

Sandra Whitehead
Mayor

Kathy Clark
Mayor Pro-Tem

Rolf Hechler
Commissioner



Paul Baca
Commissioner

George Szigeti
Commissioner

Morris Madrid
City Manager

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Truth or Consequences, New Mexico 87901
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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. 3RD ST., ON **TUESDAY**, AUGUST 27, 2019; TO START AT 9:00 A.M.

A. CALL TO ORDER

B. INTRODUCTION

1. ROLL CALL

Hon. Sandra Whitehead, Mayor
Hon. Kathy Clark, Mayor Pro-Tem
Hon. Rolf Hechler, Commissioner
Hon. Paul Baca, Commissioner
Hon. George Szigeti, Commissioner

2. SILENT MEDITATION

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF AGENDA

C. CONSENT CALENDAR

1. City Commission Special Meeting Minutes, July 29, 2019
2. City Commission Regular Minutes, August 14, 2019
3. Acknowledge the Public Utility Advisory Board Minutes, July 15, 2019
4. Acknowledge the Impact Fee Board Minutes for November 19, 2018

D. ORDINANCES/RESOLUTIONS/ZONING

1. Discussion/Action: Ordinance No. 706 for publication amending Section 11-16 of the Code of Ordinances pertaining to disposal Fees for Residential/Commercial Haulers. City Manager Madrid

E. UNFINISHED BUSINESS

1. Discussion/Action: Live/Work in Downtown Buildings. City Manager Madrid and Kathy Clark, Mayor Pro-Tem
2. Discussion/Actions: Appointment to Sierra County Tourism Advisory Board to replace Mayor Pro-Tem Clark. City Manager Madrid

F. NEW BUSINESS

1. Discussion/Action: Approve the Sub-Contractor Agreement with Truth or Consequences Municipal School District for the 2019-2020 Juvenile Justice Advisory Council (JJAC) through Children, Youth, and Families Division (CYFD). City Manager Madrid
2. Discussion/Action: Award RFP No. 18-19-007 for Advanced Meter Infrastructure (AMI) Project. City Manager Madrid

G. REPORTS

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

H. ADJOURNMENT



NOTICE: As per the approved Rules of Procedure, public comment will take place at the first meeting of the month. Public comment for the second meeting of the month will take place at the Town Hall meeting with City Manager on August 27th at 6:00 pm at the Commission Chambers, 405 W. 4th St.

NEXT CITY COMMISSION MEETING SEPTEMBER 10, 2019



CITY OF TRUTH OR CONSEQUENCES

AGENDA REQUEST FORM

MEETING DATE: August 27, 2019

Agenda Item #: **C.1**

SUBJECT: City Commission Special Meeting Minutes for July 29, 2019

DEPARTMENT: City Clerk's Office

DATE SUBMITTED: August 23, 2019

SUBMITTED BY: Renee Cantin, City Clerk-Treasurer

WHO WILL PRESENT THE ITEM: City Manager Madrid

Summary/Background:

Minutes approval.

Recommendation:

Approve the minutes.

Attachments:

- CC Minutes

Fiscal Impact (Finance): N/A

\$0.00

Legal Review (City Attorney): N/A

None.

Approved For Submittal By: ☐ Department Director

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

Final Approval: ☒ City Manager

CITY CLERK'S USE ONLY - COMMISSION ACTION TAKEN

Resolution No. - Ordinance No. -

Continued To: - Referred To: -

☐ Approved ☐ Denied ☐ Other: -

File Name: CC Agendas 2019/08-27-2019/Word Docs/ C.1 AR 07-29-2019 Special CC Minutes.

CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
CITY COMMISSION CHAMBERS
405 W. 3RD St.
MONDAY, JULY 29, 2019

A. CALL TO ORDER

The meeting was called to order by Mayor Sandra Whitehead at 9:00 a.m., who presided and Renee Cantin, City Clerk-Treasurer, acted as Secretary of the meeting.

B. INTRODUCTION

1. ROLL CALL

Upon calling the roll, the following Commissioners were reported present.

Hon. Sandra Whitehead, Mayor
Hon. Kathy Clark, Mayor Pro-Tem
Hon. Rolf Hechler, Commissioner
Hon. Paul Baca, Commissioner
Hon. George Szigeti, Commissioner

Also Present: Morris Madrid, City Manager
Renee Cantin, City Clerk-Treasurer

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

C. NEW BUSINESS:

1. Discussion/Action: Resolution No. 10 19/20 approving the DFA 4th Quarter Report. Morris Madrid, City Manager and Carol Kirkpatrick, Finance Director:

City Manager Madrid explained that the 4th Quarter Report is required by DFA. The cash report shows the beginning balance of the quarter which is June 30th. DFA will summarize the reports and compare them to what we projected in last year's budget to make sure that we stayed in line with that. Our ending cash balances are healthy throughout the different funds which is good. DFA doesn't want to see any negative ending cash. If there is an excessive cash balance, they will ask why, and we will then explain that they were or will be put into investments.

City Manager Madrid then briefly reported on the following:

- Ending cash balance.
- Revenue Report for General Fund.
- Budget Report Summary for our Expenditures.
- Report of Transfers in and out from different funds.

Commissioner Hechler moved to approve Resolution No. 10 19/20 approving the DFA 4th Quarter Report. Commissioner Szigeti seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

2. Discussion/Action: Resolution No. 11 19/20 adopting the Final Budget for FY 2019-2020. Morris Madrid, City Manager and Carol Kirkpatrick, Finance Director:

City Manager Madrid requested Finance Director Kirkpatrick to give her comments before he gives an overview.

Finance Director Kirkpatrick gave recognition to Accounting Officer Kerin Salcedo and explained that this has been an interesting experience, but everything is going great so far. They will be moving forward and she is looking forward to getting a new chart of accounts implemented.

City Manager Madrid began with a little background from when he presented the preliminary budget and he reviewed the concept on what makes it different and why. He described the changes between last year's budget and this year's preliminary budget.

Cash Balances:

- We now have actual cash balances for June 30th. That is one of the biggest keys to DFA because they want to make sure that we ended our last Fiscal Year in a positive cash balance and we have the reserves to start the current year based on actual numbers.
- We have prior year revenues to use as a guide, and this gives DFA a guide to use as well.
- We also have some information we did not have for our preliminary budget including our final rates for employee benefits. We also had a change in our PERA contribution.
- Our new rates for Risk Management Policies are now incorporated into our new budget. Those rates include our General Liability; Automobile; and everything that is covered by our Self Insurers Fund.
- We have a lot of new rates for individual employee compensation. We are almost done implementing the new Compensation Plans for each individual employee. We are going to move away from cost of living increases and compensation will be based on increased capability, increased certifications, qualifications and experience.
- All evaluations have been completed for the employees except for some of the Department Heads. He is still working on their evaluations as well as the compensation adjustments for some of them.
- The budget will also reflect some of the organizational changes that they have made. They no longer have a Public Works Director and we are eliminating that position. We also eliminated individual Directors of Water and Wastewater. Jesse Cole is the new Director for both departments. We will also generate a position in

CITY COMMISSION JULY 29, 2019 REGULAR MEETING MINUTES

Community Development and we are now advertising for an Events and Tourism Coordinator.

Adjusted ending Cash Balance:

Any number positive to DFA is a good number because not only are we finishing the year with a positive balance, we are finishing the year with enough to start next year's budget, assuming we stay at the same level. Last year our ending cash estimate was around \$40,000 and we ended up with over \$1 million.

Sub-total of investments in the General Fund:

The subtotal in investments for the General Fund of the \$2,326,300 is up \$115,000 from the preliminary budget because we have some cash we believe we can invest for long term, and still have the liquidity that we need. The net cash transfers for the CDBG Fund #314 is a correction of cash fund balances that have been hanging at DFA for a few months. The CDBG Account has been closed for some time. They just haven't approved the way we handle the transfer. For CDBG you have to expend the cash and then you will get reimbursed. A highlight that is listed in the debt serve funds is we increased the investments there up to \$1.4 million which makes it up \$125,000 from the preliminary budget.

Change in Revenue Estimates:

Our actuals we collected in Municipal Taxes last year is \$2,059,985. Our budget is only based on revenues of \$1.868 million so that shows that we are very conservative. We are only estimating revenues at 91% when we could estimate them at 110%.

Transfers In:

There are transfers from the Electric Department due to a larger cash requirement from the General Fund because this is the year that will partially reimburse the Police Department Gross Receipts Tax fund for funds that were expended from there that should have been from the General Fund. The mentioned funds are for the Animal Shelter which is not a public safety issue, so we have to pay that fund back.

Recap Funds:

- Fund 309 - US Department of Agriculture Wastewater Treatment Plant. This is our major project and there was a spike of \$6 million dollars for that item. Those funds must be spent on that project only.
- They combined the Solid Waste Division to the Transfer Station. They used to be two separate funds. They can still track the expenses separately, but there was not a need to have two separate cash accounts and two separate budgets.
- Every piece of this budget is solid and in compliance with DFA, State Auditors, and the Municipal Government Act requirements.

CITY COMMISSION JULY 29, 2019 REGULAR MEETING MINUTES

**Commissioner Szigeti moved to approve Resolution No. 11 19/20 adopting the Final Budget for FY 2019-2020. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer
Motion carried unanimously.**

D. ADJOURNMENT

Mayor Whitehead adjourned the meeting moved to adjourn at 10:51 a.m.

Passed and Approved this 27th day of August, 2019.

Sandra Whitehead, Mayor

ATTEST:

Reneé L. Cantin, CMC, City Clerk



CITY OF TRUTH OR CONSEQUENCES

AGENDA REQUEST FORM

MEETING DATE: August 27, 2019

Agenda Item #: **C.2**

SUBJECT: City Commission Regular Meeting Minutes for August 14, 2019

DEPARTMENT: City Clerk's Office

DATE SUBMITTED: August 23, 2019

SUBMITTED BY: Renee Cantin, City Clerk-Treasurer

WHO WILL PRESENT THE ITEM: City Manager Madrid

Summary/Background:

Minutes approval.

Recommendation:

Approve the minutes.

Attachments:

- CC Minutes

Fiscal Impact (Finance): N/A

\$0.00

Legal Review (City Attorney): N/A

None.

Approved For Submittal By: ☐ Department Director

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

Final Approval: ☒ City Manager

CITY CLERK'S USE ONLY - COMMISSION ACTION TAKEN

Resolution No. - Ordinance No. -

Continued To: - Referred To: -

☐ Approved ☐ Denied ☐ Other: -

File Name: CC Agendas 2019/08-27-2019/Word Docs/ C.2-AR 08-14-2019 CC Minutes.docx.

CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
CITY COMMISSION CHAMBERS, 405 W. 3RD St.
WEDNESDAY, AUGUST 14, 2019

A. CALL TO ORDER

The meeting was called to order by Mayor Sandra Whitehead at 9:00 a.m., who presided and Renee Cantin, City Clerk-Treasurer, acted as Secretary of the meeting.

B. INTRODUCTION

1. ROLL CALL

Upon calling the roll, the following Commissioners were reported present.

Hon. Sandra Whitehead, Mayor
Hon. Kathy Clark, Mayor Pro-Tem
Hon. Rolf Hechler, Commissioner
Hon. Paul Baca, Commissioner
Hon. George Szigeti, Commissioner

Also Present: Morris Madrid, City Manager
Renee Cantin, City Clerk-Treasurer

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

2. SILENT MEDITATION:

Mayor Whitehead asked everyone to remember the victims lost in the tragedies that took place a couple of weeks ago. She also asked that we keep our local children who started school this week in your thoughts and prayers. She then called for fifteen seconds of silent meditation.

3. PLEDGE OF ALLEGIANCE:

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

4. APPROVAL OF AGENDA:

Commissioner Hechler moved to approve removing H.5 Appointment to Sierra County Tourism Advisory Board and Mayor Pro-Tem Clark requested Item G.1 to be pulled to include Discussion/Action on that item for the next agenda and approve the agenda as amended. Commissioner Baca seconded the motion. Motion carried unanimously.

C. COMMENTS FROM THE PUBLIC:

Denise Addie addressed the Commission related to:

- 1) She invited everyone to the September 11, 2019 Memorial Event that will be held at the Veterans Memorial Museum.

Andy Underwood addressed the Commission related to:

- 1) He owns property at the intersection of Foch & Main and it is affected by the loss of the parking spaces on that street. He feels people are driving too fast and he thinks a stop light would ensure better interaction because people would know when to stop and when not to. He's hoping the barriers are not the end solution and they will keep working on it.

Susan Brandt addressed the Commission related to:

- 1) She has the business right at the end of Foch & Main, and the barriers that were placed in the parking spaces are a problem for the handicapped people who often come to her business. She is having them call so she can take the items to their car. She also believes that a stop light would be a better solution to the problem.

Tom Smith, 609 Kruger St. addressed the Commission related to:

- 1) A couple of years ago he received a letter saying the City was going to pave the street from Kruger to 3rd Street as well as 7th Street, but that didn't happen. They only paved up to 6th Street and there is one block between 6th Street and 7th Street that is still not paved. He wants to know if it is in the budget this year to pave that area.

Linda DeMarino, MainStreet Truth or Consequences addressed the Commission related to:

- 1) She is excited about the possible city logo change that is on today's agenda. Our logo is placed on every piece of advertising that goes out for Lodgers Tax and the logo that we are using doesn't do a lot to help us with the marketing of our area. She would like to send a proposal for the new logo to become a product of marketing and branding since the logo is used for marketing materials for Lodgers Tax.

Ron Fenn, 316 N. Foch addressed the Commission related to:

- 1) He feels that a trim package for an electric truck is not needed.
- 2) He is concerned about the payment increase given to Solar Producers.
- 3) He made a rude comment about Commissioner Szigeti's position as a City Commissioner and at that time Mayor Whitehead called a point of order.

Hans Townsend, Chamber of Commerce addressed the Commission related to:

- 1) He feels that a competition for the new logo would be a good idea.

D. RESPONSE TO PUBLIC COMMENTS:

Mayor Pro-Tem Clark responded as follows:

- She appreciates the Commission's understanding for her absence the last couple of months.
- She commented on the barriers placed on Foch Street and Main Street stating the area is a dangerous corner and unfortunately when our town was built they were not thinking about parking in that area.
- She thanked Linda DeMarino for her comments regarding the city logo. She then mentioned that the logo was created in the late 1990's and it may be something we want to re-do, so it is nice to know that MainStreet is willing to help us with that.
- It's very sad to hear all of the criticism towards them at these meetings. She told Commissioner Szigeti that she is very appreciative of his dignity and honor. The rules were followed when they put him into this position, and it was done with the intention of keeping him here.

Commissioner Szigeti responded as follows:

- He knew when he accepted the position it meant there would be a target on his back.
- In response to Mr. Fenn's comments about the trim package; he can understand why someone would look at the trim package and feel it may be a frivolous expense, but he trusts our staff enough to make the right decision with the city's money.
- In response to the article in the paper on public comment at the meetings, the way the letter was wrote it makes it sound like the Commissioners are bundled up and locked away until each meeting, when in fact every one of the Commissioners are available to be reached at any reasonable time. Their contact information is posted on the City website.

City Manager Madrid responded as follows:

- He addressed the comment regarding the trim packages on city vehicles. The State Price Agreement is set up for you to order the basic model, plus any additional features you want on that vehicle. Some of those features may be 4 Wheel Drive, a Towing Package, a Safety Rack or a Mount for an electric generator. All of those things are considered trim packages. Anyone is welcome to look at our city vehicles to see how bare we equip them. He then encouraged the public to meet with him if they have concerns with anything they see in our records.
- He is a former Elected Official, and Public Comment is meant to address the Governing Body as a whole. Anytime someone mentions the name of an Elected Official, the name of an employee or staff member, or the name of a family member of any of those mentioned, that is entirely out of order. He thanked Mayor Whitehead for properly dealing with the situation. It is okay for the public to question things, but individually attacking someone verbally or being

disrespectful does not have a place. You will get a lot more information if you go and see him than if you come up here for 3 minutes.

Mayor Whitehead responded as follows:

Mayor Whitehead thanked everyone for their public comments. Sometimes they don't always respond right away, but they work hard to respond. City Manager Madrid is always available and on the second meeting of the month in the evening where a citizen could even be given more time for their item.

E. CONSENT CALENDAR:

- 1. City Commission Regular Minutes, July 24, 2019**
- 2. Acknowledge Library Advisory Board Minutes, July 29, 2019**
- 3. Acknowledge Airport Advisory Board Minutes, January 8, 2019**
- 4. Accounts Payable, July 2019**

Commissioner Hechler moved to approve the consent calendar as noted. Commissioner Szigeti seconded the motion. Motion carried unanimously.

F. ORDINANCES/RESOLUTIONS/ZONING:

- 1. Discussion/Action: Resolution No. 12 19/20 approving the Loan/Grant Agreement (CIF-4927) and closing documents with the Colonias Infrastructure Board and the New Mexico Finance Authority for Water System Improvements. City Manager Madrid:**

City Manager Madrid called on Grant/Projects Coordinator & Designated Zoning Official Burnette to give the information on this item. He reported this is a Grant for \$81,000 that involves a Loan of \$9,000 and a match of \$10,000.

Grant/Projects Coordinator & Designated Zoning Official Burnette reported on June 26th the Commission approved the acceptance of the award from Colonias. This award is for a Water PER and it will include our entire Municipal Water System which includes our Wells, Booster Station, all of our Distribution lines, the SCADA System and the Cook Street Treatment Plant. Right now our PER only focuses on our downtown water lines and it limits what we can apply for funding, because all of our funding requires some type of a Preliminary Engineering Report. We applied for and received this award and this is the documents that are required for the closing of the Loan to proceed forward with the project.

Mayor Pro-Tem Clark moved to approve Resolution No. 12 19/20 approving the Loan/Grant Agreement (CIF-4927) and closing documents with the Colonias Infrastructure Board and the New Mexico Finance Authority for Water System Improvements based on their conversation and recommendation by lawyer. Commissioner Szigeti seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

2. Discussion/Action: Resolution No. 13 19/20 to accept the ICIP for FY 2021-2025. City Manager Madrid:

City Manager Madrid gave an overview of the process. We've had some discussion regarding the ICIP, and we've received input from our Department Heads, from some of our employees, and we also solicited input from the public. This is a draft of what we have come up with to be included in the ICIP. This is a declaration of what we would like to do. It is not ranked in the order it is listed. The top 8 or 9 would be considered our priority, and beyond that the ICIP is for funding agencies to look at. The State of New Mexico Funding Program's require an ICIP. What we have developed here is based upon all of the input we've received and the probability of funding and success. What we would like for the Governing Body to do today is rank the top 5 because they are the ones that really matter.

Grant/Projects Coordinator & Designated Zoning Official Burnette gave an overview of the current list for the Commission to review:

- We received funding for the Water System Improvements and we would like to combine this project with our Roadway Improvements. However, at this time we do not have the Street funds, but we would have partial funding if we call it an all in one project.
- We are in the process of doing an application with USDA for the Cook Street Improvements and the downtown water lines. That does not include street funding. We have to apply for that separately, so the downtown roadway improvements are on the list in hopes that we get the USDA Grant.
- The funding they received at MainStreet for the Main Street Great Blocks Project is for the purpose of the design and not the actual construction of the Foch Street Improvements so we have that listed on there as well.
- We will be looking at a possible relocation of water and sewer lines on the NMDOT I-25 Business Loop or Roundabout Project. We will be looking for funding to assist with those because that will be our responsibility if we have to relocate any of those water or sewer lines in that area.

Following are the top 6 priorities chosen by the Commission:

1. Water Infrastructure Improvements -Downtown/Cook Street
2. Water Distribution Line Replacement - Water Lines and Streets
3. Street Light Replacement
4. City Wide Storm Drain Improvements
5. Foch Street Improvements
6. E. 9th Street Roadway Improvements

Mayor Pro-Tem Clark moved to approve Resolution No. 13 19/20 to accept the ICIP for FY 2021-2025. Commissioner Szigeti seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

3. Discussion/Action: Resolution No. 14 19/20 amending Rules of Procedure. City Manager Madrid:

City Manager Madrid started by giving an update on the evening meetings he has had with the public. He explained how he has handled them including sitting at the table so it's informal and so he can spend more time if he wants to with each of them. He feels like the meetings have been working really well and we get a better turn out in the evening than we do at the City Commission Meetings. It's more productive because he finds that people that are willing to take the time to sit with him have a concrete issue that is open to discussion. .

Commissioner Hechler moved to approve Resolution No. 14 19/20 amending Rules of Procedure. Commissioner Szigeti seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

G. UNFINISHED BUSINESS:

1. Discussion: Live/Work in Downtown Buildings. City Manager Madrid/Kathy Clark, Mayor Pro-Tem:

Item was removed to add it to the next agenda as Discussion/Action.

H. NEW BUSINESS:

1. Discussion/Action: Consider the recommendation of the Airport Advisory Board to re-appoint Gerald LaFont & David Senn. City Manager Madrid:

City Manager Madrid reported this is a recommendation of re-appointment that was made by the Airport Advisory Board at their last meeting.

Commissioner Szigeti moved to approve to reappointment of Gerald LaFont & David Senn based on the recommendation of the Airport Advisory Board. Commissioner Baca seconded the motion. Motion carried unanimously.

2. Discussion/Action: Consider the recommendation of the Airport Advisory Board to appoint Bill Weddle as a new member. City Manager Madrid:

City Manager Madrid reported this is a recommendation for the appointment of a new member from the Airport Advisory Board.

Commissioner Hechler moved to approve to appoint Bill Weddle as a new member based on the recommendation of the Airport Advisory Board. Commissioner Szigeti seconded the motion. Motion carried unanimously.

3. Discussion/Action: Approval of Master Mutual Aid Agreement. City Manager Madrid and Fire Chief Tooley:

City Manager Madrid thanked Fire Chief Tooley for all of his expertise, collaboration, and information he is always willing to provide.

Fire Chief Tooley gave an overview of this Mutual Aid Agreement. A Mutual Aid Agreement is for local Fire Departments to call upon each other for aid during any incident. T or C Fire has requested help in the past from other Fire Departments and we have provided help to them as well. This "Agreement" has been approved by the State Fire Marshal's Office and will be presented to the County Commissioners at their next meeting. All 7 County Fire Departments have confirmed their existence to join this Agreement.

Commissioner Szigeti moved to approve the Master Mutual Aid Agreement. Mayor Pro-Tem Clark seconded the motion. Motion carried unanimously.

4. Discussion/Action: Selection of a Voting Delegate and Alternate for the NMML Annual Conference to be held in Las Cruces, New Mexico from August 28th – 30th, 2019. City Manager Madrid:

City Manager Madrid reported this item calls for the selection of a Voting Delegate and an Alternate for the NMML Annual Conference that will be held in Las Cruces, New Mexico from August 28th – 30th, 2019. The Municipal League represents all of the Municipalities except for those few who choose not to be members. There are several committees and bodies that meet year round in determining the types of Resolutions to be presented to the Legislature for various things. This creates representation of the City of Truth or Consequences to have a voice in selecting that leadership for the next year. These selections take place during the last week of August at the Municipal League's Annual Conference. This action is to select the voting delegate and alternate, and normally the voting delegate is a Chief Elected Official.

Mayor Pro-Tem Clark moved to approve City Manager Madrid as the delegate and Mayor Whitehead as the Alternate. Commissioner Hechler seconded the motion. Motion carried unanimously.

5. Discussion/Action: Appointment to Sierra County Tourism Advisory Board to replace Commissioner Clark. City Manager Madrid:

Item was removed from the agenda.

6. Discussion/Action: Approval of design for City of Truth or Consequences Billboards on Interstate 25. City Manager Madrid:

City Manager Madrid presented the design of the two Billboards that were received from Joanie Griffin at Griffin & Associates. These designs were reviewed by the Lodgers Tax Board. The board liked the designs but they had a few minor changes. One of the changes is the contrast on the lettering that says SierraCounty.info. They also recommended that the coloring of the letters be re-done to provide a better contrast. They would also like the contrast to be adjusted where it says "Hot Springs, Cool Town." Specifically around the word "Town" and the T in the word "True."

Commissioner Szigeti moved to approve sending this design back with the recommendation to remove the word "True" from the top line if it's not required by the State, and increase the size of the words "Hot Springs, Cool Town" and to make adjustments to the contrast. Mayor Whitehead seconded the motion. Motion carried by a vote of 4-0-1. Mayor Pro-Tem Clark abstained due to conflict.

7. Discussion/Action: Approval of design for City of Truth or Consequences logo. City Manager Madrid:

City Manager Madrid reported was brought forward because we ran out of stickers for our vehicles. This design is similar to our current logo with minimal changes to the design which are the addition of the New Mexico Flag and United States Flag, and the change in font where it says "City of Truth or Consequences." There is also a change in the background color.

The board agreed that the logo design needs to be looked into further and remain the same until a new design is drafted.

Commissioner Szigeti moved to approve to keep the design as it is, replace the stickers with the current design, and redesign our logo within the next six months. Commissioner Baca seconded the motion. Motion carried unanimously.

I. REPORTS:

City Manager Madrid reported the following:

He reported the concerns brought up at the last Town Hall meeting:

- Someone had an issue with their Landlord and he was able to point them in the right direction.
- A couple who just moved into town wanted to volunteer for any type of activities they could get involved in. He referred them to some organizations as well as some various departments within our Municipality.
- A concern was brought up regarding the adoption of the Parks design.

CITY COMMISSION AUGUST 14, 2019 REGULAR MEETING MINUTES

- Someone asked about watering of the Golf Course and how that takes place. He explained to them that they do all of the watering at night.
- He also had a question regarding the requirements of the budget.

He also reported on the following items:

- He thanked Sanitation Director Alvarez for taking the initiative to redesign the logo.
- He has heard some comments about us not reading the meters anymore. He clarified by saying we are not reading them this month due to some staffing issues and the billings that are going out within that time will be estimated by our system except for the demand meters which need to be read manually. There have been no changes in customer service. If you have any questions, you can still get those resolved.
- On August 23rd we will be converting to a new telephone system. It's an upgrade and it will save the city about 40%. In the event of an emergency or landline, they can temporarily be routes to our cell phones. The idea is to use the features to get directly to a person. He asked on that day that people be patient with them.

City Attorney Reports:

- None.

City Commission Reports:

Mayor Pro-Tem Clark reported the following:

- She thanked everyone for putting up with her absence, it means an awful lot to her.

Commissioner Hechler reported the following:

- White Night II is now at Spaceport America and they have been doing testing for a couple of days and it will be there for two weeks.

Commissioner Szigeti reported the following:

- He thanked City Manager Madrid for bringing in the new phone system. He has heard some complaints on messages or voicemails not being returned.
- He wanted to address Mr. Smith's Public Comment regarding the paving on Kruger. When they were working on that project the intent was to pave that entire extent of Kruger. He doesn't personally know what happened, but apparently there were not enough funds to complete that project. Since that time, the new projects that have come up were focused on other areas. He would however like to see if we could somehow complete that project.
- To address Mr. Underwood's concern of people speeding, he encourages the public to contact the Police Department if they see someone speeding through town.

Mayor Whitehead reported the following:

- She announced that the next meeting will be on Tuesday, August 27th, 2019 due to the Annual Conference.

CITY COMMISSION AUGUST 14, 2019 REGULAR MEETING MINUTES

- She also asked Chief Aragon to remind the officers to look out for dogs in cars.

J. ADJOURNMENT

Mayor Whitehead adjourned the meeting at 11:28 a.m.

Passed and Approved this 27th day of August, 2019.

Sandra Whitehead, Mayor

ATTEST:

Reneé L. Cantin, CMC, City Clerk



CITY OF TRUTH OR CONSEQUENCES

AGENDA REQUEST FORM

MEETING DATE: August 27, 2019

Agenda Item #: **C.3**

SUBJECT: Acknowledge PUAB Minutes for July 15, 2019

DEPARTMENT: City Clerk's Office

DATE SUBMITTED: August 22, 2019

SUBMITTED BY: Renee Cantin, City Clerk-Treasurer

WHO WILL PRESENT THE ITEM: City Manager Madrid

Summary/Background:

Acknowledge Minutes

Recommendation:

Acknowledge minutes.

Attachments:

Minutes

Fiscal Impact (Finance): N/A

\$0.00

Legal Review (City Attorney): N/A

None.

Approved For Submittal By: ☐ Department Director

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

Final Approval: ☒ City Manager

CITY CLERK'S USE ONLY - COMMISSION ACTION TAKEN

Resolution No. - Ordinance No. -

Continued To: - Referred To: -

☐ Approved ☐ Denied ☐ Other: -

File Name: CC Agendas 2019/08-27-2019/Word Docs/ C.3 AR 07-15-2019 PUAB Minutes.docx

**CITY OF TRUTH OR CONSEQUENCES
PUBLIC UTILITY ADVISORY BOARD
MINUTES
MONDAY, JULY 15, 2019**

REGULAR MEETING

Regular meeting of the Public Utility Advisory Board of the City of Truth or Consequences, New Mexico held in the City Commission Chambers, 405 W. 3rd Street, at 5:30 p.m. on Monday, July 15, 2019.

INTRODUCTION:

ROLL CALL:

Jeff Dornbusch, Chairman
Ed Williams, Vice-Chairman
Ron Pacourek, Member
Don Armijo, Member
Gil Avelar, Member

ALSO PRESENT:

Morris Madrid, City Manager
Bo Easley, Electric Division Director
Andy Alvarez, Sanitation Director
Jesse Cole, Water/Wastewater Director
Priscilla Fuentes, Electric Administrative Assistant
Traci Burnette, Grant Projects/P & Z Coordinator
Angela A. Torres, Deputy City Clerk

APPROVAL OF AGENDA:

Chairman Dornbusch called for approval of the agenda.

Member Pacourek moved to approve the agenda. Member Armijo seconded the motion. Motion carried unanimously.

APPROVAL OF MINUTES:

Chairman Dornbusch called for approval of the minutes of Monday, June 17, 2019.

Vice-Chairman Williams moved to approve the minutes of the Regular meeting of Monday, June 17, 2019. Member Pacourek seconded the motion. Motion carried unanimously.

COMMENTS FROM THE PUBLIC:

None.

RESPONSE TO COMMENTS FROM THE PUBLIC:

None.

Discussion/Update: Water/Wastewater Department – Jesse Cole, Water/Wastewater Director:

Jesse Cole, Water/Wastewater Director reported the following:

- RMCI is onsite for Phase 2B at the Wastewater Treatment Plant. Construction has commenced for the new digester and upgrades to various lift stations around town.
- 35 water leaks have been fixed within the last 2 weeks.

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

Andy Alvarez, Sanitation Director reported the following:

- He is still looking into different options for plastic recycling because his current vendor does not accept any kind of plastic bags. This may result in a ban of plastics some time in the future.
- They purchased a new Freightliner Trash Truck for his Department.
- They are still seeing illegal dumping in the alleys.

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

Bo Easley, Electric Division Director reported the following:

- They will have an upcoming meeting to discuss the 3 remaining vendors for the AMI Project.
- The Housing Authority Solar Project on Coleman and 3rd Street is almost complete and the contractors have started on the Riverside and Cedar portion.
- They are finishing up a line re-build in the area by Circle K.

Discussion/Action: CUFF Program – Jeff Dornbusch, Chairman:

Discussion ensued on some of the concerns that were brought up at the last meeting.

City Manager Madrid suggested that a draft of the proposed program be developed and presented at the next meeting so we can move forward with this item.

No action was taken on this item. Chairman Dornbusch said he will bring something in writing at the next meeting so they can make a final decision on this program.

COMMENTS FROM THE BOARD:

There were no additional comments from the board.

COMMENTS FROM STAFF:

There were no additional comments from staff.

ADJOURNMENT:

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

PASSED AND APPROVED this 19th day of August, 2019.

Jeff Dornbusch, Chairman
Public Utility Advisory Board



CITY OF TRUTH OR CONSEQUENCES

AGENDA REQUEST FORM

MEETING DATE: August 27, 2019

Agenda Item #: **C.4**

SUBJECT: Acknowledge Impact Fee Board Minutes for November 19, 2018

DEPARTMENT: City Clerk's Office

DATE SUBMITTED: August 22, 2019

SUBMITTED BY: Renee Cantin, City Clerk-Treasurer

WHO WILL PRESENT THE ITEM: City Manager Madrid

Summary/Background:

Acknowledge Minutes

Recommendation:

Acknowledge minutes.

Attachments:

Minutes

Fiscal Impact (Finance): N/A

\$0.00

Legal Review (City Attorney): N/A

None.

Approved For Submittal By: ☐ Department Director

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

Final Approval: ☒ City Manager

CITY CLERK'S USE ONLY - COMMISSION ACTION TAKEN

Resolution No. - Ordinance No. -

Continued To: - Referred To: -

☐ Approved ☐ Denied ☐ Other: -

File Name: CC Agendas 2019/08-27-2019/Word Docs/ C.4 AR 11-19-2019 Impact Fee Board Minutes.docx

**CITY OF TRUTH OR CONSEQUENCES
IMPACT FEE ADVISORY BOARD
MONDAY, NOVEMBER 19, 2018**

REGULAR MEETING

MINUTES

Regular meeting of the Impact Fee Advisory Board of the City of Truth or Consequences, New Mexico to be held in the City Commission Chambers, 405 W. Third, Truth or Consequences, New Mexico, on Monday, November 19, 2018 at 4:41 P.M.

INTRODUCTION:

ROLL CALL:

George Szigeti, Chairman
Jeff Dornbusch, Vice-Chairman
Ron Pacourek, Member
Ed Williams, Member
Randy Ashbaugh, Member – Arrived at 4:56 p.m.
Sid Bryan, Member

Also Present:

John Appel, City Attorney
John Montoya, Molzen Corbin
Traci Burnette, Grant/Projects Coordinator
Angela A. Torres, Acting City Clerk

APPROVAL OF AGENDA:

Chairman Szigeti called for approval of the agenda.

Member Bryan moved approval of the agenda. Vice-Chairman Dornbusch seconded the motion. Motion carried unanimously.

APPROVAL OF MINUTES:

Chairman Szigeti called for approval of the Regular Meeting of Monday, July 16, 2018.

Member Williams moved approval of the Monday, July 16, 2018 minutes as submitted. Member Williams seconded the motion. Motion carried unanimously.

COMMENTS FROM THE PUBLIC:

There were no comments from the public.

OLD BUSINESS:

Discussion/Action: Update of Impact Fee Study for the City of Truth or Consequences – Molzen Corbin:

Traci Burnette, Grant/Projects Coordinator reported this study has been brought before you the last three meetings, and we are now requesting a recommendation from this board. She has not received any emails from the board regarding any questions on the study. However, Molzen Corben and City Attorney Appel are here to answer any questions the board may have.

Discussion ensued regarding brief questions brought up by the board.

Member Ashbaugh made a motion to not extend the Impact Fees. Motion died due to lack of a second.

Chairman Szigeti made a motion to recommend to the City Commission, approval of the Impact Fee Study which includes the Land Use Assumptions, Capital Improvements Plan, and recommendation that the Impact Fees remain at the level they were. Member Williams seconded the motion. Motion carried with a 5 to 1 vote. *(Member Ashbaugh did not recuse himself from voting and voted nay).*

COMMENTS FROM THE BOARD:

There were no additional comments from the board.

COMMENTS FROM STAFF:

There were no additional comments from staff.

ADJOURNMENT:

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

PASSED AND APPROVED this 19th day of August, 2019.

Jeff Dornbusch, Chairman
Impact Fee Advisory Board



City of Truth or Consequences

AGENDA REQUEST FORM

MEETING DATE: August 27, 2019

Agenda Item #: **D.1**

SUBJECT: Ordinance No. 706 for publication amending Section 11-16 of the Code of Ordinances pertaining to disposal Fees for Residential/Commercial Haulers.

DEPARTMENT: Sanitation

DATE SUBMITTED: August 21, 2019

SUBMITTED BY: Andy Alvarez

WHO WILL PRESENT THE ITEM: City Manager Madrid

Summary/Background:

Section 11-16 needs to be Amended to delete some old subsections and to make additional minor changes.

Recommendation:

Approve Ordinance No 706 for publication amending Section 11-16 of the Code of Ordinances pertaining to disposal fees for Residential/Commercial Haulers.

Attachments:

- Redline Version of proposed Ordinance No. 705
- -

Fiscal Impact (Finance): TBD

Revenue increase for Enterprise Fund.

Legal Review (City Attorney): Yes

Ordinance has been reviewed.

Approved For Submittal By: ☐ Department Director

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

Final Approval: ☐ City Manager

CITY CLERK'S USE ONLY - COMMISSION ACTION TAKEN

Resolution No. - Ordinance No. 706

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

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

File Name: 08-27-2019/AR – Ordinance. 706 Disposal Fees for Haulers

CITY OF TRUTH OR CONSEQUENCES

ORDINANCE NO. 706

AN ORDINANCE AMENDING SECTION 11-16 OF THE CITY OF TRUTH OR CONSEQUENCES MUNICIPAL CODE PERTAINING TO DISPOSAL FEES FOR RESIDENTIAL/COMMERCIAL HAULERS

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

Section one. That section 11-16 of the Code of Ordinances of the City of Truth or Consequences be amended so that such section shall read as follows:

Sec. 11-16. - DISPOSAL FEES FOR RESIDENTIAL/COMMERCIAL HAULERS ~~and for the roll-off from the Sierra County Convenience Center.~~

(a) Definitions.

Construction and demolition (C&D) debris means materials generally considered to be not water soluble and nonhazardous in nature, including, but not limited to, steel, glass, brick, concrete, asphalt roofing materials, pipe, gypsum wallboard and lumber from the construction or destruction of a structure or project, and includes rocks, soil, tree remains, trees and other vegetative matter that normally result from land clearing. If construction and demolition debris is mixed with any other types of solid waste, it loses its classification as construction and demolition debris. Construction and demolition debris does not include asbestos or liquids, including, but not limited to, waste paints, solvents, sealers, adhesives or potentially hazardous materials.

Ferrous metal means any iron or steel scrap that has an iron content sufficient for magnetic separation.

Municipal solid waste (MSWW) refers to all solid waste generated by residential, commercial and institutional sources, and all solid waste generated at treatment works for water and waste water, which are collected and transported under the authorization of a jurisdiction, or are self-hauled. Municipal solid waste does not include construction and demolition (C&D) waste, agricultural crop residues, animal manures, mining waste and fuel extraction waste, forestry waste, and ash from industrial boilers, furnaces and incinerators.

Nonferrous metals means any scrap metals that have value and are derived from metals other than iron and its alloys in steel. Nonferrous metals include aluminum, copper, brass, bronze, lead, zinc, and other metals. A magnet will not adhere to nonferrous metals.

Operational costs means those costs incurred while maintaining the ongoing operation of a program or facility, and do not include capital costs.

Waste diversion means to divert solid waste, in accordance with all applicable federal, state and local requirements, from disposal at solid waste landfills for recycling, reuse, composting, or beneficial use.

White goods means discarded, enamel-coated major appliances, such as washing machines, clothes dryers, hot water heaters, stoves and refrigerators.

Yard waste means any wastes generated from the maintenance or alteration of public, commercial or residential landscapes including, but not limited to, grass and yard clippings, leaves, tree trimmings, pruning, brush, and weeds.

- (b) ~~On or about April 13, 2010, the City Commission of the City of Truth or Consequences approved and adopted Resolution No. 25-09/10 which imposed disposal fees for residential/commercial haulers and for the roll-off from the Sierra County Convenience Center. The City Commission has determined that Resolution No. 25-09/10 has been effective. The City Commission hereby codified the provisions of the said Resolution into this section as described below.~~
- (b) All haulers will be billed on a monthly basis. All collection fees shall be payable to the City of Truth or Consequences Utility Office. Any delinquent payments after 30 days will result in late fee charges and may result in that particular hauler being prohibited from using the landfill State Collection Center.
- (c) ~~A disposal fee of \$3.00 per cubic yard plus gross receipts tax will be charged. Any unloading on off days will require approval prior to unloading and an additional \$25.00 plus tax shall be added to each load.~~
- (c) Tire disposal fees will be as follows:

ATV, motorcycle, bicycles, wheel barrels, est. \$1.00 each

Regular car tires and regular truck tire \$2.00 each

Large irregular truck tires \$3.00 each

Semi-truck, dump truck, trash truck or bus tires \$10.00 each

Farm equipment tires or small tractor tires \$10.00 each

Construction earth moving equipment (consists of) \$25.00 each

- Backhoe consists of two-wheel drive or four-wheel drive
- Grader
- Scrapers
- Bobcat or skid steer loaders
- Large construction forklifts

Sanitation Director may refuse or permit any company, business or residents from delivering tires.

~~(d) All haulers will be billed on a monthly basis. All collection fees shall be payable to the City of Truth or Consequences Utility Office. Any delinquent payments after 30 days will result in late fee charges and may result in that particular hauler being prohibited from using the landfill.~~

~~(e) Unloading of commercial trucks will not be allowed until the loads are inspected by the landfill Operator or assistant, and all load slips must be signed and completely filled. The City's landfill Operator reserves the right to refuse any load that does not comply with state or federal regulations. All rates may be adjusted for fuel or operational cost.~~

~~Commercial rate fees of \$57.63 plus gross tax receipt will be added to any commercial or contractor if loads are mixed. Residents shall pay the \$2.00 per percent of mixed waste per cubic yard.~~

~~(f) Commercial/residential haulers must submit a request to the City of Truth or Consequences Utility Office before using the City landfill. No hauler will be allowed to dispose of waste without written consent from the utility office.~~

~~(g) Tire disposal fees will be as follows:~~

~~ATV, motorcycle, bicycles, wheel barrels, est. \$1.00 each~~

~~Regular car tires and regular truck tire 2.00 each~~

~~Large irregular truck tires 3.00 each~~

~~Semi-truck, dump truck, trash truck or bus tires 10.00 each~~

~~Farm equipment tires or small tractor tires 10.00 each~~

~~Construction earth moving equipment (consists of) 25.00 each~~

~~• Backhoe consists of two wheel drive or four wheel drive~~

~~• Grader~~

~~• Scrapers~~

~~• Bobcat or skid steer loaders~~

~~• Large construction forklifts~~

~~Sanitation Director may refuse or permit any company, business or residents from delivering tire.~~

(Ord. No. 631, § 1, 11-27-12)

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 _____, 2019.**

SANDRA WHITEHEAD - Mayor

ATTEST:

RENEE CANTIN – City Clerk



CITY OF TRUTH OR CONSEQUENCES

AGENDA REQUEST FORM

MEETING DATE: August 27, 2019

Agenda Item #: **E.1**

SUBJECT: Live/Work in Downtown Buildings
DEPARTMENT: City Clerk's Office
DATE SUBMITTED: August 22, 2019
SUBMITTED BY: Renee Cantin, City Clerk-Treasurer
WHO WILL PRESENT THE ITEM: City Manager Madrid/Mayor Pro-Tem Clark

Summary/Background:

Mayor Pro-Tem Clark requested this item be brought back to the agenda. It was discussed at the October 24, 2018 and March 13, 2019 meeting. At the August 14th meeting it was requested to move forward and include the item with the possibility for action.

Recommendation:

None.

Attachments:

None.

Fiscal Impact (Finance): N/A

\$0.00

Legal Review (City Attorney): N/A

None.

Approved For Submittal By: ☐ Department Director

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

Final Approval: ☒ City Manager

CITY CLERK'S USE ONLY - COMMISSION ACTION TAKEN

Resolution No. - Ordinance No. -

Continued To: - Referred To: -

☐ Approved ☐ Denied ☐ Other: -

File Name: CC Agendas 2019/08-27-2019/Word Docs/ E.1 AR Live-Work.



CITY OF TRUTH OR CONSEQUENCES

AGENDA REQUEST FORM

MEETING DATE: August 27, 2019

Agenda Item #: **E.2**

SUBJECT: Appointment to Sierra County Tourism Advisory Board to replace Mayor Pro-Tem Clark.
DEPARTMENT: City Clerk's Office
DATE SUBMITTED: August 8, 2019
SUBMITTED BY: Renee Cantin, City Clerk-Treasurer
WHO WILL PRESENT THE ITEM: City Manager Madrid

Summary/Background:

Consider a representative to serve on the Sierra County Tourism Advisory Board. This item was postponed from the August 14, 2019 meeting.

Recommendation:

None.

Attachments:

None.

Fiscal Impact (Finance): No

0.00

Legal Review (City Attorney): N/A

None.

Approved For Submittal By: ☐ Department Director

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

Final Approval: ☒ City Manager

CITY CLERK'S USE ONLY - COMMISSION ACTION TAKEN

Resolution No. - Ordinance No. -

Continued To: - Referred To: -

☐ Approved ☐ Denied ☐ Other: -

File Name: CC Agendas 2019/08-27-2019/Word Docs/ E.2 Sierra County Tourism Board



CITY OF TRUTH OR CONSEQUENCES

AGENDA REQUEST FORM

MEETING DATE: August 27, 2019

Agenda Item #: **F.1**

SUBJECT:

Sub-Contractor Agreement with Truth or Consequences Municipal School District for the 2019-2020 Juvenile Justice Advisory Council (JJAC) through Children, Youth, and Families Division (CYFD). City Manager Madrid

DEPARTMENT: Finance/CPO

DATE SUBMITTED: July 29, 2019

SUBMITTED BY: Renee Cantin, City Clerk-Treasurer

WHO WILL PRESENT THE ITEM: City Manager Madrid

Summary/Background:

The Juvenile Justice Advisory Council agreement with the city serving as the Fiscal Agent was approved before the end of the Fiscal Year. This will be a new Subrecipient Grants-Contractor agreement with the School District to assist with some of the required services.

Recommendation:

Approve the sub-contractor agreement.

Attachments:

Sub-Contract

Fiscal Impact (Finance): TBD

\$0.00

Legal Review (City Attorney): Yes

Contract Review.

Approved For Submittal By: ☐ Department Director

Reviewed by: ☒ City Clerk ☐ Finance ☒ Legal ☐ Other: Pat Wood, CPO

Final Approval: ☒ City Manager

CITY CLERK'S USE ONLY - COMMISSION ACTION TAKEN

Resolution No. - Ordinance No. -

Continued To: - Referred To: -

☐ Approved ☐ Denied ☐ Other: -

File Name: CC Agendas 2019/08-27-2019/Word Docs/ F.1 AR JJAC Sub Contract approval for CYFD.docx

City of Truth or Consequences

2019-2020 JJAC

Truth or Consequences Municipal School District

THIS AGREEMENT is made and entered into by and between the Truth or Consequences Municipal School District and The City of Truth or Consequences, hereafter referred to as the "Sub-Contractor", and is effective as of the date set forth below upon which it is executed.

IT IS AGREED BETWEEN THE PARTIES:

1. Scope of Work.

The Contractor shall perform the work outlined in the Scope of Work attached hereto as **Attachment A** and incorporated herein by reference. The Subcontractor will work under the direction of Rebecca Dow, JJAC Co-chair. The Contractor will implement the requirements of the program as described in the SOW.

2. Payment.

A. The City shall make monthly payments to the Sub-contractor for services and costs specified in the contract. See **Exhibit 1**, Budget. The Sub-contractor shall provide data reports as required by the federal government, corresponding to the activities described in the Scope of Work. The Agency's Program Manager will provide the data format. Programmatic data records, must accompany the monthly invoice and be submitted by the 5th of each month to the City. The Sub-contractor's failure to timely submit such payment vouchers, invoices and supporting documentation may result in the non-availability of funds for payment and/or denial of payment by the City.

3. Compensation.

This is a reimbursable contract. The City of Truth or Consequences will pay the Sub-contractor in full for services satisfactorily completed, upon timely documentation of performance of the services for each month is received in accordance with the Statement of Work and payment has been received by the City of Truth or Consequences from the State of New Mexico. Invoices must be received by the City no later than the 5th of the month following the month that the services were provided. All final reimbursements are subject to approval by the City and the Children's, Youth and Families Department.

4. Termination.

A. Termination. This agreement may be terminated by either of the parties hereto upon written notice delivered to the party at least thirty (30) days prior to the intended date of termination. Except as otherwise allowed or provided under this Agreement, the Truth of Consequences Municipal School District sole liability upon such termination shall be to pay for acceptable work performed prior to the Subcontractors' receipt of the notice

of termination, if the City of Truth or Consequences is the terminating party, or the Sub-contractors' sending of the notice of termination, if the Sub-contractor is the terminating party ; provided however, that a notice of termination shall not nullify or otherwise affect either party's liability of pre-termination defaults under or breaches of this Agreement. The Sub-contractor shall submit an invoice for such work within thirty (30) days of receiving or sending notice of termination. Notwithstanding the foregoing, this Agreement may be terminated immediately upon written notice to the Sub-contractor if the Sub-contractor becomes unable to perform the services contracted for, as determined by the City of Truth or Consequences or if, during the term of this Agreement, the Sub-contractor or any of its officers, employees or agents is indicted for fraud, embezzlement or other crime due to misuse of government funds or due to the Appropriations paragraph herein.

5. Confidentiality.

Any confidential information provided to or developed by the Sub-contractor in the performance of the Agreement shall be kept confidential and shall not be made available to any individual or organization by the Sub-contractor without the prior written approval of the City of Truth or Consequences.

6. Workers Compensation.

The Sub-contractor agrees to comply with state laws and rules applicable to workers compensation benefits for its employees. If the Sub-contractor fails to comply with the Workers Compensation Act and applicable rules when required to do so this Agreement may be terminated by the City of Truth or Consequences.

7. Data Collection, Records and Financial Audit.

The Sub-contractor shall maintain detailed time and expenditure records that indicate the date, time, nature and cost of services rendered during the Agreement's term and effect and retain them for a period of three (3) years from the date of final payment under this agreement. The records shall be subject to inspection by the City of Truth or Consequences, the Department of Finance and Administration, CYFD and the State Auditor. The City of Truth or Consequences and CYFD shall have the right to audit billing both before and after payment. The Sub-contractor shall provide the Agency standardized progress reports monthly. Annual final closeout reports such as; Youth Registry, Diversion Program, Mentoring Data and Monthly Invoices, must be received by July 5th of every month to keep in the same throughout. Payment under this agreement shall not foreclose the right of the City to recover excessive or illegal payments. The Sub-contractor agrees to comply with the requirements and regulations set forth in

Exhibit 2. Administration and Fiscal Standards, unless the Sub-contractor effectively demonstrates in writing, with written approval from CYFD, that any specific Standard is inapplicable to such Sub-Contractor.

As a condition of funding, the Sub-contractor agrees to report, at minimum, the data, financial records and audits as required by the SOW.

8. Confidentiality.

Any Confidential information provided to or developed by the Contractor in the performance of this Agreement shall be kept confidential and shall not be made available to any individual or organization by the Contractor without prior written approval of the City of Truth or Consequences.

9. Workers Compensation.

The Contractor agrees to comply with state laws and rules applicable to workers compensation benefits for its employees. If the Contractor fails to comply with the Workers Compensation Act and applicable rules when required to do so this Agreement may be terminated by the City of Truth or Consequences.

10. Records and Financial Audit.

The Contractor shall maintain detailed time and expenditure records that indicate the date; time, nature and cost of services rendered during the Agreement's term and effect and retain them for a period of three (3) years from the date of final payment under this Agreement. The records shall be subject to inspection by the Department of Finance and Administration, CYFD and the State Auditor. The City of Truth or Consequences and CYFD shall have the right to audit billings both before and after payment.

Sub-contract Budget for coordination, case management, and diversion programming of \$43, 843.00

To: The City of Truth or Consequences
Morris Madrid City Manager
505 Sims Street
Truth or Consequences,
NM 87901

To the Contractor:
Truth or Consequences Municipal School District
122 N Broadway
Truth or Consequences, NM 87901

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date of signature below:

Truth or Consequences Municipal School District:

By: _____
Randy Piper, Superintendent

Date: _____

City of Truth or Consequences:

By: _____
Morris Madrid, City Manager

Date: _____

ACKNOWLEDGMENTS

STATE OF NEW MEXICO]
 ss.
COUNTY OF SIERRA]

The foregoing instrument was acknowledged before me this ____ day of _____, 2019, by _____ of the City of Truth or Consequences.

Renee L. Cantin, Notary Public

My Commission Expires: _____

.....
STATE OF NEW MEXICO]
 :ss.
COUNTY OF SIERRA]

The foregoing instrument was acknowledged before me this ____ day of _____, 2019, by Morris Madrid of the City of Truth or Consequences.

Renee L. Cantin, Notary Public

My Commission Expires: _____

ATTACHMENT A

SCOPE OF SERVICES

The SUBCONTRACTOR shall perform the following

- To improve the Juvenile Justice System and decrease the incidences of juvenile delinquency in the community while increasing the emphasis on prevention and early intervention in juvenile services.
- To provide a continuum of cost effective services and temporary, non-secure alternatives to detention for youth who have been arrested or referred to the juvenile probation office or are at risk of such referral.
- Oversee and implement the Sierra JJAC Diversion and Mentoring programs.
- Ensure positive outcomes and compliance with grant(s) scope of work requirements for diversion and mentoring programs.
- Work with the JJAC Coordinator to coordinate with courts, law enforcement, schools and child protective services to comply with JJAC program related functions around prevention, early intervention and immediate interventions.
- Work with the JJAC Coordinator to coordinate JJAC program activities with magistrate, municipal and district courts, health care providers, law enforcement agencies and schools.
- Maintain backup documentation through a general ledger or itemized receipts for expenditures

Under the direction of Rebecca Dow, JJAC Co-chair.



City of Truth or Consequences

AGENDA REQUEST FORM

MEETING DATE: August 27, 2019

Agenda Item #: **F.2**

SUBJECT: Award RFP No. 18-19-007 for Advanced Meter Infrastructure (AMI) Project.

DEPARTMENT: Finance/Electric

DATE SUBMITTED: August 23, 2019

SUBMITTED BY: Pat Wood, CPO

WHO WILL PRESENT THE ITEM: City Manager Madrid

Summary/Background:

RFP's for Advanced Metering Infrastructure (AMI) were received until Tuesday, June 11, 2019 at 2:00 p.m. Proposals were received by MSPS/Tantalus; Nighthawk Total Control; Vision Meter Reading; Verizon Wireless; Kelly Cable of New Mexico; Landis + Gyr; and Ferguson Meter Reading and Automation Group.

Proposals were evaluated by selection committee: Morris Madrid, City Manager – Bo Easley, Electric Director – Ed Williams, Utility Advisory Board Member and Steve House, Consultant – Triple H Solar

Recommendation:

Award RFP No. 18-19-007 to Landis + Gyr and direct staff to proceed with the contract.

Attachments:

- Evaluation Summary Worksheet
- -

Fiscal Impact (Finance): Yes

-

Legal Review (City Attorney): Yes

Reviewed Contract

Approved For Submittal By: ☐ Department Director

Reviewed by: ☒ City Clerk ☐ Finance ☒ Legal ☐ Other: Pat Wood, CPO

Final Approval: ☐ City Manager

CITY CLERK'S USE ONLY - COMMISSION ACTION TAKEN

Resolution No. - Ordinance No. -

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

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

File Name: 08-27-2019/F.2 Award – RFP 18-19-007 AMI.docx

City of Truth or Consequences
AMI Evaluation Summary Worksheet
June 2019

Landis	Co. History/ Experience	Ability to Prov. Serv.	Cost Proposal	Quality Completeness	TOTAL
Evaluator #1	<u>20</u>	<u>30</u>	<u>30</u>	<u>15</u>	<u>95</u>
Evaluator #2	<u>20</u>	<u>30</u>	<u>30</u>	<u>15</u>	<u>95</u>
Evaluator #3	<u>20</u>	<u>30</u>	<u>25</u>	<u>15</u>	<u>90</u>
Evaluator #4	<u>18</u>	<u>25</u>	<u>22</u>	<u>15</u>	<u>80</u>
TOTAL	78	115	107	60	360

MSPS/Tantalus	Co. History/ Experience	Ability to Prov. Serv.	Cost Proposal	Quality Completeness	TOTAL
Evaluator #1	<u>15</u>	<u>30</u>	<u>30</u>	<u>15</u>	<u>90</u>
Evaluator #2	<u>20</u>	<u>30</u>	<u>25</u>	<u>15</u>	<u>90</u>
Evaluator #3	<u>20</u>	<u>30</u>	<u>33</u>	<u>20</u>	<u>103</u>
Evaluator #4	<u>15</u>	<u>25</u>	<u>20</u>	<u>10</u>	<u>70</u>
TOTAL	70	115	108	60	353

Nighthawk	Co. History/ Experience	Ability to Prov. Serv.	Cost Proposal	Quality Completeness	TOTAL
Evaluator #1	<u>10</u>	<u>15</u>	<u>25</u>	<u>5</u>	<u>55</u>
Evaluator #2	<u>15</u>	<u>25</u>	<u>30</u>	<u>10</u>	<u>80</u>
Evaluator #3	<u>20</u>	<u>30</u>	<u>35</u>	<u>15</u>	<u>100</u>
Evaluator #4	<u>15</u>	<u>20</u>	<u>25</u>	<u>10</u>	<u>70</u>
TOTAL	60	90	115	40	305

Vision	Co. History/ Experience	Ability to Prov. Serv.	Cost Proposal	Quality Completeness	TOTAL
Evaluator #1	<u>15</u>	<u>15</u>	<u>30</u>	<u>5</u>	<u>65</u>
Evaluator #2	<u>20</u>	<u>30</u>	<u>10</u>	<u>15</u>	<u>75</u>
Evaluator #3	<u>20</u>	<u>30</u>	<u>35</u>	<u>25</u>	<u>110</u>
Evaluator #4	<u>10</u>	<u>10</u>	<u>15</u>	<u>10</u>	<u>45</u>
TOTAL	65	85	90	55	295

Ferguson	Co. History/ Experience	Ability to Prov. Serv.	Cost Proposal	Quality Completeness	TOTAL
Evaluator #1	<u>15</u>	<u>20</u>	<u>30</u>	<u>5</u>	<u>70</u>
Evaluator #2	<u>20</u>	<u>25</u>	<u>25</u>	<u>10</u>	<u>80</u>
Evaluator #3	<u>20</u>	<u>25</u>	<u>25</u>	<u>10</u>	<u>80</u>
Evaluator #4	<u>10</u>	<u>15</u>	<u>27</u>	<u>5</u>	<u>57</u>
TOTAL	65	85	107	30	287

Verizon	Co. History/ Experience	Ability to Prov. Serv.	Cost Proposal	Quality Completeness	TOTAL
Evaluator #1	<u>10</u>	<u>15</u>	<u>10</u>	<u>5</u>	<u>40</u>
Evaluator #2	<u>10</u>	<u>20</u>	<u>20</u>	<u>10</u>	<u>60</u>
Evaluator #3	<u>20</u>	<u>30</u>	<u>25</u>	<u>15</u>	<u>90</u>
Evaluator #4	<u>10</u>	<u>15</u>	<u>25</u>	<u>10</u>	<u>60</u>
TOTAL	50	80	80	40	250

Kelly Cable	Co. History/ Experience	Ability to Prov. Serv.	Cost Proposal	Quality Completeness	TOTAL
Evaluator #1	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>20</u>
Evaluator #2	<u>15</u>	<u>20</u>	<u>25</u>	<u>10</u>	<u>70</u>
Evaluator #3	<u></u>	<u></u>	<u></u>	<u>5</u>	<u>5</u>
Evaluator #4	<u>10</u>	<u>10</u>	<u>25</u>	<u>10</u>	<u>55</u>
TOTAL	30	35	55	30	150