

CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
CITY COMMISSION CHAMBERS, 405 W. 3RD St.
TUESDAY, SEPTEMBER 24, 2024

A. CALL TO ORDER:

The meeting was called to order by Mayor Rolf Hechler at 9:00 a.m., who presided and Angela A. Torres, City Clerk-Treasurer, acted as Secretary of the meeting.

B. INTRODUCTION:

1. ROLL CALL:

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

Hon. Rolf Hechler, Mayor
Hon. Amanda Forrister, Mayor Pro-Tem joined via teleconference at 9:26 a.m.
Hon. Destiny Mitchell, Commissioner
Hon. Merry Jo Fahl, Commissioner
Hon. Ingo Hoeppepner, Commissioner

Also Present:

Traci Alvarez, Assistant City Manager
Jay Rubin, City Attorney
Angela A. Torres, City Clerk-Treasurer
Luis Tavizon, Chief of Police
Jocelyn Holguin, Finance Director
Tammy Gardner, Executive Assistant
Tara Manning, Animal Shelter Manager
Leiandra Guerra, Chief Procurement Officer

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

2. SILENT MEDITATION:

Mayor Hechler called for fifteen seconds of silent meditation.

3. PLEDGE OF ALLEGIANCE:

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

4. APPROVAL OF AGENDA:

Commissioner Fahl moved to approve the agenda as submitted. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

C. PUBLIC COMMENT (3 Minute Rule Applies):

Susan Miller addressed the Commission with comments related to:

- I signed the petition regarding F2, and I just wondered why it is on the agenda. I thought it was something that was already settled, and I would like to have an explanation as to why it is on the agenda.

Ashley Galicia addressed the Commission with comments related to:

- I just wanted to let you all know that the swimming pool is still open. We are going to remain open a little bit into October. We don't have a set date yet. We are just going to go based off of staffing availability and participation. We are going to cut our hours down just a little bit because there has been no participation with the late afternoon swims, but other than that, our lap swim and aerobics, and open swim have been still pretty populated throughout the day, so we are going to remain open until further notice.

Steve Green addressed the Commission with comments related to:

- Kim is one of the applicants for the variance, unfortunately has a business commitment today, and she could not make it. We live right across the street from them, and we have watched the development of their property which is enhancing all of the values of our homes in the area, so we greatly appreciate it. The storage locker that they have is not an eye sore. We think that it adds to the property, and we would encourage you to vote in favor of the variance.

Becca Eza addressed the Commission with comments related to MainStreet updates:

- We are excited to announce the finalists for our show of hands project. We had 14 really strong applications. The judging panel had an interesting and difficult time going through them all and deciding the ones to be finalists. Rebel Roadrunner, Mile Marker 7 Coffee, Ruby's Music and Smoothie Lounge and Truth or Consequences Contemporary were the finalists. They all have interesting and exciting proposals for different projects. October 10th will be the public event where they all give their pitch and the public will vote, and the winner will get \$5,000 towards that project. I encourage you all to attend and to spread the word. We really want to have a lot of community support. It's \$5 per person to come to the event and that money will go toward the winning project. We are also going to do a GoFundMe to hopefully help each of those projects get some funding toward them.
- One of the items on your agenda under New Business, G5 is for a MainStreet Lodgers Tax request. We are really excited about potentially doing this marketing

campaign. It's kind of based around the new(ish) logo that the Lodgers Tax Board has been using for a couple of years, and getting that out to the public more, and around the idea of re-define having people think of T or C and what we offer here in a new light. For example, it will be something like re-define traffic with a picture of tubes on the river or re-define office space with someone working in a hot tub with a laptop beside them. So, we want to do marketing of that with print ads around the state and around the region, places like Austin and Tucson. We are excited to do that campaign over the winter and spring and hopefully increase tourist visits to town.

- The Turtleback Trails Network item listed on the agenda, MainStreet is very much in support of this proposal and this grant that the Jornada RC&D is writing to kind of help move the project forward. It's the first step in establishing trail heads and trail heads signage. MainStreet wants to encourage that kind of ecotourism by having an established trail network here.

Kathleen Sloan addressed the Commission with comments related to:

- I just had a quick question. I saw an ad in the Sentinel for T & D which is an engineering firm that is doing a study on the electric department. That does not show up in your over \$20,000 purchases. Was there an RFP because I'm sure it's over \$20,000 for what T & D is doing. This is the beginning of the capital projects pipeline. If the public is not told why a study is being done, and the who/what/where/why of it, and yet public funds pay for it, and capital projects result from it. The whole beginning of the capital projects pipeline is shrouded in mystery, and it never gets clearer as it goes through the pipeline. Also, the personnel purchases should be on your over \$20,000 agenda item that you have every two weeks.

Ron Fenn addressed the Commission with comments related to:

- It is very clear that you don't like me, and I don't care that you don't like me because you work for me. You don't get that do you. The Reed Rocket fiasco that you awarded to three members of the Arts Board who will pay \$100 a piece for over \$7,000 worth of art and breaking it up. Which portion of the Mona Lisa should be broken up and sold individually to someone. You disrespect the Artist, and you disrespect me. You disrespect yourselves in this ludicrous decision to change the game after the fact, and by the way the ads were \$513 and perhaps the Assistant Manager didn't tell you that. You took a bid of \$300. \$200 plus under what it cost you to advertise. This is outrageous and ludicrous, just because you don't like me. I know that.
- I have 11,000 words worth of information for you about the operation of our public library. If you have been in the library, you should be able to see this and say that this is an incompetently operated facility, and the Director of 31 years needs to retire because she is no longer a librarian, and you can take that from me because I was a librarian. This is outrageous what you are doing to the public here. There is over 3 ½ years worth of books and equipment lying on the floor in boxes, in the library and nobody seems to want to do anything about it. Are you all that afraid of

Pat O'Hanlon. What does she know about you that has you allowing her to get her \$70,000 and more a year salary to do nothing. It's sad.

Mayor Hechler: I will address the Reed Rocket thing here so we can set the record straight. The artist for the Reed Rocket was here, and I asked him what his opinion was on what he wanted to do with the Reed Rocket because he has been involved with this for well over 10 years. He wanted it to stay in the community, and he wanted to be able to see it. We did reach out to the 3 people that bid, and we got 2 responses, and 1 neglected to respond. The commission decided that as the best benefit for the community, we would go ahead and give it to the people that bid the \$300 for it because it would stay in the community. What swayed me heavily about it was that the artist's heart felt discussion on wanting to keep it here and where he wanted it to go.

Ron Fenn: The Artist.

Mayor Hechler: This is not a dialog Mr. Fenn.

Ron Fenn: Of course, it's not, you don't have dialogs.

Mayor Hechler: Please excuse yourself Mr. Fenn.

Ron Fenn: You guys are assholes. What you represent here, there is no dialog.

Mayor Hechler: I was hoping to have that response, and I'm grateful for it. At least he is gone. Anyway, that is what happened with the Reed Rocket. Again, he comes in here and he does not represent the truth. He does not represent honesty. He represents himself. So, I wanted to set the record straight on at least the Reed Rocket thing. Is that the way we all remember it?

Commissioner Fahl: Correct. Our comment was that if you ask for more information, and they do not respond, then that is a non-response, and you throw that bid out. Just like any kind of work.

Mayor Hechler: Normally we don't respond to public comment, but we can't keep letting certain people continue to get away with stuff like this, and just for the record I think Pat O'Hanlon is doing a great job at the library.

D. REPORTS:

Assistant City Manager Alvarez reported the following:

- I wanted to give an update on the projects going on at the city parks, as well as clarify some information that may be going out to the public. As you know, we have been making a lot of improvements to Ralph Edwards Park, and I just want to remind everyone that these improvements came via the way of grants specific to parks improvements. It started back in 2017 with the Clean and Beautiful grants. We got those in 2017, 2019, 2022 and 2023. We had a past City Manager that did

a loan refinance, and some of those funds within that loan refinance were allocated to the Ralph Edwards Park improvements. We have also received Capital Appropriation Recreation Quality of Life grants, and the New Mexico Outdoor Recreation and Trails grant. All of those are specific again to parks. They can't be used for water improvements. With that being said, the next phase is our Skate Parks improvements, and hopefully by the end of today we should have a survey posted both on the City Facebook page, as well as our City Website for some public input. I would like to encourage people to do that survey so that we can start some public information out there to everybody.

Commissioner Fahl: How is McAdoo going?

Assistant City Manager Alvarez: The last I heard they are hoping to have that paved by the end of this week that was last week. I haven't received an update yet this week.

Mayor Hechler: Didn't we discuss a couple of meetings ago the funding plan for the electric department?

Assistant City Manager Alvarez: Yes.

Mayor Hechler: It wasn't necessarily on a \$20,000 thing, but we actually discussed it in full.

Assistant City Manager Alvarez: I do believe it was on the over \$20,000 purchase requisitions, but it might have been procured at that time through CES, so maybe it didn't say specific to T & D services, but the entire proposal was included in the agenda packet. I will go back to the agendas to find out when that came to the commission. I will send you an email and let you know.

Mayor Hechler: We did discuss it, and I know we approved it, but just so that we could be clear about that.

a. PD Update: Chief of Police Tavizon:

- The PD has been pretty busy trying to participate in some of the community events. This last weekend we participated in the recovery event we partnered with The Olive Tree. We warmed some hot dogs and provided that to the attendees. That was a fun time. I really appreciated Jaffee for going out there and helping out with that.
- We are working with MainStreet, and we submitted our letters for the upcoming Halloween Trunk or Treat event that will be on October 31st downtown. Then getting ready for old fashion Christmas.
- We did a fundraiser for Shop with a Cop on Sunday. We worked a concession stand for one of the churches that was doing a movie, and we were able to raise \$500 towards Shop with a Cop.
- We are sent our Code Enforcement Officer Tyler Knull to the New Mexico League Zoning Officials annual meeting conference. He was able to get some pretty good

information from that and bring it back. We are looking at possibly revamping some things to try and get things to move along a little quicker than our current process. We are working pretty closely with that.

- We sent our evidence tech Kyleen Coulter to the Property and Evidence Technician Association conference. Evidence is one of those things that is always changing. There are always different regulations coming from the Feds that we have to make sure that we are meeting the standards on. She was able to go and gather some good information to bring that back so we can ensure we are staying up to regulation.
- We have begun our annual training. DPS requires annual training of an Officer for 40 hours bi-annually, but there is mandated training annually that we have to complete. We have stated that process, and we will continue until we are all in compliance with what the state regulates.
- From September 1st to the 19th the Officers had 697 calls for service, 89 where for Animal Control.
- We had quite a bit of citations this month. We had 177 traffic stops and we issued 165 citations.
- We had 14 motor vehicle accidents. We are trying to lower that. I mean it helps everybody because our insurance rates go down. We are trying to figure out the root cause of that. We have done crash studies, and there is nothing specific. It's not all in one area. It's all over the map. It has a lot of dots, and it looks like it has chicken pocks. They are just random from people not paying attention. We are working on that still.
- We had 1 DWI for the month.
- We had 22 arrests. We continue to stay busy and try to meet different compliances.
- One of the things I want to touch on is that a local government entity is there to really to protect the rights of the community, and the rights of the public. As a Police Department, the way that we do that is by protecting our communities' civil rights, evidence, and property. That way, whether you are accused of something, or you are a victim of a crime, you are able to rely on that evidence. That is supposed to be protected by that entity, to either appeal your conviction, or to gain a conviction, and serve the victim. We are working on that, and I appreciate you guys doing what you did with the building. Hopefully we can get that funded and be able to adequately protect those rights of our community members.

Commissioner Fahl: I just want to applaud all of our officers. We all support law enforcement, and everything that you do for us. I really appreciate you going the extra mile to send them to their training. That is just so vital to our community, and to them to grow as officers. Thank you for your leadership.

Chief Tavizon: Thank you for the opportunity.

Commissioner Mitchell: Regarding the vehicle accidents, where are they located? Are they in a particular area, and specifically where? Are there any in the roundabouts?

Chief Tavizon: There have been a couple in the roundabouts in past months, but it wasn't as much as you would think. It was really in residential areas. Maybe people backing out of their driveway and not paying attention, or somebody coming up and instead trying to avoid an accident. When we did the crash study, the map of the city had dots everywhere. So, I'm thinking maybe driver negligence is the source and cause of all these crashes.

Commissioner Mitchell: Do you think it may be cell phone usage while driving or something like that?

Chief Tavizon: Distracted driving is always an issue.

Mayor Pro-Tem Forrister joined the meeting via teleconference at 9:26 a.m.

City Commission Reports:

Commissioner Fahl reported the following:

- As you know, I'm affiliated with the Jornada Resource Conservation Development Council and I told you a while ago that that we were working with the County on a field reduction project up at poverty creek, and we are doing a thinning project in conjunction with the County. We were able to conduct thinning on 3 homes up there. We reduced the field loads there considerably, and that was very positive, and the people were excited about that. We are hoping to begin talking to residents in Kingston to reduce that as well. Then maybe we can use some of those funds to do thinning projects near town and reduce wildfire issues here.

Commissioner Hoepfner reported the following:

- I'm celebrating 6 years of Ingos Café. I am doing it in the form of a fundraiser for Acknowledge Create Teach (ACT). It will support youth programs and artists. We will be serving German food on Saturday the 28th from 5 to 8. You guys are more than welcome to attend. I will be decorating and having it like a small Oktoberfest.
- When I became a Commissioner, I did it to look out for the public, and I'm looking out for you guys. I use my free time on Mondays before each Commission meeting from 5 p.m. to 6 p.m. and I open the doors of my café to everybody. Anybody can come in and speak and ask questions. They can give me information or tell me what is bothering them. The last three times I sat there alone, but then I always hear after the fact that we are making decisions, or we go in a certain direction that you were not informed of, or you say that you were not included. When I sit there alone, I say ok the interest we have here. The more input we get from the public, the better so we can do our job and handle things. It's sad for me to see that you offer something, and in return you get nothing, but then later you get blamed for decisions or directions you go by because there is no input from the public. I hope to see when we have it posted that there is public input, and you attended and bring your information of what you would like to see change, or what is bothering you. All you have to do is ask me. It's the same here with the petition. Nobody came by asking me what it was about. They came afterwards, after they had

already signed the petition stating that it is not what they heard but I signed it anyways because it is important. That's a little frustrating. I take the time even when people come to the café to listen because it is important that the public is involved. I hope in the future I have somebody show up, but regardless, I will always be open. I will work on a project for the city planning and think about what we can do as the next step.

- Thank you to MainStreet. It is amazing to see how much they do for small businesses, and how much they do for the whole community, in ways of finding grants to help us. I hope with all the holidays coming up the public thinks of small businesses as well and support them. We are a community, and we are here to work as a team. It's what makes this town so amazing. It's just a wonderful place to live. My motto is that together we can make a difference. I hope we all start working together a little bit more, and not fight each other. We have enough fighting going on in the world, we don't need to do it as well.

Commissioner Mitchell reported the following:

- I want to introduce Scott Orr He purchased the KCHS radio station. He was going to be here during public comment, but he was late. He is a part of my report though.

Scott Orr: I'm with radio New Mexico and I'm pleased to be here with you today and I'm very grateful for all your time. Radio New Mexico is a New Mexico owned broadcast company with radio stations across New Mexico. We have a long background in serving similar communities and we realize how important a local radio station can be to the people of the community. Radio New Mexico acquired KCHS FM 101.9, and our mission is to be the community media place for town forum where people can learn what is happening in the City of T or C, everything from the meetings like this one to where to go to eat this evening. We want to help promote the town. We will do our best to make sure that our program is always positive and entertaining. We would never be biased in our presentations of ideas and viewpoints. We just recently started a survey of the people in t or c to learn what you want KCHS to be. We want to know what music you want us to play and of course and most importantly what you want to hear on KCHS in the areas of the community events, city government outreach, weather and things that are the most beneficial to you guys. We carefully review the survey results, so we have the best surviue with KCHS. We are just getting our feet on the ground but going forward we want to be the go-to for everyone in the community to find out what's going on. We want to have a variety of programs on KHCS such as broadcasting the city council meetings which I know KCHS has done for many years. I just recently joined Radio New Mexico, and I will be in direct line with you guys. I'm very excited to be on the ground floor what would become an exceptional and valuable radio service to the people of T or C. Please help us to become a valuable service.

Commissioner Mitchell: Where could we access the survey?

Scott Ore: I can put one up if you would help me and even distribute it.

Mayor Hechler: We can put it on the city website.

Commissioner Mitchell: We will get it up on the city website so that people can access it. I did take the survey the other day and I think with the community input we could really make it a worthwhile radio station.

Mayor Hechler: This is great you know coupled with the radio station and what you are able to do for us and being live on Facebook getting all the other potential media sources that we can hit really gets the word out to people and that's one of the things we really need to work on. I'm excited for January because I think we are going to be in the public eye, and everybody is going to see what we are doing, and they should. Maybe that will spark some more interest in our community. Thank you for being in our community. I'm looking forward to the relationship.

Mayor Pro-Tem Forrister reported the following:

- I was a part of the Show of Hands selection. We selected 4 amazing finalists that will be judged by the public at their event.

Mayor Hechler reported the following:

- I will be attending the governor's conference on economic development in Albuquerque on the 25th and 26th. I already went through the curriculum and I'm going to really focus on the state investment council. Which is a meeting on what to do if we do have cash on end need year and how to invest it and where to invest it. Community businesses development I'm very intreated in that. Pitches and proposals for marketing your rural community, electricity 101 for economic development and of course marketing you community and place making so I'm looking forward to those particular classes. There is more offered I'll stay engaged and see what could happen and I'll give a report when I come back. I will also be attending a SCOG meeting in Sunland Park. The last meeting I attended was very fruitful the results of that are going to things that we are funding for one was a plan for our community since we haven't done a comprehensive plan since 2014 hopefully we will get funded for that and then we are working a little bit on doing a commercial park off of 51 somewhere and maybe doing an ohv park out in that area. If we get the funding for those things that would be great. I'm looking forward to this meeting to see what else we can pick up and take care of.

City Attorney Rubin had no reports.

E. CONSENT CALENDAR:

1. City Commission Regular Minutes, August 28, 2024
2. Acknowledge Regular Public Arts Advisory Board Minutes, July 16, 2024

Commissioner Fahl moved to approve the Consent Calendar as submitted. Commissioner Hoepfner seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

F. ORDINANCES/RESOLUTIONS/ZONING:

1. Discussion/Action: Resolution No. 14 24/25 Budget Adjustment Request.

Jocelyn Holguin, Finance Director reviewed the Resolution No. 14 24/25 Budget Adjustment Request that was provided in the packet.

Commissioner Mitchell moved to approve Resolution No. 14 24/25 Budget Adjustment Request. Commissioner Hoepfner seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

2. Discussion/Action: Resolution No. 15 24/25 in English & Spanish calling a Special Election to be held on Thursday, February 13, 2025, related to the Petition for a Referendum on Ordinance No. 767.

City Clerk Torres: On September 12, 2024, a Referendum Petition was submitted to my office against Ordinance No. 767. As per NM State Statute Section 3-14-17, upon verification of a referendum petition, the commission shall adopt a resolution calling for the holding of a special election on the measure. The number of signatures required for to prompt a special election was 209. After the verification process was completed. It was determined that there were 278 valid signatures on the petition, and there were 21 signatures that were purged as per State Statute 3-1-5 (H3). Due to the upcoming election that will take place on November 5th, a special election cannot be held until 100 days after the regular election which would be February 13, 2025. The special election will be a mail in ballot only election which will be conducted through the Office of the Sierra County Clerk. The city is responsible for all costs related to this special election. The total fees that we paid for the last referendum special election was \$22,329. To address Ms. Miller's question, an election resolution is required to be submitted to the governing body anytime we have an election, so in order for us to proceed forward, the election resolution has to be approved, and that's why it is on today's agenda.

City Attorney Rubin: There is a state statute that requires us to do this, and the resolution which is set forth in your packet cites that statute, so really what you are considering is the actual document which is called a Proclamation Resolution Calling for a Special Election for February 13, 2025.

Commissioner Fahl: This is unfortunate that here we are again. I don't understand some of the activities that occurred in collecting the names on the petition. I am going to explain what happened to my sister-in-law, and my brother-in-law. I don't understand what happened to them is actually a legal process, so jay I need some input. So, somebody came to their door, and by looking at the list of names, it looks like somebody just went up and down the streets. I don't know how they did it, but they came to their door, and they told my in-laws that the city was once again trying to use the Armory, and fix up the Armory and we were going to spend \$20 million, and we were trying to

bypass what the people wanted. They also said that we the Commissioners don't listen, and we just need to stop trying to go around what the previous election had done. They told them this whole spiel, and then they gave them the petition. Now, I said, didn't you read what you were signing? No, they did not because, I don't know how many papers they were shown, but the second page of the petition was not on there, and they just showed them the page and said here sign this page. They did not even see the beginning of the petition that said what they were signing. I yelled at them in a not nice manner "why did you sign something without reading what you were signing" but the whole spiel was blah, blah, blah, here sign on this page, and they didn't even see the beginning page, so how is that even legal.

Commissioner Mitchell: It does say on the bottom of the petition that if you're misrepresenting what they are signing it is fraud. I had another person come up to me and say, "someone came into my office and handed me a petition that said the City of Truth or Consequences Commission is illegally taking \$2 million from the general fund in order to re-build the Armory."

Commissioner Fahl: Yeah, it was all about the Armory.

Commissioner Mitchell: That information is a complete and utter lie, and again people just signed it. There are names on this list that I've called and asked why they signed it and they told me that they were told it was for something else. To me that's illegal. That's deception. Is there anything legally that we can do about that?

City Attorney Rubin: I've been asked that question before. The jurisdiction of the City Clerk is actually limited. Her job is really just to verify that these are valid signatures. It's not really coming upon our City Clerk to go around to the 278 people who signed the petition and ask them if they meant to do this or ask if this is what they intended. She verifies the valid signature that belongs to the person, and she brings that to you. One thing I know here is that according to the agenda request form, I'm told that there are 278 valid signatures, and there were only 209 that were required. So, I think the only way I would know to challenge a signature would be only if an action was filed in district court in which someone who is contesting that they did not intend to sign the petition because they were misinformed, or something was misrepresented to them or whatever the reason may be. That would still have to be filed in district court by the individual and they would have to ask the court to make a determination that the signature provided was not a valid signature. The problem you run into is if you are really trying to stop this action, you are going to need 70 people to do that because we only needed 209 valid signatures and we received 278, so those are the problems that I always see when I'm asked this question. I know it's unfortunate and I totally understand what you are saying, because this has come up before. I have a law office in T or C and so many times people have come into my office to tell me that they didn't know what they were signing, and they didn't understand it, and if the information was misrepresented to them. I tell them that I wish they would have called me before you signed the petition. So, I think if you really want to challenge this process, I think the

people who claim that this was not at their own free will would have to file in district court. I don't like giving you this advice, but I think that is the problem you look into.

Commissioner Mitchell: So, the people that were misled would have to take it to district court. I think as we were moving forward, we are going to have to find a way to take action because if we can be stopped repeatedly for things like this, we are going to have to find a way to better communicate what we are doing. We have been talking about this for several months and the people still misunderstood, and they were misled by whoever went to their house. I'm not talking legally, but we failed once again. If they signed it and there is nothing that we can do, then I don't know.

Commissioner Hoepfner: It's sad to see because I'm there. My doors are open. I have an open-door policy. Come and ask me. A regular customer came and said, hey I signed this petition, what does it do, then I explained what it was, and she said that was not what she signed. So, I told her to please tell everybody to come in and talk to me. I'm here. It is the same thing with my meetings. I make my decisions from what I am told by the people who come and voice their concerns. It is discouraging when you find a solution because it was said, that is a lot of money to build a new police station, so we come up with a new idea which cuts the entire cost by over \$5 million, including the building and everything and then we are told that we are overspending. There is nothing in this world for free. I see the same thing when I spend time to do the work that goes into other projects like expanding the Healing Waters Trail, or maybe improving the Senior Center. I spend time doing all the work and then at the end somebody says, no I don't like it, so they go and get signatures on a petition. It would be a benefit to the community, but because someone doesn't like it, they can circulate a petition. That is very sad to see instead of them coming and talking to us. I would have explained what it was. Every reaction has a counter reaction. When the money for a project is taken away, then we have to find other means of money. Now we have to go to Santa Fe to ask for money for this and that is less money to fix our infrastructure. So, everything has a consequence. Please think about what these signatures are doing and think about how they complicate us moving forward. I don't want to go backwards. I want to go forward in a positive way. I want to develop our beautiful town because it is a wonderful place to live. I want to move forward and do more things for the people. We work hard on the things we do. We go to meetings, and we do research. That is our time as well, so I just want to encourage everyone to please reach out to us when you want to be involved so you can be involved in the entire process. Go to your advisory boards and bring it up to them. That's what they are here for. Go and get involved this way and not after the fact when somebody disagrees with something and wants to circulate a petition and throw \$20,000 out the window for an election. You want to say that you are all about saving the city money, but you are okay with us spending \$20,000 on a special election. That is taking money away from us using it towards things that benefit our community. I am trying my best here to bring us forward and I really do put in work for what I promised. I will always have my door open so please come and talk to me.

Mayor Hechler: I just want to clarify a couple of things. This new ordinance has nothing to do with the Armory. Absolutely nothing. It has everything to do with the PNC Bank

building which the city acquired. We bought it for under the appraised price for \$430,000 and we want to renovate it. I think that will cost maybe \$600,000 if we do that. We were approved for a bond for \$1.68 million if we want to. Not the \$2 million plus interest. That was erroneously reported on the petition. I am only one decision maker here. I would not advocate for the \$1.68 million. I would advocate for \$1.1 million or maybe \$1.2 million which is to pay back the city the \$430,000 which they had to use their own cash to pay for, and the \$600,000 for renovations. So, the total cost of this building would be around \$1.1 million or maybe \$1.2 million. I think that is a bargain for this community for a 700 square foot building in the location that it is at. That's what I would advocate for moving forward. It is easy to go back out to the same people that signed a petition before and ask them to sign another petition and represent it the way it was represented. That's easy to get those signatures because the same people are going to sign it again, so I have a problem with that. There are a couple of other decisions that we need to make. Do we go back out to referendum and allow the people to vote on this thing that is going to cost us around \$25,000 to do that. I think this time around we are in a much better position to defeat the negativity out there and support this thing. I've already heard from several community people that are in support of what we are trying to do, including many local businesses, and we need to make the decision to go that route and have the Special Election and defeat this petition, or we can go to one of our representatives and ask them to fund the Police Department to about \$700,000. I think that was on our Capital Improvement request last time around. We can get that money from another representative or our Senator. I think we have support for that already. If we do that, then Commissioner Hoeppner, you are absolutely right. We are taking that \$700,000 that we could be asking for water or sewer infrastructure or something else, and we are putting it to the police department when we could be using that money somewhere else in our community. That is the decision that we have to make here. I understand the process you explained Attorney Rubin but is there any opportunity here where a group can go forward. In other words, if we found 70 people out there that said that they erroneously signed the petition based on inaccurate information and they are willing to go to district court as one, can that be done?

City Attorney Rubin: Yes, you don't need to have 70 individual lawsuits. If 70 people got together, they could certainly proceed in one case. I'm glad you made your comments because I want to emphasize something that you touched on. You already purchased the building at 210 Main Street, and regardless of what happens with the special election or what you do today. You already bought the building. There was nothing that was in the purchase agreement that made any contingent upon the ordinance being passed so you have that building regardless of what happens in February. That's not going to change anything, so that is an important point to emphasize.

Commissioner Fahl: What's frustrating, and what I don't understand is that those 278 people do not support our police department. This is all for the police department and if they are signing the petition then that is saying that they don't support law enforcement.

Mayor Hechler: It depends on what they were told. If they were told it was for the Armory, then that is different.

Commissioner Fahl: I think I want to go through the battle again because I'm tired of being stymied on something as vital to this community as a police department. So, say we did that. This next year is the 60-day session, and if this election is held in February, there is still time in the session to have our backup plan in place in case the election doesn't go in our favor.

Mayor Hechler: Sure. In my opinion, one way or another, we need to go forward with this thing.

Mayor Pro-Tem Forrister: I think we are all in agreement here that this is just ridiculous reality that we have to face. It is a game to that person who started that petition and circulated it. It doesn't matter what we put in front of the people. He is against every single thing, and it is very unfortunate for the people and for this community, and it is unfortunate for the signers that don't really even know what they are signing. I don't know what the best way to go about it is, but yeah, we need to get it done, and we need to finish our police department. It is already our building, we already bought it, so let's make it into the police department. I'm all for any way you guys want to make that happen.

Chief Tavizon: I would just like to clarify that yes. The police department is going to be the beneficiary of that building. A police department is the people's police department. It is their public safety building. It is going to be there long after myself and my officers are gone. It's for the community. Public safety benefits the community. When people look to move someplace, that's one of the things that they look at, is the crime rate. So, regardless of what happens and how we fund it, it is always going to be the people's public safety building. I just hope that we can direct our police department in a professional manner and be a good order of what the public should have as far as public safety. I am appreciative of any way that we can get it funded. Obviously, there was some misinformation being fed. I've spoken to many people as well who had no idea, and they said that they back the blue 100% and they wouldn't have signed it if they would have known. I just say, don't put your name on something because you just may be signing something personal or something that may be huge. So, either way I am willing to help if we have to go to our congress people or if I have to speak to the governor herself and ask for money that way or go through federal grants if there is anything out there. I am willing to put the work in as well because we need to be able to provide the community with a good public safety. A police department in any entity can very easily bankrupt a city if its not properly ran and if there are liabilities that are brought up that are not addressed, and we've been trying to do that as well as the commissioners, and I thank you for that and for listening. I brought in a professional from the Albuquerque and Santa Fe area who does this across the state to get agencies accredited and she brought some concerns up which were concerns that we had.

Mayor Hechler: The building you are in now cannot be certified. Is that correct?

Chief Tavizon: They will not.

Mayor Hechler: What does that certification mean to the city?

Chief Tavizon: It means that they have a professional organization and it's a savings on the insurance. We are under the Self Insurers Fund through the Municipal League, and we have to pay for insurance for each individual employee that we through the police department and you get a 5% discount on each employee if you we are an accredited organization and that means that we are also following common practices across the nation.

Mayor Hechler: The numbers that I laid out a little while ago \$1.1 million and \$1.2 million. Is that sufficient to fully accomplish the things that you want to do with that police department?

Chief Tavizon: Yes, I believe that is more than reasonable.

Commissioner Fahl: Can you reiterate to the public the issues that you are having with the current building.

Chief Tavizon: We are struggling to meet minimum protections, for example the evidence vault. Every single piece of evidence in there whether it is there to help somebody acquit themselves in an appeal, or to convict someone to get justice for a victim, we have an obligation to protect those rights of those individuals, and if we fail to meet that, it opens us up to a liability that will bankrupt the city itself. We have roof leaks. I was told that the roof was replaced less than 5 years ago, but we still have leaks, but I don't think there is any kind of health concern in there. We've also had flooding. It continues to flood. It floods through the door in my office and that could potentially have some risks there. We are slotted for 23 employees. We have 20 at the moment and we have limited space. The ceiling in the Sergeants Office has holes in it from where it has leaked. It definitely needs to be changed, but most importantly we need an area where we can actually protect the people's rights and that includes our report management system. One of the first purchases I did was go to a secure Criminal Justice Information Services (CJIS) compliant report management system. We haven't been able to implement it because our network within the building was inconsistent. We were having outages every 5 to 10 minutes and it was extremely frustrating. It was hard to get any of the reports done or maintained in that aspect of it. There is also the freedom of information act that we have to comply with. There are a lot of different regulations that we need to comply with and we are struggling to meet those sometimes.

Mayor Hechler: If we decide to go to referendum, I feel reasonably secure that we can beat it. The problem is that we have to defeat the verbiage of the ordinance itself which says "*the government to pay a principal amount not to exceed \$2 million together with interest.*" Well, that's not how much I think we are going to be paying for this building so we have to defeat that verbiage because what they are voting on is that paragraph.

Commissioner Fahl: Well, all you have to say is it's a line of credit at the bank. People understand that.

Mayor Hechler: It's like borrowing money for a house, you've got the interest, and you got all of those things. The \$2 million is erroneous, and we have to have a campaign that says that we don't want to spend more than \$1.1 million or \$1.2 million, and we have to convince people to just ignore what the ordinance says when they get the ballot in the mail, and how many people can we reach to say, don't pay attention to that. This is actually what we want to do. That's the issue that I had.

Commissioner Fahl: I think that we need to do a good job at reaching out to the public and being a lot more proactive than we were the last time and tell them in plain English that this is what we are trying to do. We can get up to that amount, but we just need to fix the police department to meet the needs of the police and make it safe for them to operate and do their job. It won't cost that much, but you always have to think ahead about what stuff is going to cost.

Mayor Hechler: So, one option is to go to referendum obviously and the second option is to dismiss this agenda item and seek other funding from our representatives which we could do because we already own the building and not even go through the battle if we don't want to. Again, I think that's robbing Peter to pay Paul because we're going to use \$700,000 from somebody else that we can be using for much needed infrastructure money so those are the two main decisions that I think we need to go towards.

City Attorney Rubin: You can still approve the referendum, and you can always come back and rescind the action you've already taken. The ordinance isn't actually going into effect until after we have the election. I was asked that question back in January when we were doing our last go round.

Commissioner Fahl: We are trying to do something for the police department, and I think it's very unfortunate because I think a lot of these people didn't really understand that their signature meant that they do not support law enforcement. We need to step up to the plate so if it costs \$25,000, and if we win then that is nothing compared to what we advantage. If we lose again, then we have plan B, so I think we need to continue the battle.

Mayor Hechler: I am ready to go either way. I feel that we can defeat the referendum. I've talked to the business community. I think we have enough support out there to deal with it, and I think if we all stay aggressive with it and do it the right way then we can defeat the referendum, and we will eventually win the vote. That's my personal opinion, and that is just from hearing from the community members.

Commissioner Mitchell: So, we also have to potential to rescind this special election should we desire to do that in the future?

City Attorney Rubin: Exactly. I don't think you have to make a choice, one or the other. Since you have the number of required signatures, I think you have to vote in favor of the resolution to go forward with the special election, but it does not preclude you from investigating these other sources that you are talking about. If something comes up, then you can rescind the ordinance before you that goes to a vote. Keep all your options open is my point.

Chris Muirhead, Modrall Sperling: To add to what City Attorney Rubin said, when you think about litigation, there is a very important distinction between whether you have a legal question that a Judge can say yes or no to, or if you have a question which is totally facts which this would be. You would have 75 or 80 people saying X, and you would have the opposition in how they solicited names and signatures saying why. You expect that they are going to have their own spin on that, and that you would not have a resolution before February. It would be costly for somebody to go through that process, so I agree exactly with what City Attorney said, and I think that the nature of so many facts, and so many people are going to turn out to be perceptions and perspectives and you'd expect some changes in memory. Memories may vary, and recollections may vary. It would be a very expensive process that would probably not lead you to a result that you'd be happy with. I can see the outcome being for the Judge to say there is clearly a difference of opinion so let's just have the election and see what happens or he could also say, let's go back and you would have more petitions. I don't see a quick and easy resolution for that. On this, I would just point out that the \$2 million was intended to be some wiggle room. I think the initial numbers that we were working with in terms of the initial draft of that ordinance for the best scenario for the police department was \$1.6 million or \$1.7 million, and I understand now that we can bring it down from that. So, I wanted to point out that yes, the \$2 million is higher than the \$1.7 million which changes the perception, but I learned over 30 years that you have to give yourself a little wiggle room on the question because it is always going to be a little more expensive.

Commissioner Fahl moved to approve Resolution No. 15 24/25 in English & Spanish calling a Special Election to be held on Thursday, February 13, 2025, related to the Petition for a Referendum on Ordinance No. 767. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

- 3. Discussion/Action: Publication of Ordinance No. 769 Authorizing the Issuance of The City of Truth or Consequences, New Mexico Water System Improvement Revenue Bonds, Series 2024B, In the Principal Amount of One Million Sixty-Five Thousand Nine Hundred Eighty-three Dollars and Thirty-Six cents (\$1,065,983.36) for the Purpose of Predevelopment Financing.**

Chris Muirhead, Modrall Sperling: This has already been discussed this morning in terms of the infrastructure financing that you've been doing for the improvements to the infrastructure and where that money is coming from for that, and the debt related to that.

In 2024 you had the G.O. Bond where the majority of that money was going to water system improvements. You also had that currently outstanding USDA financing which is going along into those recent actions that you took there to approve the construction financing through Bank of the Southwest for several million dollars. That construction is now moving forward. When the construction is done on that deal, USDA will pay off that loan and as we talked about, we approved that ordinance at a much lower interest rates over 40 years and all of those favorable terms. That's happening in 2024. The police facility is unrelated to this in terms of the source of the money, and the project in the light. You have to view your revenue streams and your debt in these layman's that they are in. This is the most recent USDA package which was provided to the city on July 30th of this year. The total amount would be \$9,900,000 in total funds coming from the federal government. Of that amount, \$7,227,000 would be in grant, so that's very good news there. You would not have to repay that. \$2,673,000 would be in a loan when the USDA ultimately comes in. Some of the process that we've talked about before is that they buy and pay off the debt you are currently doing starting with this one in a construction interim financing and then they would come in at \$2.673 million and provide that money to pay off the interim financing. They would do that at 2.125% or lower, but currently it doesn't look like it would be lower. This loan with Bank of the Southwest is a 24-month interim financing for the pre-development costs, and you would have done that in the USDA one that we just did. This is the initial financing, and it's not in the full amount of \$2.673 million. It's \$1,065,983 for two years. You're drawing that down as a line of credit at 5%, so the interest doesn't accrue on the \$1.65 million immediately at that point. It is only going to start accruing as you draw those monies down. The \$1.65 million when it is due in two years will pay off by the next phase of financing for the construction, pay that off and then pay for the construction of the infrastructure, and then ultimately it would be paid off by USDA. There is a 1% origination fee which is \$10,659. This ordinance is entirely consistent with the other system debt. It is very important when you have multiple debts being re-paid through once source whether that be gross receipts tax, property tax or system revenues, or utility revenues that the documents align because you have at this point multiple outstanding loans. Some with the Finance Authority, and some with the federal government. You want to make sure that you are doing the same thing for each of the lenders. This ordinance ties consistently with what you did earlier this year and it's the first step in this latest USDA financing. The revenues that are paying this loan back are the net system revenues of the water system.

Commissioner Fahl moved to approve the Publication of Ordinance No. 769 Authorizing the Issuance of The City of Truth or Consequences, New Mexico Water System Improvement Revenue Bonds, Series 2024B, In the Principal Amount of One Million Sixty-Five Thousand Nine Hundred Eighty-three Dollars and Thirty-Six cents (\$1,065,983.36) for the Purpose of Predevelopment Financing. Commissioner Hoepfner seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

G. NEW BUSINESS:

1. Discussion/Action: Best Friends Animal Society Grant Agreement.

Tara Manning, Animal Shelter Manager: I bring forward to you a grant for \$5,000 that the shelter is being given by the Best Friends Animal Society to help cover adoptions. As you have probably seen on Facebook, our adoptions are slowing down. It's not just us. It's nationwide. It is a struggle that all shelters and rescues are struggling with. They are hoping that we can get more adopted to be able to take in more animals, because there are about 20 animals that are waiting to come in to the shelter right now, and with limited space because our shelter is so small, we don't want to put dogs in crates, because most of our dogs are big. It is for one year. Once it is approved, we will be working on the details and how we are going to go about which ones are sponsored and which ones are not. I know Jay had some questions when it came to the initial contract that I sent over to him. One of the things is Shelter/Pet/Data/Alliance. That is an online program that a lot of shelters and rescues use to input how many animals came in and how they came in, and dogs vs. cats, how they left the building whether that be return to owner or adopted. Because of that program, they can monitor our status as far as no kill which everyone is trying to get to by 2025. The other option that was mentioned was the Best Friends Animal network that is there. It is a membership that does not have a fee. It's just a membership that we would sign up for and when I did some more research on that network, it allows us more grant opportunities for the shelter. There are other grants such as infrastructure which would be really nice, also for spay and neuter, vaccines, adoptions, sponsors, and that sort of thing. Our pictures and stories that we have posted on Facebook, they want access to those, and I am perfectly fine with that because I feel that every animal that gets adopted, even if they get returned to owner, yes, the shelter staff is super excited about it, but let's face it, the community should also be excited about it. It should be something that we should share with the public because it is very exciting. If approved we will get the grant money and we can start putting it to use starting October 1st.

Commissioner Fahl moved to approve the Best Friends Animal Society Grant Agreement. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

2. Discussion/Action: Variance request and Special Use Permit for Parcel 3021077414340 for the placement of Shipping Containers.

Assistant City Manager Alvarez: The property owner is requesting a variance request because that section of parcel is in a residential zone, even though directly across the street is a commercial. They won't have a main dwelling unit on that property. It will be just for the shipping containers to go out for public storage units, and then the special use permit is for the placement of those shipping containers. The applicant was unable to attend today. I didn't have any concerns with this request.

Commissioner Fahl: I like that they are going to fence it, and the responses that the co-owner David Bean gave explaining what they were wanting to do. I actually saw the proponent at a football game, so he talked to me about it too. I think that land has been vacant for a long time so its good to put something there.

Mayor Hechler: So just for clarification, we denied one of these a couple of months ago, but that location was in the heart of downtown in a populated area next to an RV Park. It wasn't going to be fenced, and a few other things, so we denied that application. This application is totally different. I know its shipping containers, but its going to be fenced...

Mayor Pro-Tem Forrister: Not all of us denied it.

Mayor Hechler: This one is in an unpopulated area and it doesn't affect any neighbors. I think it will be e benefit to that area.

City Attorney Rubin: There was also no opposition at the Planning & Zoning level.

Mayor Pro-Tem Forrister moved to approve the Variance request and Special Use Permit for Parcel 3021077414340 for the placement of Shipping Containers. Commissioner Fahl seconded the motion. Roll call was taken by the Clerk-Treasurer.

**Hon. Merry Jo Fahl, Commissioner voted aye
Hon. Destiny Mitchell, Commissioner voted nay
Hon. Ingo Hoepfner, Commissioner voted aye
Hon. Amanda Forrister, Mayor Pro-Tem voted aye
Hon. Rolf Hechler, Mayor voted aye**

Motion carried with a 4-1 vote.

3. Discussion/Action: Conditional Use Permit at 808 Maple for the placement of a shipping container.

Assistant City Manager Alvarez: This one was also presented to the Planning & Zoning Commission on September 9th. As per our ordinance, any placement of any shipping container at a residential lot for their own personal use, must come to the Planning & Zoning board and City Commission for a conditional use permit. The location is 808 Maple. The Planning & Zoning Commission recommended approval, and there were no opponents. The proponent that was at the meeting is also here in attendance today.

Commissioner Fahl: I like the proponent being consistent.

Mayor Hechler: I've seen this property before and I've seen it recently and it is a much improved area. These folks have really been a benefit to our community, and I have no issues with this.

Commissioner Hoepfner moved to approve the Conditional Use Permit at 808 Maple for the placement of a shipping container. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

4. Discussion/Action: Approval of Purchase Requisitions over \$20,000. City Manager Gonzales

Leiandra Guerra, Chief Procurement Officer reviewed the Purchase Requisitions over \$20,000 provided in the packet.

Commissioner Fahl moved to approve the Purchase Requisitions over \$20,000. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

5. Discussion/Action: Review, Approve and/or Allocate Funds for MainStreet for the Application #2 for the "Redefine" Marketing Campaign.

Tammy Gardner, Executive Assistant reviewed the MainStreet application #2 the "Redefine" Marketing Campaign. She mentioned if MainStreet wanted additional funding for this project then they could go to the Lodgers Tax Board and ask for an amendment to the current project that they have, and then that amendment would increase their allotted amount, and then that would come back to you for final approval.

Becca Eza, MainStreet T or C Director: This is including print advertising in magazines in select cities such as Santa Fe, Albuquerque, Las Cruces, El Paso, Tucson, and potentially Austin, Texas. Those are the areas that were chosen because we know both from the visitor's center and from talking to businesses and art galleries, that's where a majority of the tourists are coming from already and we want to expand the tourist marketing more in those places. When Gina Kelley was talking with some of the magazines in these places, TorC has not been advertised before in a few of them, so we are trying to coordinate getting into new markets that way. It entails print advertising, a short TV commercial, Facebook ads, and some small promotional items with the city logo that we will be giveaways.

Mayor Hechler: I'd like to make some comments about the concerns that I had. There were only 3 members of the board present at the meeting so I took the initiative to call

Jessica Mackenzie and she was in support of this as well. I am always concerned when two of the folks were also on MainStreet. I know that is not a conflict of interest technically.

Becca Eza, MainStreet T or C Director: Nobody from MainStreet is making money off of this.

Mayor Hechler: I know that, but sometimes even the appearance of it, we want to be concerned with so that's why I reached out to another board member and they were fine with it, so I felt better after that.

Commissioner Fahl: I'm glad you brought that up in public so that the public knows that we are aware of that.

Becca Eza, MainStreet T or C Director: There was a disclosure of that before we started the presentation at the Lodgers Tax meeting.

Commissioner Fahl: I just want to point out that what Linda and Gina did is that they serve on that board, but they don't get a financial gain from it so they don't have to recuse themselves, and by the same token, Amanda has family on another board, and I serve on two other non-profit boards, and when those items come before the commission, Amanda and I both recuse ourselves just as a courtesy because there are sufficient members to take action. If it were a case like this where my vote was vital then I wouldn't do that, so I just want to reiterate that this is a small community and a lot of people serve on a number of boards, and as long as you aren't getting a check out of that action, then we should be able to vote.

Commissioner Hoepfner made a motion to approve the "Redefine" Marketing Campaign application in the amount of \$48,403. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

6. Discussion/Action: Turtleback Trails Network Outdoor Recreation Trails Grant Proposal and Letter of Support.

Commissioner Fahl: The Jornada RC&D (which I'm a member of) are applying to the Recreation Trails grant program to purchase trailheads, wayfinding signs, and interpretive panels for the Turtleback Trails. As we talked about the Turtleback Trails Network Plan before, there are many components. There are a variety of different things besides the foot bridges. That was a big effort to talk about. There are improvements at Rotary Park and things to help for people that float the river so we felt that the first step that we could do to start having people realize that the Turtleback Trails is there and people can start benefiting from it, is to get interpretive panels and some trailheads. It is about a 7 mile stretch, so we want to put a panel every mile along the county road A05. We intend to get 4 trailheads. We will have a trailhead by the 3rd street bridge, one by the junction where you can go up to the sand dunes, and one will be down by Williamsburg. The trailheads

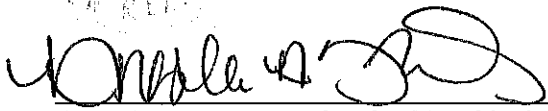
would have a map of the trail and basic information about watching out for snakes and things of that nature. We also want to have signs, so when you are walking there will be mile markers so you will kind of know where you are at. This is all going to be on the county road and within their easement. The county is proving an authorization letter for the proposal for us to place the signs along their road. We are going to have volunteers install the signs. Since we are a rural community, it is a 2-1 match and it could be in kind services, so the match will be all in kind for volunteers to install the signs. Jornada is the applicant and what we are doing is asking people for letters of support.

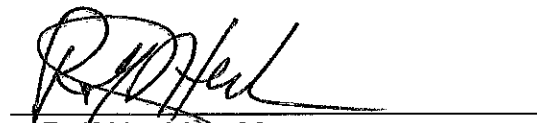
Commissioner Mitchell moved to approve the Turtleback Trails Network Outdoor Recreation Trails Grant Proposal and Letter of Support and allow City Manager Gonzales to sign the letter. Commissioner Hoepfner seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

Mayor Hechler adjourned the meeting at 11:12 a.m.

Passed and Approved this 9th day of October, 2024.



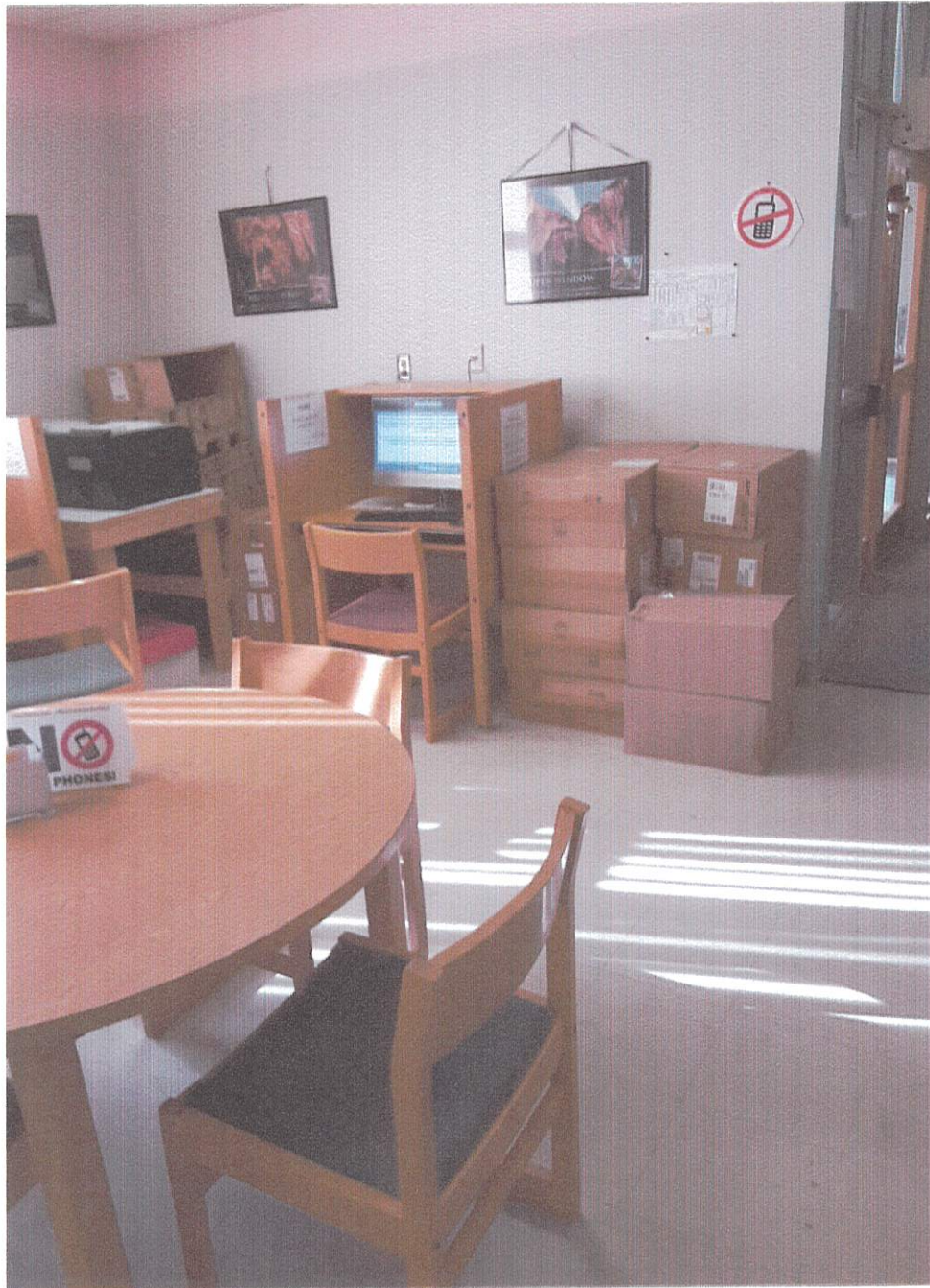

Angela A. Torres, CMC, City Clerk


Rolf Hechler, Mayor











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