating that the Committee met; myself, Linda and Andy, and they revised the RFP and would like the Board to look at it and help them with further revisions and to plug this in and make some changes. Linda passed out the draft of the RFP and is incorporated into the minutes by reference herein. Linda began at the top with the introduction. They changed it to say that the City of Truth or Consequences recognizes the importance of Public Art and creating a sense of place. Public Art has instilled character into the built environment. There is a City Ordinance mandating 1% of Lodgers Tax be utilized for Public Art. The Public Arts Board, a five member committee established for this purpose, will act as jurors for this project and make recommendation(s) to the City Commission. Linda asked Juan if this is all true. Juan replied yes. Jagger took over from here beginning with the "Call for Artists" headline. We need to decide where they're coming from. Are they just in the City of T or C, or are they countywide, or are they statewide, or are they nationwide. Juan replied that he

doesn't think we can necessarily prohibit anybody from outside from participating, but you can certainly give points for locals like we do with RFPs. Linda asked if it can be from anywhere in the United States. Juan replied that you don't have to specify to participate. Juan suggested saying that preference will be given . . . Linda interjected that it's down in there, artist who resides in Sierra County gets 10 points. Linda thinks sometimes artists want to know who it's open to. Jagger replied that sometimes they want to know who they're up against. Linda asked if it's open to all artists and if age matters. Juan suggested that it could read that it's open to all artists in New Mexico and other states. Linda read #1 under "Submittal Requirements" where it referenced that all applicants must be 18 years of age. She asked if that was okay. Juan asked if there are any artists under 18 that can do a good job. Linda replied that she didn't know. Jagger moved on to the "Budget" headline. Jagger said they didn't know what amount that was and thought that amount might change, so they plugged in \$4,000.00 as a starting point. That would include all the costs listed on Addendum A. Then where are we looking for this art to be; we need to decide that and plug it under "Site Description". "Targeted Space" is listed, but no comments were made. "Size Specifications" – do you want it to be 10' tall, do you want it to be made out of steel, do you want it to be made out of plastic. There are different things you can plug in there to tell the artist/applicant what we're looking for. "Selection Criteria" gives you different points on what they might try to go under. Jagger went on to the 2<sup>nd</sup> page and stated that there was more information on the "Selection Process and Timeline". Linda interjected moving further ahead to "Submittal Requirements", #2 and a couple of bullet points. Jagger continued that this would give them the perimeters of what they would be trying to propose. Juan asked if the space and size specifications wouldn't limit what an artist can submit. . If you're doing a call for art, it could be any kind of art; or does everybody already have a specific type of art that we're looking for. Do we say, give us your best shot at what you want to submit as your art piece and we judge it by what you submit. Sid asked if this is for the Public Art or is it for the Art Park. Jagger answered that it is for this Board to select art. Jagger explained the need for specifications referencing art for Evelyn Renfro Park, as did Andy referring to art for the planters at the Healing Waters Plaza. Juan suggested maybe stating something general like that we're looking for an outdoor art piece. Sid agreed. Juan asked if they want to put specific restrictions and if they want to have a theme. Linda referred everyone to the "Selection Criteria" headline, specifically the line starting with "Represents the Character . . ." She stated that the Board has to identify the area, and then you can populate all the answers that will dictate the specifications for the character of that site. Jagger continued on the 2<sup>nd</sup> page with "Submittal Requirements". He reviewed briefly the information under this headline. Continuing to the 3<sup>rd</sup> page, Jagger stopped at the "Submission Deadline" headline and reviewed that section as well. Lastly, he referenced the application in the back and promptly went over it. Jagger asked Juan if it was ready to have City staff look at it. Juan, referencing Linda's comments earlier, replied that the Board needed to select a site first before all this can be populated. He feels it's a great start, about 90% complete. The next question is what is the process for selecting a site? A lengthy discussion ensued with a couple of other options thrown out there, but the Board decided to do a tour of all City parks to help in selecting a site. Listed were Evelyn Renfro Park, Healing Waters Plaza, Triangle Park, Ralph Edwards Park and Rotary Park. Juan commented that what is missing from downtown Main Street is a marquee. He asked if this could be part of a marquee project as there is seed money for it. Linda

opposed the idea and recommended 'no' because a marquee/gateway is part of a bigger project with way-finding signs. She said that you don't want one piece dictating the rest of the way-finding signs. It has to be cohesive with the way-finding signs. You want all of the way-finding signs to dictate that piece.

Jagger commented that the Recycling Center is an area that just begs for recycled art. There is a dirt alley between the 2 complexes and what better place to put some recycled art. Jagger thinks that at some point they need to look at putting a piece out there.

Juan asked if art could include something on the poles downtown on City streets, art pieces that would highlight the downtown area. It's a great opportunity to beautify downtown through different art pieces throughout instead of just one piece. Linda stated that in other places artists will wrap the poles with different textiles so that they are really colorful and interesting. You can assign a pole to an artist.

The discussion returned to arranging a tour of the City parks. Jagger will coordinate the tour with Linda Sparks. Jagger moved to tour the 5 City sights. Juan seconded the motion and it carried.

#### COMMENTS FROM THE PUBLIC ARTS ADVISORY BOARD:

No other comments, other than those recorded above, were made.

#### TIME, PLACE AND DATE OF NEXT MEETING:

As the 3<sup>rd</sup> Monday in January falls on a holiday, the next meeting of the Board was scheduled for Tuesday, January 16, 2018, at 4:00 P.M. at the Administration Annex.

#### ADJOURN:

There being no further business to come before the Board, the meeting was adjourned at 5:21 P.M. Juan Fuentes moved to adjourn, seconded by Jagger Gustin and it carried.

#### ATTEST:

Minutes were approved on March 20, 2018 on a motion made by Juan Fuentes and seconded by Jagger Gustin, and it carried.

*K. Saunderson for*  
*Linda Sparks*  
\_\_\_\_\_  
Linda Sparks  
Secretary

**PUBLIC ARTS ADVISORY BOARD MEETING**  
**January 16, 2018**  
**MINUTES**

**TIME & PLACE:**

The Public Arts Advisory Board of the City of Truth or Consequences, New Mexico met in the conference room in the Administration Annex at 401 McAdoo, Truth or Consequences, New Mexico on Tuesday, January 16, 2018 at 4:00 P.M.

**PRESIDING OFFICER:**

The meeting was called to order at 4:02 PM by Sid Bryan.

**ATTENDANCE:**

Sid Bryan, Tourism  
Eduardo Alicea, Art Representative  
Cary "Jagger" Gustin, Sierra Arts Council  
Andy Underwood, Business Community  
Juan Fuentes, City Manager

Other Staff Present: Traci Burnette, Linda Sparks, Secretary

Visitors Present: Linda DeMarino

**QUORUM:** There being a quorum present, the Board proceeded with the meeting.

**APPROVAL OF MINUTES:**

Linda Sparks apologized that she was unable to complete the November 13, 2017 minutes in time for this meeting. Minutes were tabled.

**COMMENTS FROM THE PUBLIC:**

None

**REED ROCKETS SCULPTURE:**

Juan stated that he placed this topic on the agenda because the Board was waiting on the grant for MainStreet, but that fell through. Juan asked the Board if they want to continue to hold off on that. Andy commented that he heard that the architect MainStreet hired, Sabina Muñoz, is working on something that nobody knows for sure what it is and that she may still include the Reed Rockets sculpture at the Art Park. They had been planning on that big grant coming in and that was going to be a reclaimed water base and so now that they don't have that, they are regrouping and he doesn't think they really know what is going on with all that yet. Sid added that he heard that too. He had asked Linda DeMarino and she told him that the landscaper, Sabina, hasn't been able to do anything. Sabina may have been here last weekend, but he doesn't know. Sid stated that he guesses there's nothing to do except put it off. Juan

commented that he put it on the agenda because it's been some time since Jeff finished it, but at the end of the day if the Board just wants to sit on it, he won't put it on the agenda anymore; or are we just going to bite the bullet and if we want it up, let's put it up. If we don't, let's put it in storage and forget about it. Sid suggested asking Linda, since she and Sazi are in communication with Sabina, to give us at the next meeting a sort of a time schedule, otherwise, it really will just go away completely. Juan reminded everyone that we can't compensate Jeff until it's completed. Andy asked if we can consider putting it somewhere else. Jagger stated that at the last MainStreet Board meeting they talked about meeting with Sabina and try to put her on a timeline as to what she thought it would take to finish and submit a preliminary sketch or a maquette of what it might look like and he doesn't know where they are on that. Also, they talked about meeting with Traci Burnette and talk about a timeline of it. Traci confirmed that they did meet. It is kind of tied into the Clean & Beautiful fund. Juan stated that it is really up to this Board to make that recommendation. It's been held up long enough. Eventually, at some point, this Board will have to take a firm position on what's going to happen with this sculpture. Sid replied that we may do that today because Andy took down notes from their trip last week to the city parks. Andy asked Jagger if he feels that Reed Rockets is still going to be used up there, at the Art Park. Jagger answered that he thinks so even though there's been some issues and questions about the liability of the spring and the mechanism that works and all that. When they met with Sabina, she talked favorably of it and liked it. He anticipates her including it in the plan, but until we see something from her . . . Andy interjected, it could be a long time to come. Sid stated that after last week's tour, we may want to change that anyway. If at the Healing Waters Plaza, where it wouldn't be moving necessarily and we eliminate all of those things because we can wax on for meeting after meeting on does it have the right mechanical . . . Andy interjected, with MainStreet out of the picture, all we have to do is please him (Jeff Barbour). We don't have to please everybody else, right? It would be easier to get it placed, paid for and move on. Sid commented that there are spots in back of the Lee Belle Johnson building . . . Andy interjected, there're some spots where they can be put up and they might be very attractive and they wouldn't be in such a place where people are moving around so much.

Jagger reported on the city parks tour. He began by thanking Juan and Linda Sparks in facilitating the tour. Jagger said that it was a really good opportunity for the Board to really see what the city parks look like, see the layout, see the sizes, and where things possibly could fit. It was a very informative tour. Sid agreed. Jagger continued, they saw the Recycling Center, all the parks in the City, the big Ralph Edwards Park that's been down there forever, and the Rotary Park down by the river. Sid commented that they came up with some possible conclusions that Andy has written down. With that, Sid turned it over to Andy. Andy reported that they thought the **Healing Waters Plaza** was probably the best place for art because of the location, people already associated with it and there's some room for some more pieces, some large and some small. It got **5 stars** on their tour. **Evelyn Renfro Park**, there's some room in the corners of it; there's room in the front of it for lots of big pieces of art. They did note that the City uses it at Christmas time and they have some blowup balloons. We would have to certainly keep that in mind. They were told that there are no garden clubs, or anything like that, that are associated with the Park. That was a **4 star** park for them. The

**Recycle Center**, there's some places where stuff can be down out there, but it is so far out of town that they didn't feel like it is a viable place at this time, maybe later when there's more money or years down the line after we art up the downtown area more. That was a **1 star** stop. **The Rodeo Arena**, they gave **no stars** to because it's off the road. They talked about that at the last meeting about how maybe we just needed to have a sign and turn that over to the City and get out of that completely. He thinks we still agree with that. **Ralph Edwards Park**, **1 star**. They don't know that they need to put a bunch of art there; just keep it as it is – one big open space. **The Triangle Park**, they gave it **4 stars** because it has lots of visibility. It may be a good place for something like the Reed Rockets. It's not so accessible to foot traffic even though there's a path going across it. The traffic is a bear on all sides of it, but it's very visible. It would be a great place for art. It was a 4 star stop for them. What they would put there, they didn't really talk a lot about that. Sid added that there was agreement between all of them, and Steve Green was sort of leading in that we get more bang for our buck in any of the ones with the many stars than we do for ones that would do better off with signs and later after we get things done in one area, you may as well have it where people are going to visually get rewarded. Andy stated that Steve was talking about cantilever fishing platforms at Rotary Park. It would be crazy for us to put art in there right now until maybe that plan is realized. It's a great, big, huge, beautiful spot though, but again, it's far from the downtown. Right now, the immediate loop of the downtown is where most of the tourists are. It seems that the center of town is the center of town. Sid continued that there is no art in the Healing Waters Plaza at the moment. It's beautiful to look at, but a couple of pieces would add to it. It's already got a good base there. Evelyn Renfro Park needs something else to give it a little splash, but the people are definitely able to see it there, and the same with the Triangle Park. Andy led the discussion back to the Reed Rockets sculpture. Somebody told him that originally Reed Rockets was going to be put at Triangle Park, before the Art Park. Sid confirmed that was true. Andy stated that it would be great if they could put it up somewhere and get Jeff paid.

Linda DeMarino joined the meeting at this time. Juan suggested that Linda may be able to update the Board on the Art Park and Reed Rockets. Linda stated that Sabina was contacted and Sabina told them it would be 6-8 weeks from the time she was contacted for the conceptual design. Sazi Marri feels like Sabina actually works pretty quickly so she's looking at the end of February. Sid asked Linda what she thought if the Reed Rockets was moved to the Healing Waters Plaza or the Triangle Park. Linda replied that she would love to see it at the Triangle Park. She doesn't think there is a good spot for it at the Healing Waters Plaza. It's a tall thing and you already have the palm trees there. She asked where we thought of putting it. Andy answered that they would be next to the building on the high side behind the shades and around the windows where they have many split system chases running. Linda said that Bill Slettom mentioned that he was going to try to get with Andy about redoing the windows and the doors. Andy said he was told that we weren't going to redo the windows on the backside. That's what Steve told them. Andy asked Steve specifically that the other day. Juan stated that the original window is still there. It is just a matter of taking out the stuff on the outside. Linda remarked that that may not be Steve's plan, but she knows that there are other people who . . . Andy interjected, even if you kept the windows, there's still

room around that building. You don't have to put them all in one spot, you can move them around. Everybody had concerns about this, and if we put them in a spot where they can remain stationary, that would take that out of it. Sid commented that Triangle would be good too and it is where it was originally thought of and it wouldn't be in with too many other things that can take up more space as you enter the downtown. Andy added that the only time there's people there is when we have a good protest going. Juan remarked that 14 reed rockets seem like they would really clutter up that place, it's not that big. Sid responded that the original maquette showed them closer. Andy asked if they all have to be in the same park. Could you put 7 there, 3 there and 4 there? Eduardo commented that we need to ask the artist about that. Andy said that was what his next statement was going to be; we shouldn't dissect the guy's art without asking him. Jagger asked Linda if she knew if Sabina is planning to include them in her conceptual plan. Linda answered that she didn't know. Sid suggested to Linda that she talk to Sabina and see if she is going to stick them in or not, then we'll at least be able to visually see what she comes up with. Juan remarked that the same thing would happen here; they would have to be separated, 14 is a lot. It's a big art piece because they're huge. To put 14 of those around the same area would take a lot of space. Andy agreed, but they could be scattered and they can be used in different ways. As Eduardo said, it's probably important to ask the artist. You know, they're still his. Once they get paid for, I guess you can do anything you want to with them. Until then, they're his. Sid commented he thought Jeff might like them in 3 different places. Andy replied that he might. He thinks 1 or 2 here and there would look rather grand around that building. Spread out at the other place might be too much, might be perfect, he doesn't know. Sid commented that at least Sabina doesn't have to feel like she's tied to anything, right. Andy replied that we really can't do anything until we find out if Sabina has them in her project or not. Sid asked for a motion then to wait for Sabina. Andy moved to wait until Sabina comes back and table it. Jagger seconded the motion to table and it carried.

#### FYE 2018 ART PROJECT:

Jagger, acknowledging that it wasn't on the agenda, asked the Chair where the Board is at with the development of the RFP (Request for Proposals). He asked Juan, have you had time to look at that? Juan replied that he thought Jagger had said that a location had to be first selected so that when you put together an RFP, the person would have a better idea how to incorporate it . . . Andy interjected that he thought everybody was reasonably happy with the rough draft and we just need to decide what we're going to do. So at this time do we need to think about selecting a spot to put more public art or should we wait to see if we can deal with Reed Rockets first. Sid asked Juan if we have more money available. Juan answered, for this coming year, yes. Sid commented that they have 3 spots that got stars and the rest didn't. Linda DeMarino asked which ones got stars. Sid answered that it was Renfro, Healing Waters Plaza and Triangle. Linda asked if the other one was Rotary. Sid replied that it was Rotary, Rodeo Arena and the Recycle Center. Juan commented that if there is an art piece to be done at the Healing Waters Plaza, there are those spots that always get flooded, that's an area we can redevelop to incorporate an art piece to cover that up because we have all these problems with that soft area. It could be kind of like a vase, or whatever the sculpture is, not too big, but we can have 2 on each side that would cover up those spots. Andy asked Juan if we have a plan showing those low spots. Juan replied that if that is the

location, those could be the preference sites because we have problem areas with the grass there. Andy commented that they thought about even small pieces in the planters, just jazz it up. Linda stated that in parks, she really would like art that kids can crawl around on too. Andy said we should have a playground for kids to crawl around on, a rock climbing wall. He has a little lawyer in him always thinking liability, liability, liability. Sid agreed too. Andy asked Juan about how much money do we have to spend on public art. Juan replied he doesn't know if part of it is the balance of the Reed Rockets; we want to say about \$4,000.00, but we would have to check. Andy asked that if maybe as a Board they should think about a \$2,000.00 piece somewhere or \$400-\$500 pieces. Jagger suggested that maybe we could split it up and not just do one park, but do two. Sid suggested that it should probably be the Healing Waters Plaza since we want it to be sort of the crown, it should have most of that money and then the other 2 would get smaller amounts. Linda asked if the Board is going to move the Reed Rockets depending on how quickly the Art Park comes about, that may be a consideration as well. Andy replied that we are waiting on Reed Rockets until we hear from the landscape architect if she is going to use it or not. And, we probably should talk to Jeff; tell him we're going to break it up. Juan stated that the Board selected the Art Park for the Reed Rockets and when the presentation was made to the City Commission, it was always that site and that is what the Commissioners approved. So it's not really up to Sabina to decide whether she will incorporate it or not. That has already been determined. Does the Board want to speed it up and incorporate it with whatever she is doing and make it happen? The Advisory Board has to take a position to get this thing done. It has been dragging on for some time. Obviously, Jeff is going to want to get paid. The location has already been determined. Sid suggested that the Board make that decision at the next meeting. Sabina will have given an answer. We're open that if it can't be there without any more changes, then we may as well move it either to . . . Andy interjected that if we move it, we'll have to go before the City Commission and ask them if we can move it. Juan asked; why couldn't it be fit in there? Sid replied that in that spot, it created as many problems as it did benefits. So if there was an easier location, they could start moving ahead on the Art Park and on Art in Public Places. We spent an awful lot of time with it. We should know by the next meeting what Sabina says, then we can move on to another thing. After that tour, that changed our looks and thoughts. I just want to see something happen quicker than it is and this way action can be taken on the Art Park continually while we're still doing other projects instead of having the whole Art Board just concerned with the Reed Rockets and the Art Park. There's not very much economy in motion. Andy commented that a wise guy told him the other day that money sitting in a checkbook is worthless, it should be used. Linda asked, and you call it wise? Andy answered, yes; it's in the economy, it's helping everybody. Are we going to move on to something else and let Reed Rockets dangle there? Sid replied that it won't have to dangle anymore. It depends on what we all say. We can also get in touch with the artist to see how he feels so that by the next meeting we should have enough data to decide whether it moves to the other ones or stick with the original thing, but not spend any more time on the things people are worried about it in that location. Andy asked if we have to go before the Commission again. Juan answered that he thinks it would be a good idea eventually to inform the Commission. Juan recommended that if we want to split the money, say take \$2,000.00 and move on a project with an RFP at the Healing Waters Plaza, let's just do that and not talk about any other site. Let's take care of one site with an RFP and go

through the process. Once the template/process is laid out, then we can easily implement it on something else. Let's focus on the product with an RFP for one project for \$2,000.00. Sid asked Juan if he wanted to make that a motion. Juan said he'll make that as a motion. Jagger seconded it and it carried. Linda stated, so we're creating the RFP for \$2,000.00 at the Healing Waters Plaza. Do you have any specifics about what you want it made of or the size? That would determine the RFP. Andy replied that we should take Juan's advice and look for a low spot and make it better. If there's a flooding spot, put something on a pedestal and that will take care of that. That's a great idea if we can come up with something like that. For a \$2,000.00 piece, that's a pretty big piece of art. Juan remarked that when the RFP is put together, it will be up to the artist to make that proposal. Linda commented that what you're really doing is breaking up the grassy area. You can't play Frisbee in it if it's going to be . . . Andy interjected, is that where the flooding is, in the grassy area? Juan answered; yes, it's in the far end. Sid commented that you don't want anybody playing Frisbee there anyway. Juan added that he doesn't think it's safe to be playing Frisbee there anyway. Sid agreed. Andy commented that if we decide to do that, it will be really easy for us to walk over there and take a better look now that we know that the 5 star park is going to get a \$2,000.00 art project. Maybe the Board should go back over there and get on the physical plain and look at it. Jagger commented that there are several sites that lend itself to art, not just the one place. Juan asked if you have to designate the area, why not just get a proposal. Linda stated that designating the area determines the size. If you are going to put it in a planter, it's going to be a much smaller thing than it would be if it's out. Andy recommended giving a roundabout size and say that it's to be determined depending on what the proposals are, right or is that crazy? Eduardo suggested giving the artists the dimensions and that way it won't be too big for the space later on. Sid said we can also show them where it is. He also said that Joe Waldrum would have a small painting and put it on a huge wall because that painting was able to hold the wall. There were some other paintings that were very large and it would be on a large wall and it wouldn't fit, sometimes it would fit too. You don't have to restrict whether you give the artist space this big or double the size of where we are; it doesn't necessarily mean that what they build to make it hold your eye has to be big because it's in a bigger space. It can still sometimes be small and be so attractive that it's going to get more interesting. Andy asked if we're considering a mural on the wall. Sid replied that he didn't know if we could touch that building. Linda answered no, it's a historic building. Juan stated that he would have to check with SHPO, State Historic Preservation Office. Sid said that using the \$2,000.00 would be part of that too, that wall needs to be repaired. Steve Green was going on about that, where the paint is falling off of it. That would be a double bang for your buck. Linda added that the way the trumpet vines are planted along the back pillars and they are starting to grow, once they keep growing, they will have less visibility probably back there as well. Eduardo asked Linda if she had some ideas of good spots to put artwork there. Linda replied that she will walk over to the Plaza with the Board and look at it. She mentioned that there are a couple of opportunities: in those rocks there's possibility and in the planters there's possibility. Andy remarked that the whole place is nothing but possibilities. He doesn't know if we need to pick a spot or have an artist come in and pick a spot. Eduardo stated that you need to think of when you have activities there, that they are not in the way of the crowds. Sid commented that if you have a plat that shows places where we can't do it because of something underground, we can narrow the spaces

down and just be inclusive with as many as we can put there and then let the artist pick. Eduardo responded that he thinks we should decide on which area for the artwork and then the artist can focus on that spot. If you give them unlimited space, they all want to get creative and decide which . . . Sid interjected; then it's up to us to approve one of those.

Sid asked if we should adjourn the meeting and then go to the Plaza to look. Juan Fuentes moved to adjourn, Andy Underwood seconded it and it carried.

Linda Sparks reminded the Board that they needed to schedule the next meeting.

**COMMENTS FROM THE PUBLIC ARTS ADVISORY BOARD:**

No other comments other than the ones made during the discussions recorded above were made.

**TIME, PLACE AND DATE OF NEXT MEETING:**

One Board member stated he would not be here until the 5<sup>th</sup> of February. Linda DeMarino added that Sabina won't have the conceptual design ready until the end of February so March would be a good time. The next meeting of the Board was scheduled for Monday, March 19, 2018, at 4:00 P.M. at the Administration Annex.

**ADJOURN:**

There being no further business to come before the Board, the meeting was adjourned at 4:35 P.M. Juan Fuentes moved to adjourn, seconded by Andy Underwood and it carried.

**ATTEST:**

Minutes were approved on March 20, 2018 on a motion made by Juan Fuentes and seconded by Jagger Gustin, and it carried.

*Approved for*  
*Linda Sparks*  
\_\_\_\_\_  
Linda Sparks  
Secretary



F.4

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

**ITEM:**

Approval of out of state travel for Judge Sanders.

**BACKGROUND:**

Attending National Judges Association Conference representing New Mexico Courts of Limited Jurisdiction

**STAFF RECOMMENDATION:**

Informing of travel & reason for attending. Court's Budget permits

**SUPPORT INFORMATION: see attached.**

Name of Presenter: Beatrice Sanders, Judge	Department: Municipal Court	Meeting date: 3-28-18
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**National Judges Association  
2018 Annual Education Conference Agenda**

**Saturday, May 19**

5:00 p.m. ---

Executive Board Reception and Dinner (Location to be determined)

**Sunday, May 20**

8:00-9:00 a.m. ---

Optional Prayer Breakfast (not included in your registration fee)

10:00- Noon ---

Executive Board Meeting (Location to be determined)

Noon ---

Executive Board Lunch (Location to be determined)

1:00-3:00 p.m. ---

Executive Board Meeting (continued)

3:00-5:00 p.m. ---

Registration Table available

5:00-7:30 ---

Welcome Reception, music, and no host bar (location to be announced later)

7:30-11:00 ---

Hospitality in La Quinta Hotel Lobby --- Host bar, from Wise Choice Alternatives

**Monday, May 21**

7:30 ---

Registration

8:00 ---

Welcome --- Conference Co-Chairs Bill Sutton and Judge Rob Krombeen

8:15

Welcome to Arizona --- Robert Brutinel; Vice Chief Justice AZ Supreme Court

8:30-9:45 ---

Judicial Mindset --- Paul Julien; A.O.C.

9:45-10:00 ---

Break

10:00-11:00 ---

Panel Discussion: Pre-judicial Career Backgrounds: Diverse Qualities for Being a Good Judge

11:00-Noon ---

Judicial and Staff Demeanor; Judge Barbara Brown; North Canyon Court

Noon - 1:30 -

Lunch on your own

1:30- 3:00 ---

Implicit Bias Revisited; Gabriel Goltz, AOC

3:00-3:15 ---

Break

3:15-5:15 ---

Veterans Court and Veterans Issues in Lower Courts; Jennifer Harrold, Court Administrator, Lake Havasu Consolidated Courts; and Colene Lowery

6:15-8:30 ---

Dinner, Entertainment and Comedy Show with Comedian Carlos Oscar (Princess Cruise Lines Entertainer of the Year), Family Friendly venue and entertainment.

9:00-11:00 ---

Hospitality in Hotel Lobby - No Host Bar

**Tuesday, May 22**

7:30 - 8:30

(Optional Class) --- Making A Difference; Kansas Judge Tommy Webb

8:30-10:00 -

ETHICS --- Workplace civility and valuing others - Kansas Judge Tommy Webb

10:00-10:15 ---

Break

10:15-Noon ---

Verbal Judo; Judge Rob Krombeen, Williams Courts

Noon-1:30 ---

President's Awards Luncheon

Guest Speaker - "Lessons in Life and Death in Grand Canyon"; Dr. Thomas Myers, Co-Author of the best selling novel, *Over the Edge, Death in Grand Canyon*; National Outdoor Book Award Winner

1:30- 3:00 ---

Social Media Ethics; Judge Nicole Laurin, Gilbert Municipal Court

3:00-3:15 ---

Break

3:15-4:15 ---

Understanding Alcohol, Dr. Thomas Myers, Co-Author of best selling novel, *Over the Edge, Death in Grand Canyon*; national outdoor book award winner.

4:45-6:00 ---

Bearizona Wildlife Theme Park (take jacket if needed)

6:00-8:00 -

Dinner and Foundation Auction at Bearizona Canyonlands Restaurant

8:00-11:00 -

Hospitality in the Hotel Lobby - No host bar

**\*\* continued from previous page**

## **Agenda, Page 2**

### **Wednesday, May 23**

- 8:30-9:30 -** (Optional Class); Workplace Conflict, Heidi Lofgren, Flagstaff Court Administrator, and Darci Jensen, Williams Courts.
- 10:00 - 12:00** (Possible optional Class for those not going to the Grand Canyon)  
**\*\* To Be Determined**
- 1:30-3:30** (Possible optional Class for those not going to the Grand Canyon)  
**\*\* To Be Determined**
- 9:45 a.m. - 5:00** Board busses for Grand Canyon Imax Theatre, lunch at Tusayan (provided), and Grand Canyon National Park. Bring a light jacket and a camera!
- Evening -**  
**5:30-11:00** Dinner on your own  
Hospitality in the Hotel Lobby - No Host bar

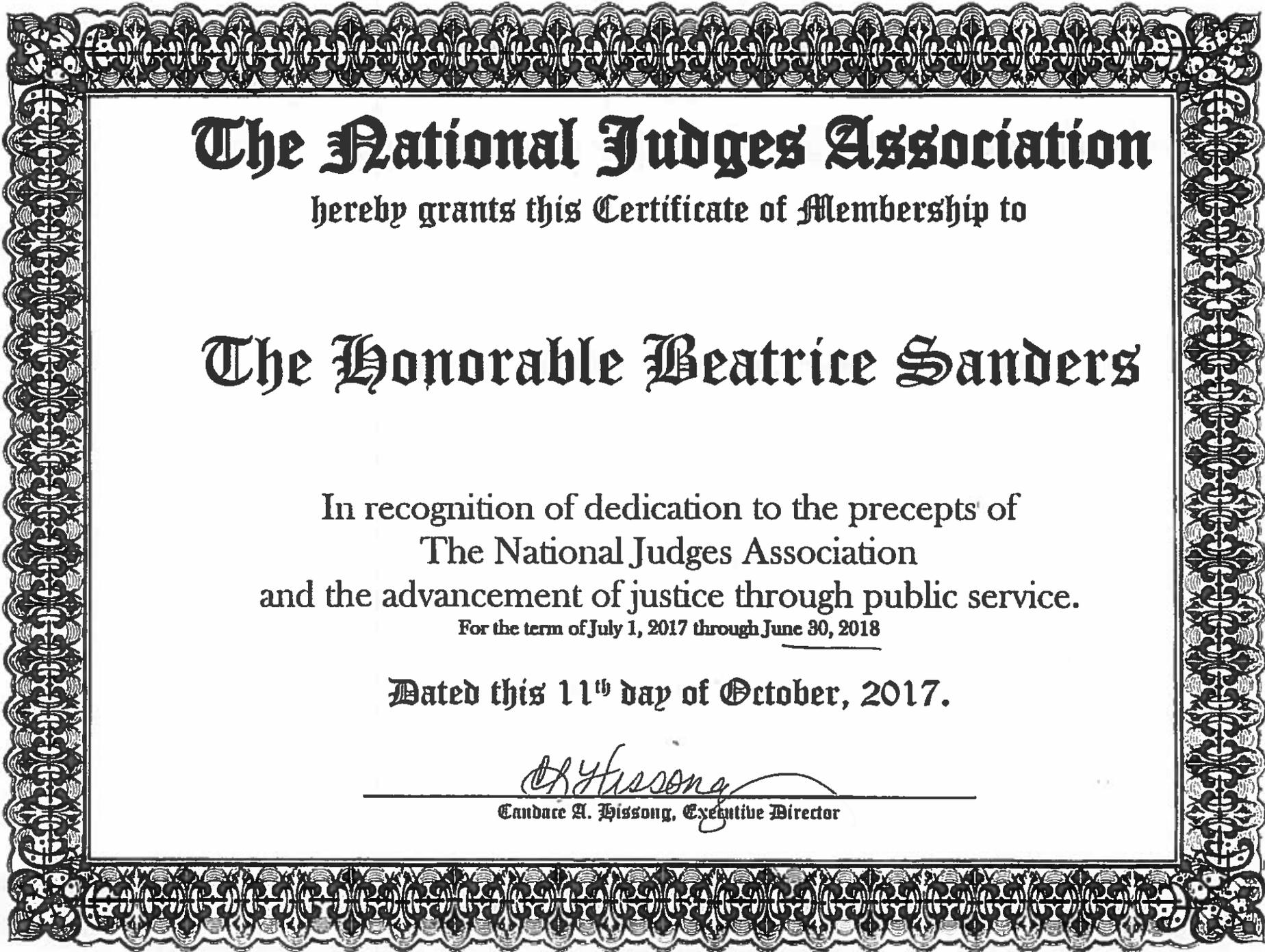
### **Thursday, May 24**

- 7:30-8:30 -** Optional (if needed); Arizona Magistrate's Association Meeting
- 8:30-10:00 ---** "Fair Justice for All; A Nationwide Trend" - Don Jacobson; AOC
- 10:00-10:15 -** Break
- 10:15-11:30 ---** Court Cyber Security; Dyani Juarez; Casa Grande Muni Court Administrator
- 11:30-1:00 -** Lunch on your own and State Caucuses to elect State Directors and Alternate Directors
- 1:00-2:00 ---** Optional Class for Arizona Judges; Current Legislative Issues; Jerry Landau and Paul Julien; A.O.C.
- 2:00-4:30 ---** Foundation Meeting followed by the General Membership Meeting and Elections
- 4:30-6:00** Hospitality at Hotel Lobby - No Host Bar
- 6:00-8:00 -** End of Conference Banquet and MacEachern Award presentation. Attire normally is Semi- Formal.

### **Friday, May 25**

- 9:00 a.m. ---** Newly Elected Executive Board Breakfast and meeting (Location to be Determined)

- **The week provides 15-20 hours of Judicial Education. Some of the hours are optional classes.**
- **Have a Safe Trip Home! Thanks for Coming!**



# The National Judges Association

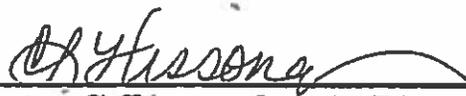
hereby grants this Certificate of Membership to

## The Honorable Beatrice Sanders

In recognition of dedication to the precepts of  
The National Judges Association  
and the advancement of justice through public service.

For the term of July 1, 2017 through June 30, 2018

Dated this 11<sup>th</sup> day of October, 2017.



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Candace A. Hissong, Executive Director

G.1



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

**ITEM:**

Discussion/Action: Ordinance No. 693 for publication amending Section 8-38 of the Municipal Code for Unlawful Carrying of a Concealed Weapon. Mike Apodaca, Police Chief and Jay Rubin, City Attorney.

**BACKGROUND:**

Our current ordinance pertaining to the offense of Unlawful Carrying of a Concealed Weapon was adopted in 1962 and is obsolete. The amended ordinance is similar to the state statute.

**STAFF RECOMMENDATION:**

Approve the ordinance for publication.

**SUPPORT INFORMATION:**

Support Ordinance and comparable State Statute.

Name of Presenter:	Department:	Meeting date:
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## CITY OF TRUTH OR CONSEQUENCES

### ORDINANCE No. 693

#### AN ORDINANCE AMENDING THE CITY OF TRUTH OR CONSEQUENCES MUNICIPAL CODE OF ORDINANCES, BY AMENDING SECTION 8-38 OF THE CODE PERTAINING TO THE OFFENSE OF UNLAWFUL CARRYING OF A CONCEALED WEAPON

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS, CITY COMMISSIONERS OF THE CITY OF TRUTH OR CONSEQUENCES:

*Section one.* That section 8-38 of the criminal offenses code of the Code of Ordinances of the City of Truth or Consequences be amended so that such section shall read as follows:

**Sec. 8-38. - ~~CARRYING CONCEALED DEADLY WEAPONS.~~  
UNLAWFUL CARRYING OF A CONCEALED WEAPON**

~~(a) Unlawfully carrying a concealed deadly weapon consists of carrying a deadly weapon concealed in a manner making it not readily visible on the person, or in close proximity thereto, making it readily accessible for use. Nothing in this section is construed to prohibit the carrying of such weapon:~~

~~(1) In a person's residence or on real property belonging to him as owner, tenant, lessee, or licensee;~~

~~(2) In a private vehicle when traveling interstate;~~

~~(3) By a peace officer as defined by New Mexico Statutes; or~~

~~(4) Any unloaded firearm.~~

~~(b) Deadly weapon means any firearm, whether loaded or unloaded; or any weapon which is capable of producing death or great bodily harm, including but not restricted to any types of daggers, brass knuckles, switchblade knives, bowie knives, poniards, butcher knives, dirk knives, and all such weapons with which dangerous cuts can be given; or with which dangerous thrusts can be inflicted, including swordcanes, and any kind of sharp pointed canes; also slingshots, slung shots, bludgeons, or any other weapons with which dangerous wounds can be inflicted.~~

A. "Deadly weapon" means any firearm, whether loaded or unloaded; or any weapon which is capable of producing death or great bodily harm, including but not restricted to any types of daggers, brass knuckles, switchblade knives, bowie knives, poniards, butcher knives, dirk knives, and all such weapons with which dangerous cuts can be given; or with which dangerous thrusts can be inflicted, including swordcanes, and any kind of sharp pointed

canes; also slingshots, slung shots, bludgeons, or any other weapons with which dangerous wounds can be inflicted.

- B. "Carrying a deadly weapon" means being armed with a deadly weapon by having it on the person, or in close proximity thereto, so that the weapon is readily accessible for use.
- C. Unlawful carrying of a deadly weapon consists of carrying a concealed loaded firearm or any other type of deadly weapon anywhere, except in the following cases:
  - 1. In the person's residence or on real property belonging to him as owner, lessee, tenant or licensee;
  - 2. In a private automobile or other private means of conveyance, for lawful protection of the person's or another's person or property;
  - 3. By a peace officer in accordance with the policies of his law enforcement agency who is certified pursuant to the Law Enforcement Training Act [29-7-1 NMSA 1978];
  - 4. By a peace officer in accordance with the policies of his law enforcement agency who is employed on a temporary basis by that agency and who has successfully completed a course of firearms instruction prescribed by the New Mexico law enforcement academy or provided by a certified firearms instructor who is employed on a permanent basis by a law enforcement agency; or
  - 5. By a person in possession of a valid concealed handgun license issued to him by the department of public safety pursuant to the provisions of the Concealed Handgun Carry Act [29-19-1 NMSA 1978].
- D. Nothing in this section shall be construed to prevent the carrying of any unloaded firearm.

**Section two.** All other provisions of the aforementioned codes not specifically amended by this ordinance, shall remain unchanged and in full force and effect as written.

**Section three.** Effective date. The provisions of this Ordinance shall become effective five (5) days upon the publishing of its adoption.

**PASSED, APPROVED, and ADOPTED by the GOVERNING BODY of the CITY OF TRUTH OR CONSEQUENCES this \_\_\_ day of \_\_\_\_\_, 2018.**

\_\_\_\_\_  
Steve Green, Mayor

ATTEST:

\_\_\_\_\_  
Renee L. Cantin, City Clerk

## ORDINANCE NO. 693 STATUTES & CODE OF ORDINANCES REFERENCES

### New Mexico Statutes Annotated

#### **30-7-1. "Carrying a deadly weapon".**

"Carrying a deadly weapon" means being armed with a deadly weapon by having it on the person, or in close proximity thereto, so that the weapon is readily accessible for use.

**History:** 1953 Comp., § 40A-7-1, enacted by Laws 1963, ch. 303, § 7-1.

#### **30-7-2. Unlawful carrying of a deadly weapon.**

A. Unlawful carrying of a deadly weapon consists of carrying a concealed loaded firearm or any other type of deadly weapon anywhere, except in the following cases:

(1) in the person's residence or on real property belonging to him as owner, lessee, tenant or licensee;

(2) in a private automobile or other private means of conveyance, for lawful protection of the person's or another's person or property;

(3) by a peace officer in accordance with the policies of his law enforcement agency who is certified pursuant to the Law Enforcement Training Act [Chapter [29](#), Article [7](#) NMSA 1978];

(4) by a peace officer in accordance with the policies of his law enforcement agency who is employed on a temporary basis by that agency and who has successfully completed a course of firearms instruction prescribed by the New Mexico law enforcement academy or provided by a certified firearms instructor who is employed on a permanent basis by a law enforcement agency; or

(5) by a person in possession of a valid concealed handgun license issued to him by the department of public safety pursuant to the provisions of the Concealed Handgun Carry Act [Chapter [29](#), Article [19](#) NMSA 1978].

B. Nothing in this section shall be construed to prevent the carrying of any unloaded firearm.

C. Whoever commits unlawful carrying of a deadly weapon is guilty of a petty misdemeanor.

**History:** 1953 Comp., § 40A-7-2, enacted by Laws 1963, ch. 303, § 7-2; 1975, ch. 134, § 1; 1985, ch. 174, § 1; 2001, ch. 219, § 13.

## **City of Truth or Consequences Municipal Code**

### **Sec. 8-38. - Carrying concealed deadly weapons.**

(a) Unlawfully carrying a concealed deadly weapon consists of carrying a deadly weapon concealed in a manner making it not readily visible on the person, or in close proximity thereto, making it readily accessible for use. Nothing in this section is construed to prohibit the carrying of such weapon:

- (1) In a person's residence or on real property belonging to him as owner, tenant, lessee, or licensee;
- (2) In a private vehicle when traveling intercity;
- (3) By a peace officer as defined by New Mexico Statutes; or
- (4) Any unloaded firearm.

(b) Deadly weapon means any firearm, whether loaded or unloaded; or any weapon which is capable of producing death or great bodily harm, including but not restricted to any types of daggers, brass knuckles, switchblade knives, bowie knives, poniards, butcher knives, dirk knives, and all such weapons with which dangerous cuts can be given; or with which dangerous thrusts can be inflicted, including swordcanes, and any kind of sharp pointed canes; also slingshots, slung shots, bludgeons, or any other weapons with which dangerous wounds can be inflicted.

(Code 1962, § 6-1-2-8)

G.2



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

**ITEM:**

Discussion/Action: Ordinance No. 694 for publication amending Section 8-39 of the Municipal Code for Negligent use of a Deadly Weapon. Mike Apodaca, Police Chief and Jay Rubin, City Attorney.

**BACKGROUND:**

Our current ordinance pertaining to the offense of Negligent use of a Deadly Weapon was adopted in 1962 and is obsolete. The amended ordinance is similar to the state statute, with some minor changes.

**STAFF RECOMMENDATION:**

Approve the ordinance for publication.

**SUPPORT INFORMATION:**

Support Ordinance and comparable State Statute.

Name of Presenter:	Department:	Meeting date:
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**CITY OF TRUTH OR CONSEQUENCES**

**ORDINANCE No. 694**

**AN ORDINANCE AMENDING THE CITY OF TRUTH OR CONSEQUENCES  
MUNICIPAL CODE OF ORDINANCES, BY AMENDING SECTION 8-39 OF THE  
CODE PERTAINING TO THE OFFENSE OF NEGLIGENT USE OF A DEADLY  
WEAPON**

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS, CITY COMMISSIONERS OF THE CITY OF TRUTH OR CONSEQUENCES:

*Section one.* That section 8-39 of the criminal offenses code of the Code of Ordinances of the City of Truth or Consequences be amended so that such section shall read as follows:

**Sec. 8-39. – NEGLIGENT USE OF A DEADLY WEAPON.**

~~(a) Negligent use of a weapon consists of either:~~

- ~~(1) Unlawfully discharging a weapon within the City limits;~~
- ~~(2) Carrying any deadly weapon while under the influence of an intoxicant, narcotic, drug, stimulant and depressant or by one who is incompetent.~~
- ~~(3) Endangering life or property of another by mishandling a deadly weapon.~~
- ~~(4) Selling, loaning or furnishing any deadly weapon to a person with knowledge that the person is under the influence of an intoxicant, narcotic, drug, stimulant, depressant, or to one who is incompetent.~~

~~(b) It shall not be a violation of this section for a person to discharge a weapon during a special event when such person has obtained the prior written permission from the City Manager or Chief of Police.~~

**A. Negligent use of a deadly weapon consists of:**

- 1) Carrying a firearm while under the influence of an intoxicant or narcotic;
- 2) Endangering the safety of another by handling or using a firearm or other deadly weapon in a negligent manner; or
- 3) Discharging a firearm within one hundred fifty (150) yards of a dwelling or building, not including abandoned or vacated buildings on public lands during hunting seasons, without the permission of the owner or lessees thereof.

**B. The provisions of Paragraph (1), (3) and (4) of Subsection A of this section shall not apply to a peace officer or other public employee who is required or authorized by law to carry or use a firearm in the course of his employment and who carries, handles, uses or**

discharges a firearm while lawfully engaged in carrying out the duties of his office or employment.

C. The exceptions from criminal liability provided for in Subsection B of this section shall not preclude or affect civil liability for the same conduct.

D. It shall not be a violation of this section for a person to discharge a weapon during a special event when such person has obtained the prior written permission from the City Manager or Chief of Police

**Section two.** All other provisions of the aforementioned codes not specifically amended by this ordinance, shall remain unchanged and in full force and effect as written.

**Section three.** Effective date. The provisions of this Ordinance shall become effective five (5) days upon the publishing of its adoption.

**PASSED, APPROVED, and ADOPTED by the GOVERNING BODY of the CITY OF TRUTH OR CONSEQUENCES this \_\_\_\_day of \_\_\_\_\_, 2018.**

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Steve Green, Mayor

ATTEST:

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Renee L. Cantin, City Clerk

## ORDINANCE NO. 694 STATUTES & CODE OF ORDINANCES REFERENCES

### New Mexico Statutes Annotated

#### **30-7-4 . Negligent use of a deadly weapon.**

A. Negligent use of a deadly weapon consists of:

- (1) discharging a firearm into any building or vehicle or so as to knowingly endanger a person or his property;
- (2) carrying a firearm while under the influence of an intoxicant or narcotic;
- (3) endangering the safety of another by handling or using a firearm or other deadly weapon in a negligent manner; or
- (4) discharging a firearm within one hundred fifty yards of a dwelling or building, not including abandoned or vacated buildings on public lands during hunting seasons, without the permission of the owner or lessees thereof.

B. The provisions of Paragraphs (1), (3) and (4) of Subsection A of this section shall not apply to a peace officer or other public employee who is required or authorized by law to carry or use a firearm in the course of his employment and who carries, handles, uses or discharges a firearm while lawfully engaged in carrying out the duties of his office or employment.

C. The exceptions from criminal liability provided for in Subsection B of this section shall not preclude or affect civil liability for the same conduct.

Whoever commits negligent use of a deadly weapon is guilty of a petty misdemeanor.

**History:** 1953 Comp., § 40A-7-3, enacted by Laws 1963, ch. 303, § 7-3; 1977, ch. 266, § 1; 1979, ch. 79, § 1; 1993, ch. 139, § 1.

### City of Truth or Consequences Municipal Code

- Sec. 8-39. - Negligent use of weapons.

(a) Negligent use of a weapon consists of either:

- (1) Unlawfully discharging a weapon within the City limits;
- (2) Carrying any deadly weapon while under the influence of an intoxicant, narcotic, drug, stimulant and depressant or by one who is incompetent.
- (3) Endangering life or property of another by mishandling a deadly weapon.
- (4) Selling, loaning or furnishing any deadly weapon to a person with knowledge that the person is under the influence of an intoxicant, narcotic, drug, stimulant, depressant, or to one who is incompetent.

(b) It shall not be a violation of this section for a person to discharge a weapon during a special event when such person has obtained the prior written permission from the City Manager or Chief of Police.

(Code 1962 § 6-1-2-9; Ord. No. 391, 6-8-92)

- Sec. 8-40. - False identification.

It is unlawful for any person to exhibit any fictitious or false registration card, identification card, note, or other instrument for the purpose of consummating any transaction whatsoever within the City, for the purpose of deceiving or misleading any other person as to the true age of such person.

(Code 1962, § 6-1-2-10)



G.3

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

**ITEM: Resolution No. 30 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 March 28, 2018.

<b>Description</b>	<b>Amount</b>	<b>Recommendation</b>
Municipal Street Fund – Transfer In Fund 314 314-8603-39935	\$150,000	Transfer In – CDBG Project
Municipal Pool Fund – Transfer Out Fund 504 504-3803-49930	\$150,000	Transfer Out – CDBG Project

**SUPPORT INFORMATION:**

- Finance Documents as presented.

Name of Drafter: Melissa Torres	Department: : Finance Director	Mtg: 03/28/2018
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## **RESOLUTION NO. 30-17/18**

### **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 28<sup>th</sup> day of March, 2018.

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Steven Green, Mayor

ATTEST:

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Reneé L. Cantin, CMC, City Clerk-Treasurer





CITY OF TRUTH OR CONSEQUENCES  
COMMISSION ACTION FORM

**ITEM:**

Resolution Appeal Hearing for Eugene Kent regarding property at Lot 11, Blk 76 Original Townsite

**BACKGROUND:**

Resolution 24 17/18 to abate a dangerous structure at the above property passed on 2/28/18. Mr. Kent is appealing the resolution because he intends to remove the structure by himself.

**STAFF RECOMMENDATION:**

Deny the appeal and proceed with foreclosure

**SUPPORT INFORMATION:**

- Resolution
- Appeal Form

Name of Drafter: Susanna Diller	Department: Community Development	Meeting date: 3/28/18
E-mail: sdiller@torcnm.org	Phone: 575-894-6673 Ext. 316	

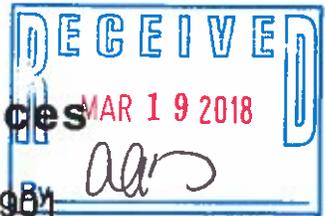


# City of Truth or Consequences

505 Sims Street

Truth or Consequences, New Mexico 87901

City (575) 894-6673 Fax (575) 894-0363



I Ernesto Hernandez, am appealing Resolution 24 17/18 on

(today's date): \_\_\_\_\_ for the following reasons:

missed meeting for first appeal

I understand my appeal hearing will be scheduled for: 3/28/2018, and that failure to attend the hearing will result in the immediate dismissal of my appeal.

[Signature]

Signature

Today's Date



## **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.

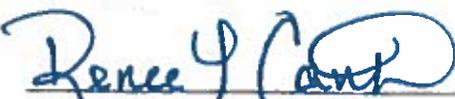
Any entity who can establish an ownership interest in the above-described premises has the right to file an objection to this Resolution with the City Clerk's office located at 505 Sims, Truth or Consequences, NM. Said objection must be filed within ten (10) days of the Resolution being served upon those 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 28<sup>TH</sup> 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



I.1

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

**ITEM:**

Closure of "C" Field, Louis Armijo Sports Complex

**BACKGROUND:**

Recreation Board recommended the closure of "C" Field for the entire year at the Louis Armijo Sports Complex to allow for re-seeding and regeneration of the field

**STAFF RECOMMENDATION:**

Authorize the closure of "C" Field at the Louis Armijo Sports Complex

**SUPPORT INFORMATION:**

1. Rec. Board recommendation.
2. Three pictures to illustrate the condition of "C" Field

Submitted by: O.J. Hechler	Department: Parks	Meeting date: March 14, 2018
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**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, Christie Conklin. Meeting to discuss minutes and recommendations from 2017. Secretary Sheele apologized for absences with new job and girls scouts 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.

### **NEXT RECREATION BOARD MEETING**

**March 5th, 2018**

**Recreation Department Building  
2800 S. Broadway 6PM**









I.2

CITY OF TRUTH OR CONSEQUENCES  
COMMISSION ACTION FORM

**ITEM:**

Lodger's Tax Guidelines

**BACKGROUND:**

The new Lodger's Tax Advisory Board has expressed interest in revising the guidelines that are used for funding. They will be holding a Special Meeting on Thursday, March 22<sup>nd</sup> and if there are any recommendations, they will be distributed separately for this meeting.

**STAFF RECOMMENDATION:**

None.

Submitted by: Renee Cantin, City Clerk-Treasurer

Meeting date: 03/28/2018



**CITY OF TRUTH OR CONSEQUENCES  
CITY MANAGER'S OFFICE  
505 SIMS STREET  
TRUTH OR CONSEQUENCES, NEW MEXICO 87901  
PHONE: (575) 894-6673 EXT 320 FAX: (575) 894-0363**

**COMMISSION ACTION FORM**

**ITEM:**

*Subrecipient Applications for FY 2018/19*

**BACKGROUND:**

*The deadline for applications for FY 2018/19 was March 16, 2018. A total of 12 applications were submitted by the deadline for a sum of \$123,114.00. Review and allocate funds.*

**STAFF RECOMMENDATION:**

Review and allocate.

**SUPPORT INFORMATION:**

Applications with Required Documentation  
Recap Sheet  
Allocation Worksheet

Name of Drafter: Kristin Saavedra	Department: City Manager's Office	Meeting: 3/28/18
E-mail: <a href="mailto:kssaavedra@torcnm.org">kssaavedra@torcnm.org</a>	Phone: 575-894-6673 Ext. 320	

**CITY OF TRUTH OR CONSEQUENCES**

**2018/2019 SUBRECIPIENT GRANT AWARDS**

**FY 2018/19 FUND:** \_\_\_\_\_

**DEADLINE: 03/16/18**

*APPLICATIONS REQUIRE CURRENT PROOF OF NONPROFIT STATUS WITH IRS & SOS.*

Updated: 3/19/18

<b>NAME OF ORGANIZATION GENERAL FUND (GL #101-1000-60725)</b>	<b>FY 2015/16 AWARD</b>	<b>FY 2016/17 APPROVED</b>	<b>FY 2017/18 APPROVED</b>	<b>FY 2018/19 REQUESTED</b>	<b>FY 2018/19 APPROVED</b>
Companion Animal Action Team (CAAT)	\$1,000.00	\$1,000.00	\$1,500.00	\$1,500.00	
Domestic Abuse Intervention Center (DAIC)	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00	
Matthew 25 Food Pantry	\$6,000.00	\$6,000.00	\$7,200.00	\$7,200.00	
Mesilla Park Healing Arts (new applicant)	N/A	N/A	N/A	\$1,500.00	
New Mexico Off Highway Vehical Alliance (new applicant)	N/A	N/A	N/A	\$6,000.00	
Sierra Joint Office on Aging (SJOA) *	\$24,000.00	\$24,000.00	\$40,435.00	\$46,814.00	
The Club of Sierra County (new applicant)	N/A	N/A	N/A	\$10,000.00	
Wildflowers (Formerly The Bountiful Alliance-Bountiful Babies) (City learned 10/11/17 that Wildflowers was incorporated with nonprofit status in May, 2017; after applying under TBA-BB 3/14/17.)	Utilities**	**	\$1,500.00	\$1,000.00	
<b>TOTALS</b>	<b>\$33,500.00</b>	<b>\$33,500.00</b>	<b>\$53,135.00</b>	<b>\$76,514.00</b>	<b>\$0.00</b>

Budget Balance  
101-1000-60725

\$0.00

\* SJOA receives \$6,000-\$7,000 in paid utilities annually.

**ADDITIONAL FUNDING REQUESTS**

**LODGERS TAX FUND / O&M**

Friends of Elephant Butte State Park	\$1,000.00	\$1,000.00	\$1,000.00	\$2,000.00	
Geronimo Springs Museum	\$3,500.00	\$3,500.00	\$3,500.00	\$4,600.00	
Geronimo Trail Scenic Byway, Inc.	\$3,500.00	\$3,500.00	\$5,000.00	\$5,000.00	
MainStreet Truth or Consequences	\$30,000.00	\$35,000.00	\$35,000.00	\$35,000.00	

LODGERS TAX TOTALS	<u>\$38,000.00</u>	<u>\$43,000.00</u>	<u>\$44,500.00</u>	<u>\$46,600.00</u>	<u>\$0.00</u>
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Distribution: A/P, Finance, City Clerk

<b>GRAND TOTALS</b>	<u><b>\$71,500.00</b></u>	<u><b>\$76,500.00</b></u>	<u><b>\$97,635.00</b></u>	<u><b>\$123,114.00</b></u>	<u><b>\$0.00</b></u>
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## SUBRECIPIENT GRANT APPLICANTS

FY 2018/2019

(Deadline for Applications 3/16/18)

(City Commission Meeting 3/28/18)

ORGANIZATION	DATE RECEIVED
1) Companion Animal Action Team (CAAT) ..... <i>Request \$1,500 – Application signed, current proof of nonprofit status was provided, and 2017 Income Expense document was included.</i>	3/16/18
2) Domestic Abuse Intervention Center (DAIC) ..... <i>Request \$2,500 – Application signed, current proof of nonprofit status was provided, Audited Financial Statements 2015 and 6/30/16 included; second year that 2015/2016 financials were submitted; did not receive 2017 financials; my opinion, application is incomplete.</i>	3/13/18
3) Friends of Elephant Butte Lake State Park ..... <i>Request \$2,000 – Application signed, current proof of nonprofit status SOS was provided, E-notice of Form 990 for Tax year 2017 was included, do not have current IRS status of Non-profit. Profit and Loss document included; my opinion, application is incomplete.</i>	3/15/18
4) Geronimo Springs Museum ..... <i>Request \$4,600 – Application signed, proof of nonprofit status was included; did not submit financials; submitted Charity Agent Form; my opinion, application is incomplete.</i>	3/16/18
5) Geronimo Trail Scenic Byway ..... <i>Request \$5,000 – Application was not signed, current proof of nonprofit status was not complete as entity names do not match and proof is not current; did not submit financials; my opinion, application is incomplete.</i>	3/12/18
6) MainStreet Truth or Consequences ..... <i>Request \$35,000 – Application signed, current proof of nonprofit status was provided; Profit and Loss statement was provided.</i>	3/08/18
7) Matthew 25 Food Pantry ..... <i>Request \$7,200 – Application signed, current proof of nonprofit status was provided; 2017 Profit &amp; Loss Statement was provided; 2017 client numbers &amp; statistics was included.</i>	3/13/18
8) Mesilla Park Healing Arts ..... <i>Request \$1,500 – Application signed, current proof of nonprofit status was provided, however, none of the physical locations match the physical address on the application, this organization is based out of Las Cruces, NM; they listed two other business that belong to them, however, do not show upon their IRS form; menu and reservation documents included; did not submit financials; my opinion, application is incomplete.</i>	3/15/18

- 9) **New Mexico Off Highway Vehicle Alliance** ..... 3/15/18  
*Request \$6,000 – Application signed, current proof of nonprofit status with SOS was submitted; current IRS proof and financials were not submitted; my opinion, application is incomplete.*
- 10) **Sierra Joint Office on Aging (SJOA)** ..... 3/16/18  
*Request \$46,814 – Application signed, proof of nonprofit status was provided; financial statements for FYE 2016 and 2017 were included.*
- 11) **The Club of Sierra County** ..... 3/07/18  
*Request \$10,000 – Application signed, current proof of nonprofit status was provided, Financial Statements for the year ended in Dec 31, 2016; did not submit 2017 Financials; my opinion, application is incomplete.*
- 12) **Wildflowers** ..... 3/14/18  
*Request \$1,000 – Application signed, current proof of nonprofit status for Wildflowers was provided; Projected Annual Budget for 2018 was provided; did not submit 2017 financials; my opinion, application is incomplete.*

I.4



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

**DISCUSSION/ACTION:**

To authorize City staff to proceed forward with advertising/listing the sale of 613 Gold Street, 808 Maple Street, and 309 Birch Street, all located within the City Limits of Truth or Consequences.

**BACKGROUND:**

Properties located at 613 Gold Street, 808 Maple Street, and 309 Birch Street have been acquired thru condemnation foreclosure and the City is now the sole owners. Properties have been cleared of blight structures and appraised for current value. These properties are now available to be sold.

**SUPPORT INFORMATION:**

- PP Presentation

**STAFF RECOMMENDATION:**

To proceed forward with advertising/listing the properties for sale

Name of Drafter: Traci Burnette	Department: Community Development	Meeting date: 3-28-2018
E-mail: <a href="mailto:tburnette@torcnm.org">tburnette@torcnm.org</a>	Phone: 575-894-6673 ext. 353	Presenter: Traci Burnette

# 613 GOLD STREET

50'x140' Lot with Garage

Appraisal done 11/30/2017 - \$12,250.00

City's cost for remediation and acquisition: \$14,400.00 est.

Property is located in R-3 District

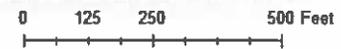
Site Built or Mobile Home Permitted

Area View: 613 Gold St



Gold St  
East 7th Ave

Source: ESRI, DeLorme, GeoEye, Earthstar, United Technologies, IGN, Intermap, Inc., Swire, GEBCO, CNES/Airbus DS, USDA, AeroGRID, IGN, and the GIS User Community





613 Gold Street  
Prior to City Acquisition



# 613 Gold Street

After City remediation



# 808 MAPLE STREET

90'x140' Lot

Appraisal done 11/30/2017 - \$19,500.00

City's cost for remediation and acquisition: \$10,000.00 est.

Property is located in R-3 District

Site Built or Mobile Home Permitted

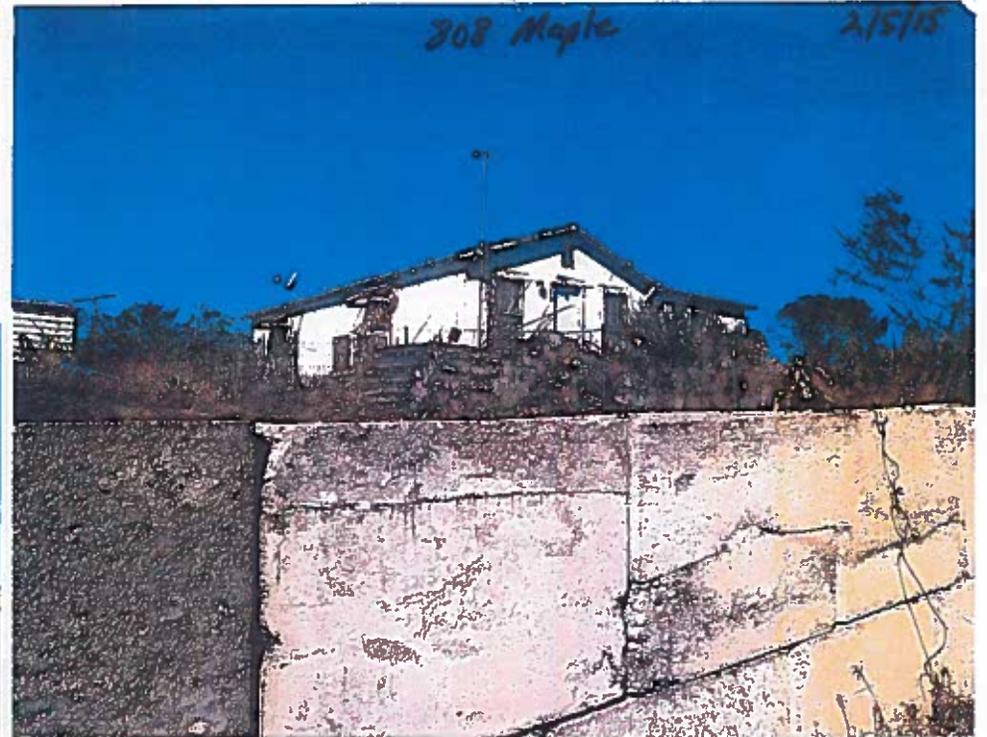
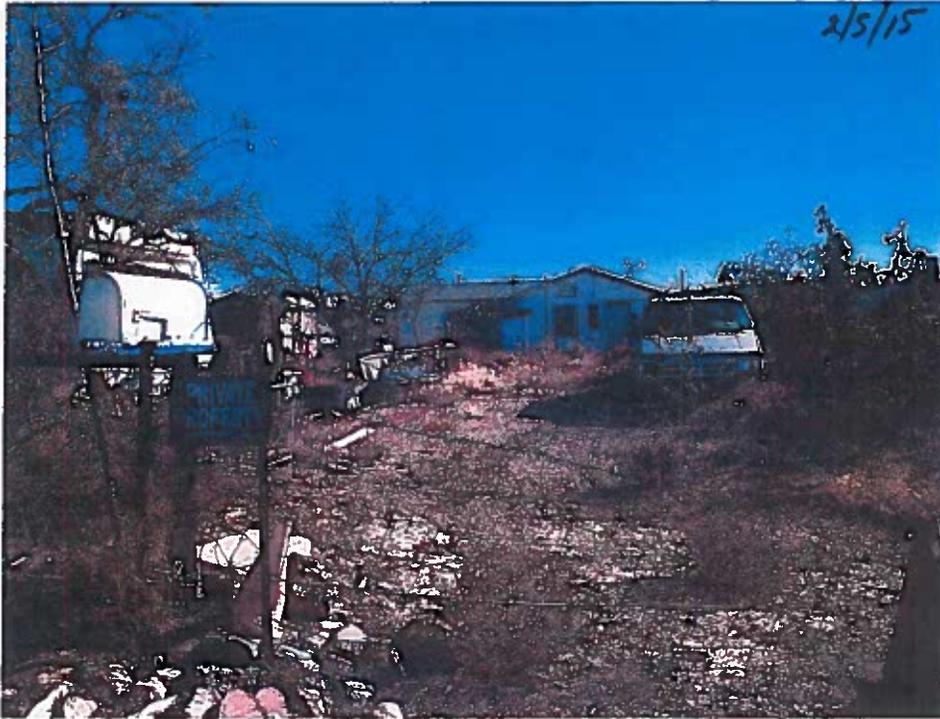
Last Utility Access 2006





# 808 Maple Street

Prior to City Acquisition



# 808 Maple Street

After City remediation



# 309 BIRCH STREET

60'x140' Lot (Limited Commercial Zone C1)

Appraisal done 11/30/2017 - \$15,000.00

City's cost for remediation and acquisition: \$9,200.00 est.

Property is located in C-1 District

Site Built or Mobile Home or Business Permitted

Last Utility Access 2000





# 309 Birch Street

Prior to City Acquisition



# 309 Birch Street

After City remediation

