

*Rolf Hechler
Mayor*

*Amanda Forrister
Mayor Pro-Tem*

*Merry Jo Fahl
Commissioner*



*Destiny Mitchell
Commissioner*

*Ingo Hoepfner
Commissioner*

*Angie Gonzales
City Manager*

*505 Sims St.
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REGULAR MEETING

THE REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO, TO BE HELD IN THE COMMISSION CHAMBERS, 405 W. 3RD ST., ON WEDNESDAY, JANUARY 8, 2025; TO START AT 9:00 A.M.

A. CALL TO ORDER

B. INTRODUCTION

1. ROLL CALL

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

2. SILENT MEDITATION

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF AGENDA

C. EXECUTIVE SESSION

1. Threatened & Pending Litigation (*Hot Springs Land Development*) pursuant to 10-15-1(H.7).

D. RETURN TO REGULAR SESSION; ACTION (if any)

1. Threatened & Pending Litigation (*Hot Springs Land Development*) pursuant to 10-15-1(H.7).

E. PRESENTATIONS

1. Presentation of City of Truth or Consequences Employee Service Anniversary Awards. City Manager Gonzales and Department Supervisor
2. Abatement Presentation. Brad Hill Community Development Director

F. PUBLIC COMMENT (3 Minute Rule Applies)

G. REPORTS

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

H. CONSENT CALENDAR

1. City Commission Regular Minutes, December 18, 2024

I. ORDINANCES/RESOLUTIONS/ZONING

1. Discussion/Action: Resolution No. 25 24/25 Budget Adjustment Request. Jocelyn Holguin, Finance Director

J. NEW BUSINESS

1. Discussion/Action: Trash Can Design proposals. Becca Eza, MainStreet T or C Director
2. Discussion/Action: Multi Animal Special Use Permit 1501 N. Ash. Assistant City Manager Alvarez
3. Discussion/Action: Increase Commission Approval Threshold. Jocelyn Holguin, Finance Director
4. Discussion/Action: New IT Part-Time Position. Jocelyn Holguin, Finance Director
5. Discussion/Action: Liquid Waste Dumping Agreement – Annual Renewal Request. Assistant City Manager Alvarez

K. EXECUTIVE SESSION

1. Limited Personnel Matters (Pertaining to City Manager Interviews & Possible Selection) Pursuant to 10-15-1(H.2)

L. RETURN TO REGULAR SESSION; ACTION (if any)

1. Limited Personnel Matters (Pertaining to City Manager Interviews & Possible Selection) Pursuant to 10-15-1(H.2)

M. ADJOURNMENT

The meeting will be streamed through Facebook Live on the City of Truth or Consequences Public Information Facebook Page

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting please contact the City Clerk's Office, at 505 Sims Street, Truth or Consequences, New Mexico 87901, phone (575) 894-6673 at least one (1) week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the City Clerk's Office if a summary or other type of accessible format is needed.

NEXT REGULAR CITY COMMISSION MEETING JANUARY 22, 2025



CITY OF TRUTH OR CONSEQUENCES

AGENDA REQUEST FORM

MEETING DATE: January 8, 2025

Agenda Item #: E.1

SUBJECT: Presentation of Service Anniversary Awards.
DEPARTMENT: Finance
DATE SUBMITTED: December 31, 2024
SUBMITTED BY: Alona Niebergall
WHO WILL PRESENT THE ITEM: City Manager Gonzales and supervisor

Summary/Background:

Anniversary Awards to be given out to employees, supervisors to say a couple nice words

Kerin Salcedo – 17 years Hansen Begg, Alan – 1 year

Tara Manning – 5 years Hill, Mathew – 3 years

Henry Flores – 5 years Breuer, Joshua – 3 years

Recommendation:

None. Presentation Only.

Attachments:

- Click here to enter text.
- .

Fiscal Impact (Finance): No

Legal Review (City Attorney): No

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: Click here to enter text.

File Name: CC Agendas 1-8-25



CITY OF TRUTH OR CONSEQUENCES

AGENDA REQUEST FORM

MEETING DATE: January 8, 2025

Agenda Item #: E.2

SUBJECT: Abatement Presentation.
DEPARTMENT: Town of Edgewood Planning & Zoning
DATE SUBMITTED: January 3, 2025
SUBMITTED BY: Rebecca Garcia
WHO WILL PRESENT THE ITEM: Brad Hill Community Development Director

Summary/Background: Step 1 Identify the nuisance (Send a Courtesy Letter) Step 2 Notice to Abate (Post Sign Send a letter giving ten days to remove nuisance, Send and post Notice of Hearing) Step 3 Conduct Hearing (Provide proper notice of hearing, present case to hearing examiner, receive Order to Abate) Step 4 Remove the Nuisance (Provide proper posting and give notice of removal of action, Physical removal of identified nuisance.

Recommendation:

None. Presentation Only.

Attachments:

- Click here to enter text.

Fiscal Impact (Finance): No

Legal Review (City Attorney): No

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: Click here to enter text.

File Name: CC Agendas 1-8-25



CITY OF TRUTH OR CONSEQUENCES

AGENDA REQUEST FORM

MEETING DATE: January 9, 2025

Agenda Item #: H.1

SUBJECT: City Commission Regular Minutes, December 18, 2024
DEPARTMENT: City Clerk's Office
DATE SUBMITTED: January 3, 2025
SUBMITTED BY: Angela A. Torres, Clerk-Treasurer
WHO WILL PRESENT THE ITEM: Consent Calendar

Summary/Background:

Minutes approval.

Recommendation:

Approve the 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 1-8-25

CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
CITY COMMISSION CHAMBERS, 405 W. 3RD St.
WEDNESDAY, DECEMBER 18, 2024

A. CALL TO ORDER:

The meeting was called to order by Mayor Rolf Hechler at 9:01 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 arrived at 9:50 a.m.
Hon. Destiny Mitchell, Commissioner
Hon. Merry Jo Fahl, Commissioner
Hon. Ingo Hoepfner, Commissioner

Also Present: Angie Gonzales, City Manager
Traci Alvarez, Assistant City Manager
Jay Rubin, City Attorney
Angela A. Torres, City Clerk-Treasurer
Jocelyn Holguin, Finance Director

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 and asked that we all keep in mind the holidays and safe travels, and he hopes that everyone gets to spend the holidays with their families.

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 with the removal of item I4. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

C. PRESENTATIONS:

1. Presentation of City of Truth or Consequences Employee Service Anniversary Awards:

City Manager Gonzales presented an Employee Service Anniversary Award to Thomas Cool for 9 years of service with the City of Truth or Consequences.

City Manager Gonzales presented an Employee Service Anniversary Award to Silke Kapela for 19 years of service with the City of Truth or Consequences.

City Manager Gonzales presented an Employee Service Anniversary Award to Shae Yaw for 8 years of service with the City of Truth or Consequences.

City Manager Gonzales presented an Employee Service Anniversary Award to Elizabeth Standley for 3 years of service with the City of Truth or Consequences.

City Manager Gonzales presented an Employee Service Anniversary Award to Isaiah Mallard for 2 years of service with the City of Truth or Consequences.

City Manager Gonzales presented an Employee Service Anniversary Award to James Scott for 2 years of service with the City of Truth or Consequences.

City Manager Gonzales presented an Employee Service Anniversary Award to Chelsea Warner for 2 years of service with the City of Truth or Consequences.

City Manager Gonzales presented an Employee Service Anniversary Award to Alexandre Ortiz for 1 year of service with the City of Truth or Consequences.

City Manager Gonzales presented an Employee Service Anniversary Award to Ryan Gigante for 1 year of service with the City of Truth or Consequences.

2. Abatement Presentation. Brad Hill Community Development Director.

Commissioner Fahl moved to table item C2 until another presentation date can be scheduled. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

3. MainStreet Wayfinding Plan Presentation. Becca Eza, MainStreet T or C Director and New Mexico MainStreet Revitalization Specialists. Amy Bell, Maren Neldam, Julia Wilde, and Cam Wilde.

Presentation attached hereto and made a part hereof.

D. PUBLIC COMMENT (3 Minute Rule Applies):

Amy Miller addressed the Commission with comments related to:

- She is with Ethos Broadband. She works with Paul Tooley. She is based in Albuquerque, and she is in charge of marketing. They are in the process of extending their services to Truth or Consequences and Williamsburg. They are around 22% complete for the total project.

Nanetta Landry signed up for public comment regarding item 15. The Commission would like to give them the opportunity to speak during item 15.

Commissioner Fahl made a motion to allow public testimony during item 15. Commissioner Hoeppner seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

Becca Eza addressed the Commission with comments related to MainStreet Truth or Consequences:

- They had a successful Trick or Treat event. She thanked all of those involved.
- Small Business Saturday: They tried to make it a more inclusive event of all of Sierra County's small businesses. They received receipts totaling nearly \$8,000.
- The Old Fashioned Christmas event was held last Friday evening with a lot of collaborations from the Police Department, the Streets Departments, the Parks Department. We had a lot of volunteers help with the event as well.
- We have our next round of trashcan painting that is ongoing. We just met with the collection committee yesterday to determine which artists that applied will be invited to have a trashcan painted and at your January 8th meeting we will bring them to you for your approval. They will be revealed at a litter pick event on January 25th. This is all part of our Clean & Beautiful grant that we have in collaboration with the city. The second part of that grant will be a Youth Art Competition in April to create some signs that have a positive message on them.

City Manager Gonzales reported the following:

- I don't know where the year went. At the beginning of the year, we were still working on deciding whether or not we wanted to sell our Electric Department. It seems like that was so long ago. The Commissioners made a decision so, Bo Easley got me caught up on how the electric department runs. The Commissioners invested in a planning process for capital expense, and a clear understanding of what is needed for the electric department because we've seen what not investing in your infrastructure can do.

- We went for \$30 million in grants and almost \$80 million will be flowing into this community in the next few months up to the next 5 years. That is a lot of planning and design work. It's a lot of hoops that we the local government have to walk through also. A lot of them are for water, but there are other ones as well.
- The Airport has a lot of neat stuff going on out there. They have just started their project out there which is almost a \$2 million project.
- The Streets Department is looking at re-doing a couple of the streets. We are not going to fix a street where the water infrastructure has not been fixed. There is some water infrastructure that has been fixed, so now Buster is out there getting quotes for that. That way we can dip into those bonds that the community approved for use.
- We are still going to be working on the utility receivables. We have to clean up the past dues and send them to collections. That is very, very important that people who are using our utilities are paying us for our utilities. You cannot fix your infrastructure if you do not have that cash flow coming in. The utility receivables list needs to be addressed in a very, very meaningful way.
- Our Police Department has a new nest. We are not going to get there soon, but you guys are finally going to get out of that mortuary building. I know that was a huge priority for this city board, and they should be congratulated that they made the priority to get them out of that unsafe building and get them into a wonderful place.
- I think we are moving in a positive direction and I think that 2024 was a successful year. I am looking forward to what can be accomplished in 2025 and beyond. I know I am not from here, but I really do believe in the positivity of this community.

City Commission Reports:

Commissioner Fahl reported the following:

- I want to thank our city water crews because there has been such an improvement in getting things repaired. They have been working really hard. I want to also thank Bo and his electric crew and OJ and his crew for all of the wonderful Christmas decorations. They just bring so much joy when you see those lights on so thank you for that.
- The Jornada RC&D had applied for and received a grant for interpretive signage for the Turtleback Trail. We got our documents in place and we are moving forward and what they decided to do was put together a committee for the interpretive panels and we are going to have one probably every mile. There will be six components on each of the signage. There will be one for agriculture, geology, wild life and things like that. We will start designing those and we have a really great group of people who will be putting that together. One of the main components for the Turtleback Trail is that we wanted to work with the BLM because all we are using on the other side of the river right now is the county road, but there are hopes to develop multi-use trails for non-vehicular use. The BLM has a new Director and he wants to get things done, so we are looking forward to working with him.

- I want to encourage everybody to of course shop locally, but don't forget to visit our local museums because they are a big resource to buy Christmas gifts if you haven't already.

Mayor Hechler: I've had the pleasure of interacting with our water, utility and streets departments in the last 3 weeks or so, and I am very pleased with the amount of customer service I see between our staff and our citizens. I received a couple of complaints, so I made a couple of phone calls and they were rectified quickly. I did follow up phone calls and everybody was really satisfied and they said that our staff was professional and courteous. I think that is really important and it was really good to hear.

Commissioner Mitchell reported the following:

- I wanted to give a shout out to MainStreet and the Chamber of Commerce for the Small Business Saturday. I had the pleasure of sitting at one of those booths and collecting all of the receipts and getting to see where everybody was spending their money in the community. It wasn't just downtown. It was nice to see receipts from all over the county. They did a good job putting that together, and all of the raffle winners were very happy.
- The parade of lights this year was great and there were plenty of designs and floats, and lots of people marching and participating and lining the streets. It was a really great time. It was one of the busiest Old Fashioned Christmases that I think I've ever seen. Good job MainStreet for bringing that down here.
- There will be an upcoming holiday sing along this Friday at the Healing Waters Plaza from 5pm-7pm. It is a community event that is going to bring everybody together to sing Christmas songs. The SEBC kids will be making posole and the Brewery is bringing hot chocolate. I hope that everyone can come out and attend it.

Commissioner Hoeppner reported the following:

- I also want to thank MainStreet and the Chamber of Commerce for organizing and making downtown more exciting for people to come and check us out. As a business owner, I have to say that Old Fashioned Christmas was a success, and I want to thank all of the locals who came down to check us out and spend some of their money with us. I am very grateful for that.
- Throughout the year, every second Saturday is Art Hop and we business owners are really working hard to provide an amazing evening for everyone. I would like to encourage everyone to come out and see us and check us out. I hope in this new year that we can all come together and do things together. Happy Holidays to everyone.

Mayor Pro-Tem Forrister reported the following:

- I apologize for my tardiness. There were a lot of things going on at the school and I got to watch the 1st graders sing this morning, which my daughter was part of, so thank you for letting me come in a little bit late.
- If you need a last-minute Christmas tree. There are a few left at the Farm Bureau. Merry Christmas and Happy New Year to all.

Mayor Hechler reported the following:

- We had some rumors regarding the Nu Way Laundry Cleaners and some environmental concerns. Where this comes in is we are going to go to a referendum at the PNC Bank and there were some rumors going around that we had some environmental concerns around that area and we shouldn't have bought that building, and we shouldn't have done certain things. That prompted me to contact some people that I know at the environmental department. I talked to Mr. Roderick who was here earlier in the year who works for the governor, and he gave me contact to the environmental department. I actually got the report. The environmental department came down, the water quality bureau. They did 6 test sites near the Nu Way Laundry, outside the area, and up and down the streets. They found absolutely no pollution and no issues concerning anything in that area. The only issues that they did find were confined to the actual Nu Way Laundry building itself internally, and they made some litigation efforts at that time, and they have been rectified. So, for that area and the downtown area, which could have been catastrophic for our downtown area if there had been pollution, but everything was good. We got a clean slate, and we are happy that everything came out that way, so that was an important finding for us.
- On November 1st I wrote a letter to Senator Heinrich thanking him for the \$11.4 million that he has given to our community so far, and I detailed all of the information of where we are spending that money to kind of set him up and ask for some more money. We asked for another \$4 million to \$5 million to identify the issues that we have on Riverside and on 3rd Street concerning our vacuum service system. On two occasions I got two residents out there who had sewer overflows. Commissioner Mitchell and I went to one at the rodeo arena not too long ago and there was one on the other end of riverside, so that is an important consideration for us to deal with. I wrote the letter on November 21st, and I ultimately gave up, thinking that it fell on deaf ears, but then Traci sent me some information yesterday, that Senator Heinrich's office responded. Ashley Byer with the Southern New Mexico Regional Director for his office asked for a meeting so we are going to move on that, and hopefully it will be successful. We have a lot of water coming in, but water coming in means sewer going out a lot of the time and we need to address those issues too, and this might help us to do that, so I am looking forward to those meetings.
- I had a meeting with the South Central Council of Governments, Gary Whitehead, and several community folks to discuss a potential grant regarding the T or C Masterplan. I wanted some input from some of our constituents in our community.
- I had a meeting with the MainStreet Director and staff to discuss their annual accreditation with the state Director of MainStreet. Everything went fine and there were no issues. All seemed to go well. As I go through the agendas and discussions, it is amazing to me how often MainStreet is mentioned in the things that we do in our community. It just shows you that they are a vibrant organization and they do a good job for us, and they are much appreciated.

- I had several discussions with ParkHill engineering. They are the engineering company who is overseeing what is happening with our developers at the Golf Course driving range, and we have some issues with ground water quality over there because it is over a landfill. We are concerned if they start watering over the driving range, that it could influence our groundwater because of the landfill situation that is there. We've had 2 or 3 meetings with those folks. They are looking out for our interest. The developers have also come out and said that they are totally responsible for any issues in that area if they do have any issues regarding our groundwater. If anything tests positive because we have several wells in that area. I think we felt much better about that, and we were glad to get that off our table.
- We've had two audit meetings. One starting our new audit process for the new year, so we got our marching orders for that, and we had another audit meeting letting us know the results of our audit from last year which I can't discuss because it is not published yet, but everything seems to be fine so far.
- I agree that the Old Fashioned Christmas was a wonderful event. I really loved the parade. It was probably the best parade that I have seen in a long time for our Christmas parades.

City Attorney Rubin reported the following:

- There was a lawsuit filed involving Robbie Montgomery vs. the City. I think that the Commission is already aware of the facts of that case, so I don't think that I need to go into much detail about that. Anyone who wishes to find out more about can review it at the courthouse. I am pleased to tell you that the self-insurers fund has reached a resolution for all parties and the city did not have to contribute to the resolution.
- The second lawsuit involved Ron Fenn. He had filed a suit against us in the aftermath of the city selling the Reed Rocket Sculpture. He contended that the city didn't follow proper procedure. On behalf of the city, I filed a motion to dismiss. After a hearing, the court granted my motion, so the case got dismissed. Mr. Fenn has filed an appeal, and that is where the case stands.

E. PUBLIC HEARINGS (5 Minute Rule Applies)

- 1. Public Hearing/Discussion/Action: Final Adoption of Ordinance 766 Amending the City of Truth or Consequences Municipal Code of Ordinances, Amending Chapter 11 Pertaining to Solid Waste.**

Wes Myers, Sanitation Division: Nothing has really changed. All the changes were made at the last meeting where this was discussed, so we just ask that you approve this ordinance.

Mayor Hechler opened the public hearing.

Opponents:

There were no opponents.

Proponents:

There were no proponents.

Mayor Hechler opened closed the public hearing.

Mayor Hechler: I think the only changes that were recommended was the change in the verbiage, and continue with the exempt status, which we are going to do, and then removing the fee.

Mayor Pro-Tem Forrister made a motion to approve final adoption of Ordinance 766 Amending the City of Truth or Consequences Municipal Code of Ordinances, Amending Chapter 11 Pertaining to Solid Waste. Commissioner Hoeppner seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

2. Public Hearing/Discussion/Action: Final Adoption of Ordinance 770 NM Finance Authority Waterline Replacement Grant/Loan WPF-6323.

Assistant City Manager Alvarez: The City Commission approved publication of this ordinance on November 13th. This is for our Water Trust Board grant and loan agreement for the \$16 million. We will have a loan amount of \$1.6 million and a cash match of \$1.6 million. The cash match is being offset by the \$1.6 million that we received from Senator Heinrich. I am requesting approval of the ordinance and execution of all of the documents.

Mayor Hechler opened the public hearing.

Opponents:

There were no opponents.

Proponents:

There were no proponents.

Mayor Hechler opened closed the public hearing.

Commissioner Fahl made a motion to approve final adoption of Ordinance 770 NM Finance Authority Waterline Replacement Grant/Loan WPF-6323.

Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

F. CONSENT CALENDAR:

- 1. City Commission Regular Minutes, November 13, 2024**
- 2. Acknowledge Regular Planning & Zoning Minutes, October 7, 2024**
- 3. November 2024 Accounts Payable**
- 4. Take Home Vehicle Form: Police Department**

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

G. ORDINANCES/RESOLUTIONS/ZONING:

- 1. Discussion/Action: Amending the English & Spanish Special Election Resolutions No. 15 24/25 related to the Petition for a Referendum on Ordinance No. 767 to change the date from February 13, 2025, to March 4, 2025.**

City Clerk Torres: On September 24, 2024 the Commission approved Resolution No. 15 24/25 in English & Spanish to move forward with a Special Election to be held on February 13, 2025, for a Referendum against Ordinance No. 767. We received a call from School Superintendent Nichole Burgin about the city possibly collaborating with the schools to have a combined special election because the schools are having to go to a mil-levy special election to find and support funding for a new school. This would help both entities share the expense by combining both questions on one ballot. After speaking with both the Sierra County Clerk's Office and the NM Secretary of State's Office, this would be doable, however we will need to change the date of the special election from February 13, 2025, to March 4, 2025, for both parties to meet the publication deadlines required by the state.

Commissioner Fahl moved to approve the amended English & Spanish Special Election Resolutions No. 15 24/25 related to the Petition for a Referendum on Ordinance No. 767 to change the date from February 13, 2025, to March 4, 2025. Commissioner Hoepfner seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

- 2. Discussion/Action: Resolution No. 23 24/25 Budget Adjustment Request.**

Jocelyn Holguin, Finance Director reviewed the budget adjustments submitted in the packet.

Mayor Pro-Tem Forrister moved to approve Resolution No. 23 24/25 Budget Adjustment Request. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

H. NEW BUSINESS:

1. Discussion/Action: 709 Broad St. Property Abatement Extension Request.

Tyler Knull, Code Enforcement Officer: The property at 709 Broad Street is coming along nicely. I know that we have given multiple extensions on the property. However, I wanted to come up here and update you guys and say that Ms. Gower has been in constant contact with the city. She gives us monthly updates on the property and she contacts me multiple times a month to let me know where she is at and how much progress she has accomplished. I went over there yesterday, and it is 10xs better than what it was, and I still see improvements so I am comfortable giving another extension if you guys are comfortable with it. The request is for a 3 month extension.

Mayor Pro-Tem Forrister: I just want to point out that this is a prime example of what we want to do as a city and what we want to do as Code Enforcement. We want these places cleaned up, but we are willing to work with people, and as long as you are doing your due diligence, we are more than willing to work with people. I think this is a perfect example of how these things should work out.

Mayor Pro-Tem Forrister made a motion to grant a 3 month extension for the 709 Broad St. Property Abatement Extension Request. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

2. Discussion/Action: Award RFP 23/24-009 and execute agreement between City of Truth or Consequences and Wilson & Co. for the City of Truth or Consequences Comprehensive Plan Update funded by CDBG.

Assistant City Manager Alvarez: The city went out to request for proposals and we received 4 proposals that were reviewed. Ultimately, Wilson & Company was the highest scorer. All of that information was submitted to CDBG for their review. They reviewed it and approved for us to proceed forward with a notice of award to Wilson & Company and execute the agreement. The agreement is in your packet.

Commissioner Mitchell: I was looking at the score sheets and I noticed that one of the companies were only 12 points behind this. Was there a difference in price for each one of those proposals, or was it going by scoring alone?

Assistant City Manager Alvarez: The price was not considered. It is not allowed in CDGB. It's by qualification only.

Commissioner Mitchell made a motion to Award RFP 23/24-009 and execute agreement between City of Truth or Consequences and Wilson & Co. for the City of Truth or Consequences Comprehensive Plan Update funded by CDBG. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

3. Discussion/Action: Legal Services Agreement between the City of T or C and Modrall, Sperling, Roehl, Harris & Sisk, P.A., Attorney at Law.

Assistant City Manager Alvarez: This is a standard legal services agreement with Modrall, Sperling, Roehl, Harris & Sisk, P.A., Attorney at Law. Chris is the one who does all of our bond stuff for USDA. This one is specific to the upcoming WISP 2 project that we are going through the process of. USDA requires a legal services agreement to be executed. The cost for his services are paid for out of the USDA grant/loan.

Commissioner Fahl made a motion to approve the Legal Services Agreement between the City of T or C and Modrall, Sperling, Roehl, Harris & Sisk, P.A., Attorney at Law. Commissioner Hoeppner seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

4. Discussion/Action: Aging and Long-Term Services Department Appropriation Grant Agreements A241-2021 and A241-2022 for SJOA Vehicle Purchases.

Item was removed from the agenda.

5. Discussion/Action: Variance Request at 1095 E. Riverside.

Assistant City Manager Alvarez: This item went before the Planning & Zoning Commission on December 9, 2024. The applicant is requesting a variance for the setbacks for front, rear, and one side setback. The property is located in the riverside residential zone. We did have a public hearing. There were 5 opponents and 1 proponent which was the applicant, who attended the meeting. We had a motion made to deny, but the motion died for the lack of a second. After further discussion ensued, the members made another motion to deny, and it was seconded. The vote was then split 2-2. At that time, they recommended to send it to the Commission for further discussion and they asked that I update you on services pertaining to our water, sewer, electric, and fire. I reached out to all services and Fire Chief Tooley reviewed the location and the drawing

that you have in your packet and he approved it. Water and sewer is available and can be tapped into and electric as well. There were no concerns. Our Code Enforcement Officer had been out there before with some complaints that came in. There was a reference made during the meeting that a neighbor has some concerns pertaining to a fire if additional electric was put in so Bo is here to answer any of those questions.

City Attorney Rubin: The Planning & Zoning Commission already had the Battershell public hearing on this and that meant that every witness was given the opportunity to testify. They were put under oath and the Planning & Zoning Commission did ask them a lot of questions and they got some great information. You really aren't required to take any additional testimony because the process was already done through the Planning & Zoning level.

Mayor Hechler: I think when we all got our packets we should have read the minutes. They were pretty extensive and a lot of good questions were asked so I think everything was covered pretty well, but since we did not allow public comment for these folks to speak, I want to allow it after we hear from our city officials.

Tyler Knull, Code Enforcement Officer: At the start of the complaints that I received at this property months ago, we were called to violations of a noise ordinance for generators, parking, setback requirements for people staying in their RV and the RV being too close to the fence line. On our arrival we didn't see any parking violations. It's a public street and you are allowed to park on the street. There is no requirement saying that you can't park in front of someone's house. Blocking someone's driveway could be a violation, but we didn't see any violations with that. The RV was kind of close to the fence line, but there are no requirements for that. As far as the generator, the Police Officers on the night shift never received any actual violations for the noise. They didn't hear anything that concerned them that was a nuisance.

Mayor Hechler: Ms. Alvarez, would you please discuss some of the setback requirements and what the concerns may be in regards to that.

Assistant City Manager Alvarez: For a little bit of background information, the applicant had this property and comes in from out of town on occasion with his RV and was camping for a weekend. They were not living in it or using it as a dwelling full time. Because our Municipal Code is a little bit vague when it comes to somebody coming in and putting it on their property to camp, it was difficult to find a technical violation because they were not living in it full time. Given the complaints, the applicant opted to instead put a tiny home on the property because he enjoys coming to this town. In order to meet the requirements for the square footage of the house. If you look at the very last site plan in the agenda packet, it is an updated and revised plan that the Planning & Zoning Commission did have in front of them. On front porch section he should be setback 25ft. so he doesn't quite meet the setbacks from the property line in one corner section and in the main part as well. There is a 5 ft. setback required on the sides. On one side he does meet 5ft. setback and on the other side he doesn't meet the 5 ft. setback, but there is a 10 ft. utility easement on the other side of the property that is a city utility easement so

there should not be any permanent structure over on that other side within our city easement. Because he can't meet the front and the side setbacks, he does have to request a variance through the code. We did send out certified letters to everybody within that area, and that also included our Bureau of Reclamation. Brent Tanzy did call me. He was provided all of this information and he didn't have any concerns on the river side.

Mayor Pro-Tem Forrister: So, this is only for putting a tiny home on the property and not regarding the RV that they currently own. They are trying to make it easier for everybody so they are not staying in the RV?

Assistant City Manager Alvarez: Correct.

Mayor Hechler: Does that mean that the neighbor cannot build anything on this utility easement that is permanent in nature? They can store things there but it can't be permanent.

Assistant City Manager Alvarez: Correct.

Mayor Hechler: So, this person's building is not going to interfere with the neighbors being able to build at all.

Assistant City Manager Alvarez: Correct.

The Commission allowed applicant Ambrosio Saiz and opponents Nanetta Landry and Vicki Sorg to give testimony as they did at the December 9, 2024, Planning & Zoning Meeting. (Planning & Zoning testimony reference attached hereto and made a part hereof).

Discussion ensued between the Commission and Opponents and Proponents.

Mayor Pro-Tem Forrister made a motion to approve the Variance Request at 1095 E. Riverside. Commissioner Fahl seconded the motion. Roll call was taken by the Clerk-Treasurer.

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

Motion carried with a 4-1 vote.

6. Discussion/Action: Advertisement of Property for sale located at 703 Jicarilla and 1515/1517 Corzine.

Assistant City Manager Alvarez: This property was obtained through the property abatement sale a while back. It has just taken a little bit to get through the survey process and then go out for the appraisal. The survey and appraisals have been completed and they are within your agenda packet, so I am just asking the Commission to proceed with placing this on our city website with our other properties for sale, as well as potentially do another ad in the paper with our existing properties that we have already surveyed and appraised and add these ones to it and maybe to another ad. I think at some point I would like to maybe come back to the Commission to discuss the potential of some of these properties, maybe going through real estate. I think with the property values nowadays, if you look at the appraisals for these two properties, I know I was a little shocked when they came back. I don't know that we are going to get really good outreach just advertising in our own local paper, and it will really eat up my publication budget if I start advertising in Albuquerque and Las Cruces. So, maybe we need to entertain listing our properties through a real estate agent and what that could potentially look like so we can maybe get a better outreach and get these properties on the tax roll.

Mayor Hechler: I would like to know what the city has invested in these lots to see what our break-even point is. I think that it would be important to know, because I don't know if we are going to get anybody who is going to give us an offer of \$29,000 for each one of these properties. If that is the case, then we have to kind of decide what we are willing to accept. I am under the opinion that I am willing to accept what we have invested in it so we can transfer the ownership of these properties and get it back on the tax roll later down the road and get people living in there if we can do that. So, do we advertise it?

Assistant City Manager Alvarez: Normally what I would do is advertise and if we would receive offers for the purchase, then when I would come back to the Commission with those offers, I would also come back with the cost of the abatement, the attorney fees for filing the lien and the process and the survey and appraisal costs.

Commissioner Fahl made a motion to allow staff to Advertisement the Property for sale located at 703 Jicarilla and 1515/1517 Corzine and direct staff to investigate the cost of securing a potential real estate broker. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

7. Discussion/Action: Public Information Officer/Tourism/Economic Development Director Position.

Mayor Hechler: In light of how important it is to have a public information officer, when we lost ours, because we don't respond to the public, especially when we get beat up on

various Facebook pages and things of that nature. I think we are to that point in our community where we are growing a little bit, and we need to reach out to other entities and promote our community and work with other groups to promote our area. I would like to see us re-investigate the idea of having another Public Information Officer/Tourism/Economic Development Director. I had a little assistance in drafting this job description. You can look at it and let me know your thoughts. We are looking at the possibility of having our Lodgers Tax money pay for this position. We had this position filled before and it didn't work out, so I think this new person would have to be a perfect fit.

Commissioner Fahl made a motion to approve the Public Information Officer/Tourism/Economic Development Director Position. Commissioner Hoeppner seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

8. Discussion/Action: Facility Maintenance Technician 1 Position.

Assistant City Manager Alvarez: The city has been unable to fill a Civic Center Maintenance position. This position defined duties pertaining to both Civic Center rental oversight and facility department maintenance. The previous agenda item is reassigning that position as a PIO/Tourism/Economic Director with job duties outside the scope of Facility Maintenance. If that position is approved by the Commission, staff is requesting to add an additional position to the Facility Department. The position would be a Maintenance Technician 1. The starting wage for this position is \$13.78 hourly. The Facility department staffs one Facility Manager, one Maintenance Tech 2, one Maintenance Tech 1 and two Janitorial positions. This department maintains over 125 buildings, and half of those are maintained daily.

Mayor Pro-Tem Forrister made a motion to approve the Facility Maintenance Technician 1 Position. Commissioner Hoeppner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

9. Discussion/Action: T or C Mainstreet Great Blocks Project - NMDOT Maintenance Agreement.

Assistant City Manager Alvarez: The T or C Mainstreet Great Blocks Project for the Foch Street Renovations design shows a portion of a landscape planter within NMDOT Right

of Way. NMDOT requires a Maintenance Agreement to proceed. The agreement assigns maintenance of landscape to the city.

Commissioner Fahl made a motion to approve the T or C Mainstreet Great Blocks Project - NMDOT Maintenance Agreement. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

10. Discussion/Action: City of Truth or Consequences 75th Birthday.

Commissioner Fahl: I don't know about the rest of you, but I was kind of asleep at the wheel during this whole Fiesta 75th anniversary. Yes, we are all about Fiesta, but I think we should be doing something other than Fiesta for the 75th anniversary. I have no idea what that will look like, but maybe we should have something 2-3 times throughout the year to celebrate. I volunteer Amanda and I to take charge of this because Destiny and Rolf already do Fiesta. We can also maybe see if any of the city staff would want to volunteer, and maybe start planning some events. If we had a PIO person, they could put something on Facebook to look for volunteers.

Mayor Pro-Tem Forrister: we should host a game show on March 31st at the Civic Center and do the game show Truth or Consequences.

Commissioner Mitchell: At our last Fiesta meeting we discussed a possible fundraiser leading up to Fiesta and one of them was going to be a Second Sunday event with a variety of game shows down at the movie theatre, and if people want to get involved in it we can do it through the rest of the year. I think it would be really cool to have Truth or Consequences be one, but also do Hollywood Squares or Wheel of Misfortune. Fiesta was already planning on doing that anyway so I would be willing to help out and put that together. I would also suggest that you have a town hall meeting to help get volunteers.

Commissioner Fahl: Maybe we can use Lodgers Tax for this because we are going to promote it so people will come to the celebration so we should be able to do that.

Mayor Hechler: We ought to maybe figure out a proclamation to do.

Mayor Pro-Tem Forrister also suggested a dance.

Commissioner Mitchell made a motion to move forward with planning a 75th Birthday for the City of Truth or Consequences. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

11. Discussion/Action: Approval of Purchase Requisitions over \$20,000.

Jocelyn Holguin, Finance Director reviewed the Purchase Requisitions over \$20,000 provided in the packet.

Commissioner Fahl made a motion to approve the Purchase Requisitions over \$20,000. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

12. Discussion/Action: Review, Approve and/or Allocate Funds for MainStreet Application for the Truth or Consequences Annual Fiesta.

City Clerk Torres reviewed the application request from MainStreet for the Truth or Consequences Annual Fiesta.

Commissioner Fahl made a motion to approve \$51,264.74 of the MainStreet Application for the Truth or Consequences Annual Fiesta as recommended by the Lodgers Tax Advisory board. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer.

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

Motion carried with a 4-0 vote.

I. EXECUTIVE SESSION:

1. Limited Personnel Matters (City Manager Interviews) Pursuant to 10-15-1(H.2).

Commissioner Fahl made a motion to go into executive session at 11:56 a.m. to discuss Limited Personnel Matters (City Manager Interviews) Pursuant to 10-15-1(H.2). Mayor Pro-Tem Forrister seconded the motion. Roll call vote was taken by the Clerk-Treasurer. Motion carried unanimously.

Mayor Hechler reconvened the meeting in open session at 12:28 p.m.

Mayor Pro-Tem Forrister certified that only matters pertaining to Limited Personnel Matters (City Manager Interviews) Pursuant to 10-15-1(H.2) were discussed in Executive Session and no action was taken in executive session.

J. RETURN TO REGULAR SESSION; ACTION (if any).

- a. Limited Personnel Matters (City Manager Interviews) Pursuant to 10-15-1(H.2).**

No action was taken.

K. ADJOURNMENT:

Mayor Hechler adjourned the meeting at 12:29 p.m.

Passed and Approved this 8th day of January, 2025.

Rolf Hechler, Mayor

ATTEST:

Angela A. Torres, CMC, City Clerk



WAYFINDING

Connecting People with Places



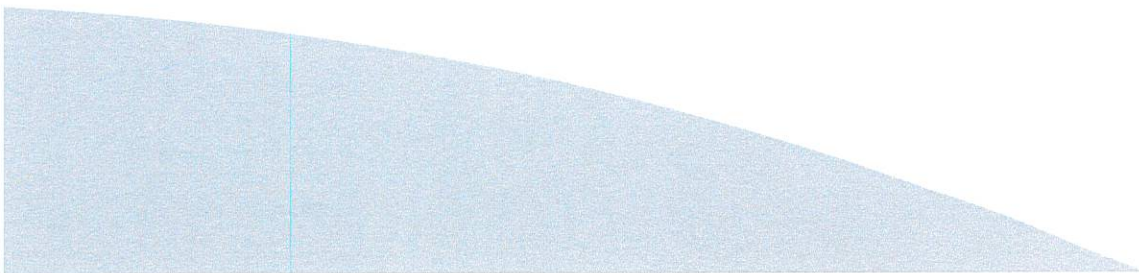
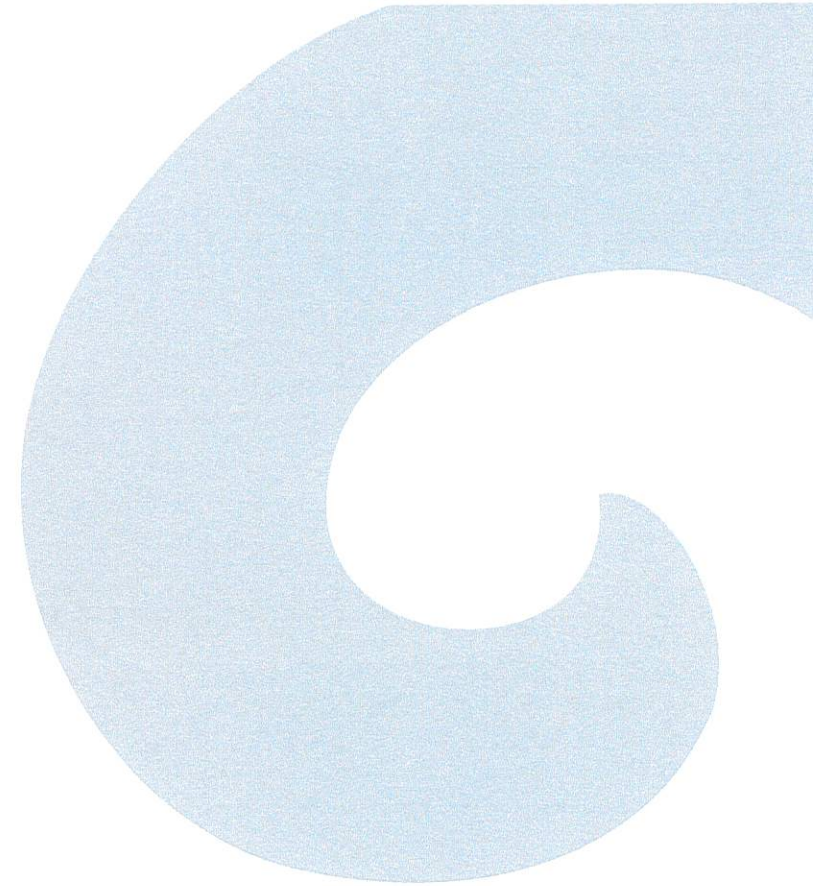
AGENDA

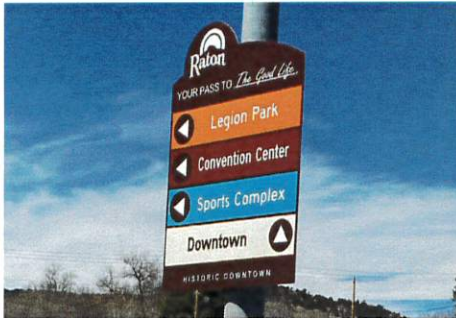
Truth or Consequences Wayfinding Project Updates

- Successful Wayfinding System Goals
- Key Destinations
- Public Survey Results

What's Next?

WAYFINDING PROJECT UPDATES





A SUCCESSFUL WAYFINDING SYSTEM:

- Connects people to places
- Simple
- Celebrates identity
- Supports park once/active transportation
- Accessible/equitable

KEY DESTINATIONS

Historic Hot Springs District

Golf course

Swimming pool

Dog park

Library

Chamber of commerce

Visitor center

Ralph Edwards park

Rio Armijo sports complex

Tennis courts (also pickleball lines)

The park in Williamsburg

City Hall (public restrooms)

Cemeteries

Rotary Park

Geronimo Springs Museum

Elephant Butte State Park

Dam site

Spaceport America

Engle

Veterans Memorial

Ralph Edwards Auditorium – Civic Center

Convention Center

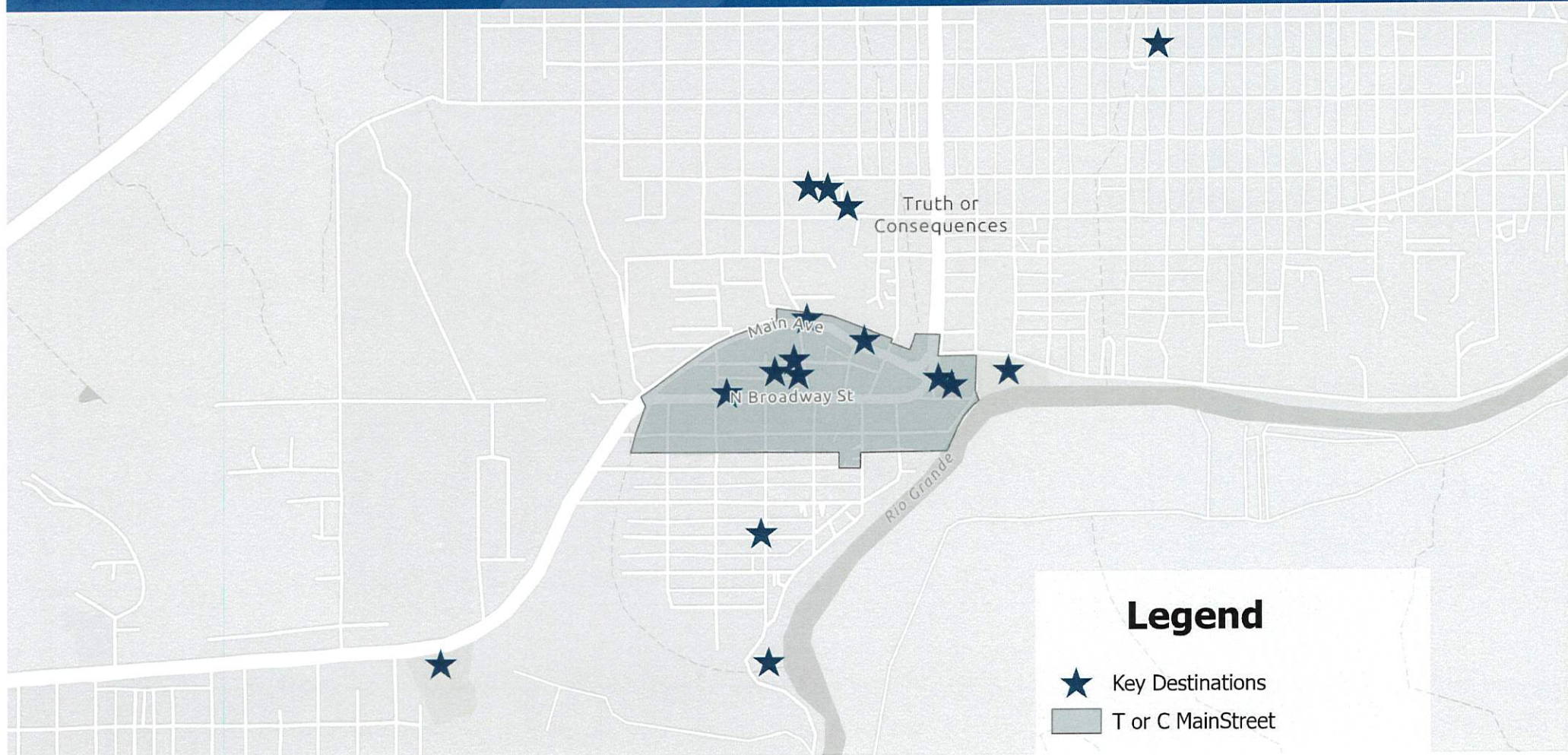
Schools

Fish Pond at Ralph Edwards Park

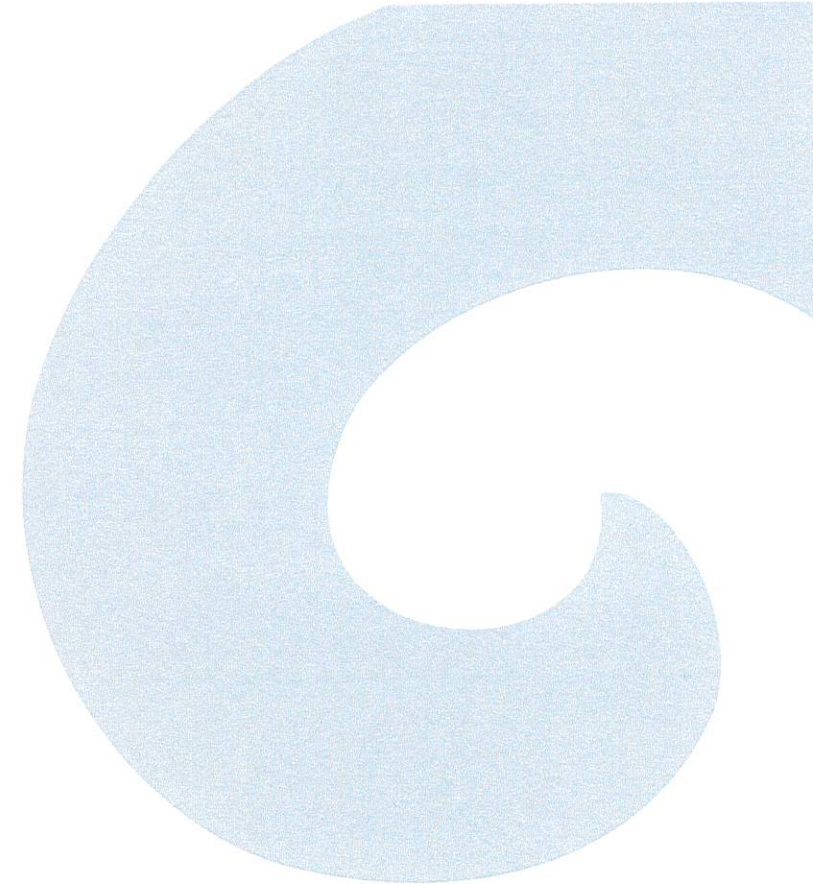
Grotto

Healing Waters Plaza

KEY DESTINATIONS



PUBLIC SURVEY RESULTS



TOP ANSWERS



Describe the feeling you would
like T or C to promote.

Relaxing • Serene

Historic

Quirky • Eclectic

Artsy • Creative

Inviting • Welcoming

Name the top community destinations that are the most difficult to find in T or C.

Rotary Park

Trail Head

Ralph Edwards Park

Healing Waters Trail

Visitor's Center

Who should you try to reach with an improved wayfinding system?

Out of town visitors

Recreational Users (*bikers, joggers, walkers, etc.*)

Families with kids

What elements of the T or C experience do you think wayfinding should most contribute to?

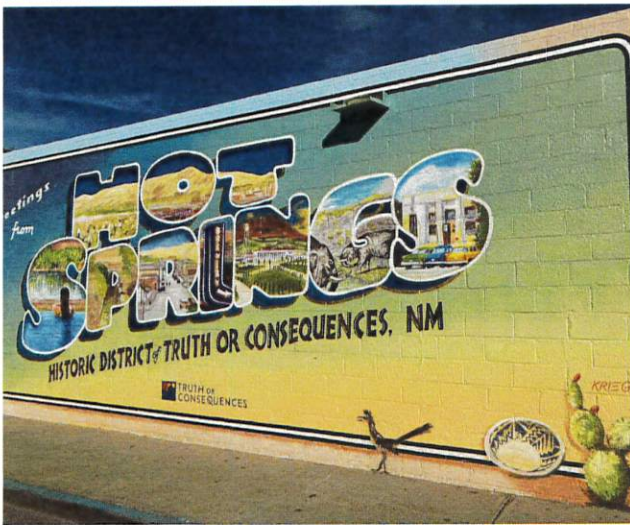
Recreational Access

Family Fun

History & Culture

What style of art best represents your vision for T or C?

Street Art/Mural



Landscape



Abstract

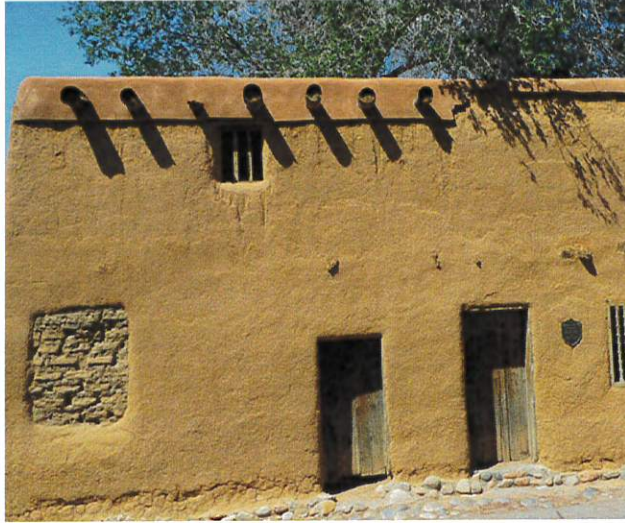


What is T or C made of? What materials are beloved and meaningful to the community?

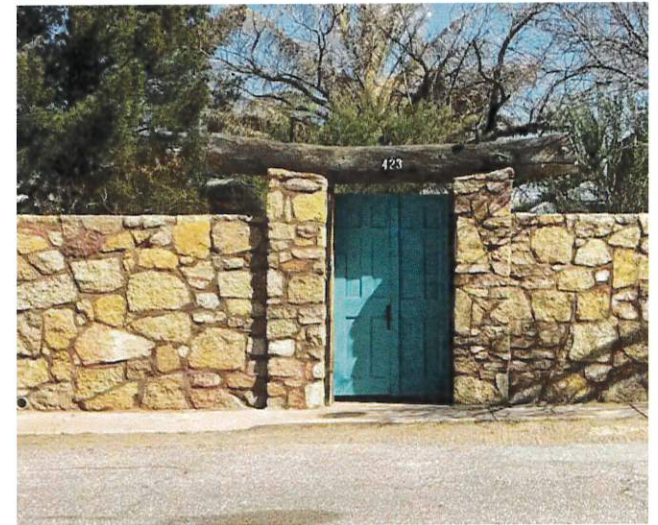
Water



Earthen/Natural



Stone



If the wayfinding system was a chair, what kind of chair would it be?

Upcycled



Creative/Funky



Selected Additional Survey Input:

Turtleback Mountain/turtle themes

Other Key Destinations:

Public Restrooms • Galleries • Restaurants

Reference WPA and CCC elements

Sidewalk Stencils

Community Involvement

Downtown Directory/Map (print & digital)

COMPLETED STEPS

- ☒ Sign Inventory
- ☒ Survey
- ☒ Steering Committee Meetings
- ☒ Initial Community Meetings

WHAT'S NEXT?

- ☐ Finalize Routes
- ☐ Sign Design
- ☐ Ongoing Public Engagement & Transparency
- ☐ Design Intent Drawings
- ☐ Signage Placement Plan
- ☐ Wayfinding Plan Development
- ☐ Fabrication & Installation

Thank You!

Amy Bell & Maren Neldam

Anthropopulus
amy@anthropop.com

Julia + Cam Wilde
Lm.
hello@leighton-moon.com

Becca Eza
MainStreet Truth or Consequences
director@torcmainstreet.org

bit.ly/TorCStoryMap



nmmainstreet.org



**CITY OF TRUTH OR CONSEQUENCES
PLANNING & ZONING COMMISSION
MINUTES
MONDAY, DECEMBER 9, 2024**

REGULAR MEETING

Regular meeting of the Planning & Zoning Commission 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, December 9, 2024 at 4:00 p.m.

INTRODUCTION:

ROLL CALL:

Chris Sisney, Chairman
Susan Buhler, Vice Chairman
Esther Luchini, Member
Lisa Kent, Member

ALSO PRESENT:

Traci Alvarez, Assistant City Manager
Jay Rubin, City Attorney
Katy Martinez, Deputy City Clerk
Jessica Jenkins, City Clerk Admin Assistant

1. APPROVAL OF AGENDA:

Vice Chairman Buhler made a motion to approve the agenda. Member Luchini seconded the motion. Motion carried unanimously.

2. APPROVAL OF MINUTES:

a) October 7, 2024.

Member Kent made a motion to approve the minutes. Vice Chairman Buhler seconded the motion. Motion carried unanimously.

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

There were no comments from the public.

Deputy City Clerk Martinez swore in the participants for the public hearings.

4. PUBLIC HEARINGS (5 Minute Rule Applies)

- a) Public Hearing/Discussion/Action: Variance request at 1095 E Riverside. Applicant is requesting a variance from Sec. 11-14-2.

City Attorney Rubin: Mr. Chairman and board member the reason I'm here today is Mrs. Alvarez thought it might be helpful to the board if I should up. I know you have to go through procedures. I'm here to assist you. I don't know if you want my input at this point on how we can proceed or do you have a plan how you usually do things, however you want discuss.

Chairman Sisney: I have no plan. I was going to go down the list. Do you have anything that we need to do?

City Attorney Rubin: What we are doing is called a battle shell procedure. We are having a public hearing, the reason why you a sworn in the law requires that you have sworn in testimony while the planning and zoning board considers the application, considers your comments for or against what the proposed application states. I believe what we have done in the past you have staff testify first. Mrs. Alvarez will go first and she will give you an over view of what is going on. Is that what you have written down? People can ask her questions after she testifies including the commission can ask her questions. Then you usually have the proponents. Who I believe is here. After the proponent we go to the opponents. That is my advice on how we should proceed.

Assistant City Manager Alvarez: Chairman members of the board what you have in your agenda packet is our applicant is requesting a variance from our municipal code the applicant has what we call a non-conforming lot which is a lot that does not meet normal standards. Per our municipal code you can build on a non-conforming lot as long as you can meet the required setbacks. Due to his lot size he is unable to meet some of the required that our code justifies for the RR1. You will see that in the large plans that I had submitted to you in person it's a little different then what you had received in your packet. From the front it is required 25-foot set back and he is looking at 6-foot on one portion of the structure he is planning on building and 16-feet from the other side of the structure for a set back form the front. On one side of his property where the structure would be built he is looking at a 2-foot set back instead of a 5-foot at the utility easement in the rear of the property is a 15-foot requirement set back which he shows and on the other side of the property a 5-foot set back which he shows. The applicant is requesting a variance from that section of the code so he can build a structure. I do believe that when he gets up and speaks you will find that this isn't a full time structure this is a something that they use on the weekends. The applicant has come into town in the past with

his RV on his property. Our code is a little unclear on that section. You can't live in an RV on a property unless you are in an RV park technically they don't come and live they come visit on the weekend because they enjoy coming into town and visiting our town and doing stuff. They would park there for the weekend and then they would leave and their RV would leave with them it was not parked there full time. Because of our RV code and it being a fine line they are opting to build a small house so then they have a house on their property so they can come and vacation in T or C. With that I stand for any questions.

Chairman Sisney: This drawing here these lines aren't lining up.

Assistant City Manager Alvarez: Chairman member of the board think I have tried to explain this a few different times. That is an overlay that the Sierra County Assessors does. Sometimes their lines don't look nice and perfect like the survey that is just a snapshot picture kind of an idea of where the property lines are. I can't change where the lines lie on the assessors parcel map.

Chairman Sisney: It looks like there is a hurricane fence right here a chain link fence and it looks like the red line is to the left of it. If you are looking at the drawing if I held it like this. It looks like there is also another chain link fence here and it looks like the red line is a little to the left of that. If everything lined up with the fences where is the 10-foot utility easement.

Assistant City Manager Alvarez: The 10-foot utility easement doesn't show on the map that you are looking at. The easiest to look at is the large mapping. We are still trying to find the official mapping from the county they were still looking for it prior to this meeting. His property line and then there is the 10-foot utility easement right next to it. The line on his property line is where the fence is located. In essence his structure would be built 2-feet from that fence. The utility easement is actually on the other property next to it it's not on his property.

Chairman Sisney: The neighbor has the easement inside of their fence?

Assistant City Manager Alvarez: Correct.

Vice Chairman Buhler: Has Paul Tooley been contacted the fire chief?

Assistant City Manager Alvarez: No because the municipal code states 10-feet before between structures. Paul is contacted once the approval is done; he reviews as well. They will meet the 10-feet between structures that is not a concern for where the building is and the 10-feet Paul is very forgiving on that if they are metal roofs to metal roof. That usually stands for wooden

structure things that catch fire very easily. He doesn't usually review this portion on fire code until it gets to building section. Right now we are not at the building.

Member Luchini: So you are wanting to build something to stay in? And the RV wont be coming.

City Attorney Rubin: Before that ordinarily I would say we should finish up with Mrs. Alvarez's questions that you have but if everyone ok with kind give us a little bit more fluidly if you need since you are trying to get some information. Im ok with Mr. Saiz giving his testimony. Im just commenting that we are doing it a little bit differently then really just sticking to a formal approach.

Member Luchini: So you are building a structure to use?

Saiz: Yes, its going to be a residence. Its going to meet all building codes its going to be a beautiful home.

Member Kent: With the size of the lot and the size of the proposed come would there be parking, off street parking?

Saiz: Yes, there is 16-feet from the front of the house which is a covered patio which is going to be covered patio parking area.

Member Kent: You will have no cars parked on the street? During the time of the build there might be cars parked on the street.

Vice Chaiman Buhler: What type of a home would you build?

Saiz: Its going to be a single family dwelling. Its going to to be my retirement home.

Vice Chairman Buhler: One story, how many square feet?

Saiz: Its 899 square feet.

Member Kent: One story?

Saiz: One story yes. Im old to be climbing stairs.

Chairman Sisney: One care under the awning:

Saiz: One car under the awning plus a motorcycle.

Assistant City Manager Alvarez: The municipal code does all for parking on the street in residential areas as well.

Member Kent: I though it also required some off street parking. Or maybe I'm wrong about that.

Assistant City Manager: I believe you are correct. But he does have off street parking.

Member Kent: That was my initial question.

Saiz: Can I take a step back and introduce myself?

Vice Chairman Buhler: Yes, I think that would be a good idea.

Ambrosio Saiz, Applicant: My name is Ambrosio Saiz im from Albuquerque. Im a native New Mexican. I was born and raised in Albuquerque. For the life of me I have always wanted to live on a river. As a young man I built a house on a river, and was promised it would be willed to me and it got taken away and I didn't get the house. This gives me an opportunity to redo my life and start building my house that I wanted on the river. I am a career construction person. My whole life in concrete construction. Building house and everything I'm a general contractor I carry a GB-98 and a GS-05 contractor's license. So I'm very familiar with building and how it needs to happen and how it needs to be built. When I designed this house when I looked at the lot I was told by the realtor that is was a nonconforming lot and I would have to jump through some hoops. I didn't have a problem with that at all. Ill make it happen whatever we have to do.

Chairman Sisney opened the public hearing.

Proponents:

Opponents:

Malene Shelton: My main concern is the size of the lot and the close proximity to the adjacent lots and fire safety. Last year there was a fire on the vacant lot on the other side of one of the proponents properties. The person started the fire called the fire department it took them 15

to 20 minutes to get there which was great they did a great job. If a fire where to start on that little tiny lot and nobody is there or even if somebody is there and a fire starts and they cant get there both adjacent properties are in danger of having fire damage and possible from flying debris or flying ashes other properties close on the other side of the street even.

Member Kent: Its my understanding that the easement on the side of the lot are conforming. Its suppose to be 10-feet between buildings so this proposed plan there will be plenty of space between the adjacent properties is that correct?

Assistant City Manager Alvarez: There is 5-feet on one side and 2-feet on the other. The code requires 5-feet.

Member Kent: It says 5 on here.

City Attorney Rubin: I think we need to go back. Your questions right now should be directed to Mrs. Shelton.

Chairman Sisney: Mrs. Shelton are you on this map?

Malene Shelton: I live across the street.

Chairman Sisney: This is the property we are discussing you are not here or here you are over here.

Malene Shelton: Yes.

Chairman Sisney: Ok, Thank you.

Member Luchini: This 2-feet is 2-feet away from what?

Chairman Sisney: That would be next to the 2-feet before the easement so they should be 12-feet.

Member Kent: There is nothing here.

Chairman Sisney: There is suppose to be 10-feet there but the 10-feet is inside of their property line over here or inside there fence line its not their property they fenced it in.

Member Kent: But there is no structure?

Chairman Sisney: No.

Joe Sorg: This is my mother property she is 85 years old. She has lived there for probably 25 years. My problem is sure they say they are going to park under this car port but when they start parking out on the street which they will.

Chairman Sisney: Which lot are you talking about?

Joe Sorg: I haven't seen the map.

Chairman Sisney: I haven't seen the map.

Joe Sorg: This is my moms property.

Chairman Sisney: Ok.

Joe Sorg: She is 85 years old. She has a hard time backing out and sure the speed limit on Riverside is 25 miles an hour but they never go that speed in fact they go down that street going 40-45 miles an hour. She has to back out, which he will be parking on the street he can say he won't but he will. Then she won't be able to see to back out of her drive way on to Riverside. As soon as there is a car there and she has to back out and she has to every day then that is going to be a problem. I'm just looking out for her safety. They are trying to cram this little tiny house into this little sliver of property. Which it should be more of a drainage then even a piece of property. Than someone thinks they are going to build this little tiny house in there and shove it into this little tiny slot is beyond me. I mean he said he paid \$50,000 for this little lot. New Mexico is huge go down Riverside a little further and buy you a big piece of property for \$50,000 instead of this little tiny sliver.

Chairman Sisney: How long has your mom owned the property?

Joe Sorg: Since 1997.

Chairman Sisney: Do you know how this piece got cut off from the rest of the lot?

Joe Sorg: There was an apartment complex across the street they use to own that and then they sold it to somebody for \$6,000. They use to come across the street there was a bench out there and they would sit under the tree. It was for the people at the apartment they would walk across the street and sit on this bench and look at the river. Then all of a sudden this property was sold and sold and this guy ended up with it. Your not going to be able to build a little house on there and be safe. There is no 10-foot variance on either side. It is just a sliver is all it is. I don't know how you are going to plan on cramming a little tiny house into that piece of property is beyond me.

Vicki Sorg: When we bought our piece of property that little piece of property belong to Birdsong Apartments and they had water right they used for the river and that's how they did their watering. It got sold off a couple times I think the last owner was Steve Faulkas he wanted

to put a trailer or something on it I don't know what happened there. My concern is there is no sewer, water and electricity to that property. To put a house on there is going to take a lot of construction the lot is not at all level and it rolls off into the river. Im wondering if her would be responsible to damage to my property with all the heavy construction that is going to go on there.

Chairman Sisney: Im not a lawyer but I think he would be responsible for any damage he did to your property.

City Attorney Rubin: That is not the issue. She is raising an issue but I don't think we need to address it.

Chairman Sisney: Right, thank you.

Vicki Sorg: I was talking to somebody at the assessor office and for years that property has been assessed as a non-buildable lot. I have been told many time that nobody could ever build on that property. At one point I heard the city was going to take it for a wash for the water that backs up into our yards could be diverted into the river that way I don't know if there is any truth to that but that's what I was told.

Nanetta Landry: I live on the other side. We where not given these building plans. We don't know any of this. We are here without any idea

Member Kent: Its just a street view. This is probably taken off google maps.

Nanetta Landry: But she has the building plans. We don't know what it is. We have no idea whats going on as far as that goes

Assistant City Manager Alvarez: It was all in an agenda packet and its published.

Member Kent: Its been published it was all published.

Nanetta Landry: The map was not. We have no idea about any of that. I do say that we need to have the 5-feet on our side of our property from the fence not 2-feet. Also on her side there would not be a 10-feet because her property comes to the fence so 5-feet from that would only put 5-feet to her property. I had to set mine back because of the utility easement. It is also my understanding that there is utilities on the other side. That's what Bo the electric company told me. He also told me that they could never put electricity on that property because her utility pole, my utility pole and that utility pole are to close together and it would create a massive fire hazard. That was something that was told to us when they came out for the electricity which we were told that there was already electricity on the property but there is not. We has to start over and do it all again. I to agree that 16-feet is not a good enough set back. We put our houses 25-feet back because that is the requirement. We have a truck and so does he and that truck has to be parked at an angle to fit in our fence. If he has a little car then yes but since he's

come here to visit several times people come to visit him and they are parked all over the place. Our drive way is right there and Vicki's drive way is right there and they have already blocked our drive ways a few times and so that is an issue. He's saying he is going to do the 15-feet in the back that was not told to us either but that is the thing our bank is really fragile last year we had 3 miner flood and part of our bank disappeared and now we have to fix it. Anything upstream from us that causes issues affects our bank also that is an issue. The other thing I would like to say is that if we had to follow all of the zoning rules under distress that we had to so these things everything from gutters, we have been threatened many times by code enforcement which I don't understand why. The purpose of this is to have low density but if you guys approve this that wont be low density that will be awful. If you do this we have already had people say well if they can do that then we can do that and so you are setting up a system where other people will be asking for these variances and you may as well remove the RR1 code because it wont be being followed any where on Riverside road.

Norman Landry: I have been in construction my whole life also and that shouldn't matter at all codes are codes if other people have to follow them, everybody has to follow them. Just can somebody can come in and buy a little gutter, where all the water just flows from the neighborhood down. I just don't understand how this can be done safely. It cant be done logically. I am a 26 year Vietnam veteran. If we have to have back ground. I fought for my country. Im using the benefits I got to buy my property. It cost me a lot more to get set up then that little piece of property sold for. Like my brother back there said if you got the money go buy somewhere else in fact he can buy mine for half a million. This shouldn't happen. Im 77 going on 78 Im 100 percent disabled. I don't need this kind of guard it sets me off. He's already parked with his awning across our fence, so I have to pay to raise the fence. He had his generator going and his truck and motor home going all night long. Every time we turned around we would go out there and check on it and it was on. I have to have oxygen and that really doesn't do me a lot of good. When the wind is blowing my way I get it. When the wind is blowing the other way Vicki gets it and we are kind of in the same boat. We cant handle all of this stress. Then to have somebody come in and say like he said to one of the guys working "I'm going to put a house there" I forget but it was nasty remarks things like weather you like it or not im going to put it there. I fought for this county I fought for that piece of land. Ill fight to keep it even if I have to go to court. They cant take my rights away just because they have more money. Im living on benefits I cant move. I don't have a choice. If they put his thing in there our neighborhood is going to turn in to a squalor.

Chairman Sisney: Mr. Landry do you have anymore facts for us?

Norman Landry: we had to go by the code and put 25-foot. I could have used a lot more out there to do things with but they told us no it stops here. We had expended our money on those codes.

Chairman Sisney: Mr. Landry there is 10-feet missing. Do you know where that 10-feet is? There is suppose to be a 10-foot easement for utility, and it appears that it may be inside your fence. Who put the fence up?

Norman Landry: That is the main property line. They told us that everything had to be removal in case they had to get in there so all we had in there was my boat.

Chairman Sisney: So, you're confirming that the easement is inside of your fence line then.

Norman Landry: Yes.

Chairman Sisney closed the public hearing.

Member Kent: I realize that your plans are for a 899 sq. ft home, which is not particularly huge, but have you considered something smaller that would be more confirming to the codes?

Ambrosio Saiz, Applicant: Yes, I have but this is what I can build on the piece of property. Legally, I know I can build it, so I don't think there's going to be any structure fires. I'm building a structural house.

Member Kent: When are you going to build it?

Ambrosio Saiz, Applicant: We have a concrete foundation down, and not only that. I feel that this is going to raise the value of all these people's houses. It's going to be a beautiful home.

Member Kent: Do we know if all of the utilities can be put on that property?

Assistant City Manager Alvarez: He has already filled out a utility request form, but I don't send that out to those departments until the approval is done here. The water/wastewater has preliminary approval. I haven't talked to electric on it yet. They are usually a little bit easier to process the electric. In regards to the square footage of the home, also please note that the requirement is an 800 sq. ft. home, so even if he went smaller, he would be able to go much smaller before he'd be standing back here in front of you anyway.

Chairman Sisney: Is there sewer on Riverside down there? Is everybody connected to sewer?

Assistant City Manager Alvarez: Yes. I don't have the utility request finalized. I will also say that we did send out all certified letters to the adjacent property owners, as well as to Brent Tanzy at the Bureau of Reclamation, and they contacted me as well. Brent was going to review everything because of the riverside, they always look at anything from the river, and submit anything in writing or attend the meeting if there were any concerns.

Member Kent: I'm not familiar with building on the river. Are there any requirements for flood or having to reinforce the banks or anything?

Assistant City Manager Alvarez: If he is in the flood zone, he will have to get flood plain approval when they go through the zoning approval. If the approval to build is there, then they

will have to go through the building zoning approval process, and Travis does require flood plain. Travis Atwell had to sign off on that.

Chairman Sisney: Can we table this without having to go through the whole process again?

City Attorney Rubin: Do you mean the testimony?

Chairman Sisney: I mean, having to put it in the paper and go through all of that stuff.

Assistant City Manager Alvarez: Can I ask why you would want to table this?

Chairman Sisney: Because people are saying a bunch of stuff that I can't confirm. We need to talk to these people to figure out if what they are saying is correct. I think Mr. Saiz knows what's going on, but there are a lot of people that are saying other stuff. I think they ought to get a chance to figure it out.

Ambrosio Saiz, Applicant: My father was a veteran of the Civil War. The 10 ft. easement has their fence on it. Their fence continues into the river which is against the law. Game & Fish told me that these guys have their fence going into the water and deterring people from fishing in that area.

Chairman Sisney: His property line goes down half way across the river, so he can do whatever he wants with it.

Ambrosio Saiz, Applicant: I don't think he can impede our fishing lines.

Chairman Sisney: People can't walk up and down the bank because that is his bank so there is no fishing to worry about.

Assistant City Manager Alvarez: The picture that you have in your packet is an old picture. I can only pull up what is current on the mapping. So, if you don't see a fence there, it doesn't mean that it doesn't exist. It just means that it wasn't there when this image was taken. I can't get any current pictures unless I would go do it myself.

Ambrosio Saiz, Applicant: It was said that I have my generator running all night. I've been an RV owner for many, many years and I know what the rules are. You shut off your generator at 9:00 p.m. and that's what I did. They did send a young man over, I think his name was Moises. He tried to strong arm me and threaten me at one point. He's right, I did have my awning over the fence line about 2 ft. Moises came over and said hey, can you move your awning, and so I pulled it back. I could have sat there and said, hey, this isn't your property, but I didn't do that. I did try to be cordial and nice to these people. I've introduced myself to them and they called the police on me I think 4 times now and then they sent Moises to come and confront me, which I kind of laughed at, but it's okay because that's what they felt that they needed to do. One of the things I'm going to tell you is where I am set there is 5 ft. from the structure to the

fence to the next structure, there's another 5 ft. So that gives me 10 ft. On the west side of my property. I'm 2 ft off the property line to my structure. And there's a 10ft utility easement so that gives me my basis there. The front part of the house shows a 6ft. access from the property line to the structure. That's just going to be a utility room entrance to the house. We are perfectly clear on how the structure is going to sit on the property. I don't even have a police record. I'm a good citizen. I don't know why these people are giving me such a hard time.

City Attorney Rubin: I think the rules are pretty informal here, so if you are okay with that, then I am okay with that.

Assistant City Manager Alvarez: Can I ask you how often are you in town right now?

Ambrosio Saiz, Applicant: Maybe once every two months.

Assistant City Manager Alvarez: I know you talked about this eventually being your retirement home. When do you think you would be looking at a permanent move.

Ambrosio Saiz, Applicant: Probably in about 4 more years when I would do a permanent retirement.

Member Kent: So, you are going to build this and use it part time?

Ambrosio Saiz, Applicant: Yes.

Member Kent: Then you would live in it permanently at some point?

Ambrosio Saiz, Applicant: Not permanently, but I think I'd spend a lot more time there.

Marlene Shelton: She talked about him running his generator in the summer when she had her door open and she had her tv on and the generator was not turned off at 9 p.m.

Member Kent: Well, if he builds a house then he will not have a generator. Let's just look at the finding of facts.

Chairman Sisney: There's a lot of stuff that goes on that has nothing to do with us.

City Attorney Rubin: It is also important to keep in mind, when you are at the point when you start deliberating, you do have the finding of facts check list in your packet and I will encourage you to follow that in making your decision.

Vice Chairman Buhler: I don't agree with any of it. I think it sets a precedence. This is just what we have to look at to go by. Increased danger of fire, detour orderly growth and development of the community. It sets a precedence. Impair of public health.

Chairman Sisney: Mr. Sorg. Do you have a point of order?

Joe Sorg: Yes I do. He's saying that he has 10 ft. on each side, he doesn't.

Chairman Sisney: We know he doesn't. That's why we are here.

Vice Chairman Buhler: Lets take a vote:

Chairman Sisney: Before we get a second on the motion, Ms. Buhler, can you tell me what you see on here that does not meet the 7 findings of facts.

Vice Chairman Buhler: #2 traffic. We already heard that there has been some parking problems on the street.

Chairman Sisney: It doesn't mention any parking.

Vice Chairman Buhler: Well, traffic could be parking.

Chairman Sisney: Traffic seems to be moving to me.

Vice Chairman Buhler: Increased danger of fire. I don't agree with being able to live in your camp trailer on that lot, because that is a recreational vehicle. It doesn't have any smoke detectors in it and it creates a danger when people live in them on their property in town, unless you're in a park.

The members from the audience tried to speak, both Deputy Clerk Martinez and City Attorney Rubin informed them that we are past the point of testimony.

Vice Chairman Buhler: I think it can affect property values. You may build a wonderful place that would have to meet all of the codes including being raised up 4 ft. to fit in the flood zone.

Assistant City Manager Alvarez: I don't review for structural. That goes to the state CID and our flood zone. I only do the zoning approval so I could not tell you what the flood requirement is.

Vice Chairman Buhler: Well, there is a requirement. I'm sure there is. Public Health, I don't know there, but it could affect the general welfare of the city with a lot of these little homes going in everywhere on slivers of property, and it could affect your property values. He may build a great place, but the next person might not. I feel that we would be setting up a bad example by not following the code in this situation.

Vice Chairman Buhler made a motion to not recommend the building of a tiny home on this lot because she believes that it sets a bad presence for other people to do the same thing, and codes should be followed. I do consider the findings of facts checklist as well.

Motion failed due to a lack of a second motion.

Member Kent: I realize that there are a lot of rules. There are setbacks and size requirements and a lot of things going on when you try to build a mini lot, but if this footprint could maybe be adjusted to conform more, and that might work better?

I can't tell you to re-plan your home, but that what I was thinking.

Member Luchini: Yes, there are codes and there are committees to ask a variance for. Sometimes they are granted and sometimes they are not. I appreciate the applicant and I appreciate all of you coming and voicing your opinions. It seems like there is a little bit of contention between the parties and no matter what is decided here, it doesn't end here. I hate to see the contention. I do believe in all of you if that helps. What happens if we don't move on it?

City Attorney Rubin: I suppose you would still send it up to the City Commission with the thought that you listened to all of this and there were some questions that came up on both sides and you are just not in a position to make a recommendation.

Chairman Sisney: Is he allowed to have this RV on his property?

Assistant City Manager Alvarez: The Municipal Code says that you can't live in an RV on your property, but he was not living in an RV. He would come in occasionally on the weekends, and he would bring his RV and camp there not knowing that we had changed our Municipal Code. Prior to that RV code going into effect within the last 2 years. That was allowed to be done with our new municipal code change we didn't address in that code somebody that might have a property here in T or C and just bring their RV in occasionally on the weekend and camp in it. It just wasn't something that come up when we were revising our code it hadn't been addressed and we were looking more at the people that were coming and parking RV full time living on properties when we revised our code. He was not doing that so I want to make sure we make that clear. He was coming in occasionally on the weekends or code doesn't specify that he can't come in and park on his property for 24 or 48 hours. The RV was never left there if he wasn't there the RV went back with him to Albuquerque. We did receive complaints that went through our police department as well as our code enforcement officer unfortunately our code enforcement office was unable to attend, he got an unexpected call out. They responded to these complaints and there were no violations when they came out whether it be a noise complaint, a complaint because the RV was there. It was found to have no violations when we there. It's a not a great answer to your question. My apologies. Because our code does not say that he can't bring his RV to his property and park there for 24 to 48 hours.

Chairman Sisney: If you are to bring your RV onto an RV lot are you allowed to run a generator in an RV lot?

Assistant City Manager Alvarez: I believe so. I guess that would be up to individual RV park and what their rules are as far as our municipal code is we have a noise ordinance it doesn't give a

time frame it just says anything that is unreasonable. Which is why when the complaints would come in, he was found to not be in violation because the noise of the generator was not considered to be an unreasonable noise. That was determined by our code enforcement and it wasn't running all hours of the night.

Ambrosio Saiz, Applicant: My RV has back up batteries that is what I run on. I have owned an RV my entire life so I know what I'm doing when I check my RV out.

Chairman Sisney: I understand that but if you were next to me and your generator was running, I don't care where we are you're going to upset me, I don't like those things.

Ambrosio Saiz, Applicant: This is a motorhome. It's very nice almost new.

Chairman Sisney: It's got a nice muffler on it?

Ambrosio Saiz, Applicant: It's got a very nice muffler on it. The loudest you will hear is a hum.

Chairman Sisney: Mr. Rubin how do we get out of this without doing anything.

City Attorney Rubin: I know Ms. Buhler made a motion and of course it was not seconded. I assume that Ms. Kent, Ms. Luchini and Mr. Sisney you just don't feel comfortable your recommendation either way is that what I should be understanding?

Chairman Sisney: I think there is a lot of people that don't have enough information right now.

City Attorney Rubin: Is that how you feel Ms. Luchini and Ms. Kent?

Member Kent: I feel like I have information. I want to see it come back with a different plan that maybe is more conforming.

Vice Chairman Buhler: I can make the recommendation again.

City Attorney Rubin: I'm thinking yes, I'm thinking the 3 board members just don't feel comfortable really either way I think we can have the minutes reflect and we can conduct the public hearing. Everybody got a chance to testify you just don't feel comfortable you can make a recommendation either way. It will go to the city commission and my recommendation to the city commission may very well be that they may have to take some more testimony.

Vice Chairman Buhler: I think the fire chief needs to be notified first. All these things are set up after the fact and it should be before the fact. I don't want to set a bad precedent for the city. I feel like we would be doing that if we say yes. You bought the lot you knew there would be problems.

Ambrosio Saiz, Applicant: When I bought the lot and I spoke to the realtor this property had been on the market for at least 8 months before I purchased it. These people had plenty of time to come up with the money to buy it themselves if they were going to have a problem with someone building a house on it. Since it is a non-conforming lot, I was told by the city that I could build a structure on it and I just have to apply for the variance.

Vice Chairman Buhler: They shouldn't have told you that you could build on it either.

City Attorney Rubin: An idea is maybe this again if you don't feel comfortable making a recommendation because you thought there was more information you needed and you can actually say in your recommendation when city commission considers this here is some additional information you think they should be requesting that you didn't have available to you tonight. These are ideas. I don't want to force anyone to make a recommendation if you don't feel comfortable with it. It doesn't sound like you are.

Chairman Sisney: I just don't know if giving it time is going to clarify any of these questions. I mean he said, she said. Where did this lot come from. Can someone answer how this lot became what it is.

Assistant City Manager Alvarez: I think that the property owners that were across the street probably gave the best explanation. I can check into to see if the assessor's office has a background on it but from what I know of the lot it's been that size lot for a long time. The records that I can access only go so far back. The assessor is going to have to dig into old hard copies to see if it was attached somewhere else. If you look along Riverside in general there are some really funky non-conforming lots some of them have been set like Mr. Buhler's old property there is a across the street area that specific in there it says nothing can be built on that lot its only for river access across the street. This one doesn't have that information that much I was able to ascertain there is nothing that states that there can't be a structure built on here. We have unfortunately and I don't know who did the lotting and the parceling way back in the day we have a lot of non-conforming lots through all over the city especially in some of our down town areas. That is why our municipal code addresses non-conforming lots in it and that is why it address the process to go through. That is all we are doing at this point. He got the non-conforming lot I think the people next door the Landry's. You guys saw the Landry's here through P and Z public hearing when they vacated a lot line on their property. They had to go through a process also to vacate with in theirs 2023 I believe is when they purchased their property next door. Our municipal code puts guidelines and then it gives the ability to come in front of the planning and zoning commission and the commission if they need to something outside of what the code says and that's what we are doing. I can when I go to commission, I can make sure I have utility information water, sewer, electric and fire chief and make sure that it's presented to the city commission.

Vice Chairman Buhler made a motion to deny recommend to the City Commission for a Variance request at 1095 E Riverside. Applicant is requesting a variance from Sec. 11-14-2. Chairman Sisney seconded the motion. Roll call vote was taken.

Chris Sisney, Chairman voted aye.

Esther Luchini, Member voted nay.

Susan Buhler, Vice Chairman voted aye.

Lisa Kent, Member voted nay

Motion died with a 2-2 vote.

5. REPORTS FROM THE BOARD:

There were no reports from the board.

6. REPORTS FROM STAFF:

There were no reports from the staff.

7. ADJOURNMENT:

Chairman Sisney adjourned the meeting at 5:06 p.m.

PASSED AND APPROVED ON THIS 13th DAY OF JANUARY, 2025.

Chris Sisney, Chairman
Planning & Zoning Board



CITY OF TRUTH OR CONSEQUENCES

AGENDA REQUEST FORM

MEETING DATE: January 8, 2025

Agenda Item #: I.1

SUBJECT: Resolution No. 25 24/25 Budget Adjustment Request

DEPARTMENT: Finance Department

DATE SUBMITTED: December 27, 2024

SUBMITTED BY: Kerin Salcedo, Accounting Officer

WHO WILL PRESENT THE ITEM: Jocelyn Holguin, Finance Director

Summary/Background: Reconciling Budget Adjustments Requests (based on Chapter 6, Article 6 NM Statute) needed for budget adjustments, increases, and decreases per attached.

Recommendation:

Approval Resolution No. 25 24/25 Final Budget Adjustment Requests for Fiscal Year 2024-2025

Attachments:

Resolution No 25 24/25

- Schedule of Budget Adjustments, Supporting Documentation

Fiscal Impact (Finance): Yes

Changes in funding as presented on the Department of Finance and Administration Schedule of Budget Adjustments

Legal Review (City Attorney): N/A

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. [Click here to enter text.](#) Ordinance No. .

Continued To: . Referred To: .

☐ Approved ☐ Denied ☐ Other: .

File Name: CC Agendas 1-8-25



RESOLUTION NO. 25 24/25

A RESOLUTION REQUESTING FINAL BUDGET ADJUSTMENTS IN THE REVENUE AND EXPENDITURE BUDGET FOR FISCAL YEAR 2024-2025.

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

WHEREAS, the City Commission in and for the City of Truth or Consequences, State of New Mexico needs to adjust the current approved budget for Fiscal Year 2024-2025; and

WHEREAS, said budget was adjusted on the basis of need and through cooperation with all user departments, elected officials and other department supervisors; and

WHEREAS, the official meeting for the review of said documents was duly advertised in compliance with the State Open Meetings act; and

WHEREAS, it is the majority opinion of this Board that the adjusted budget meets the requirements as currently determined.

NOW THEREFORE, BE IT RESOLVED that the City Commission of the City of Truth or Consequences, State of New Mexico hereby adopts the budget adjustment hereinabove described and attached and respectfully requests approval from the Local Government Division of the Department of Finance and Administration.

PASSED, ADOPTED and APPROVED this **8th day of January, 2025**.

Rolf Hechler, Mayor

ATTEST:

Angela A. Torres, City Clerk-Treasurer

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

For Local Government Division use only:

ENTITY NAME: City of Truth or Consequences
FISCAL YEAR: 2024-25 1/8/2025
DFA Resolution Number: 25 24/25
BAR NUMBER 7

DOCUMENT NUMBER	FUND	ACCOUNT STRING	ACCOUNT NAME	REVENUE, EXPENDITURE, or TRANSFER (TO or FROM)	APPROVED BUDGET	ADJUSTMENT / INCREASE	ADJUSTED BUDGET	PURPOSE
1	360	360-7044-32700	WTR - Grants	Revenue	\$ -	\$ 3,960,000	\$ 3,960,000	NMFA Cif-6441 Water Infrastructure - Waterline Replacement
1	360	360-7044-38387	WTR -Loans	Revenue	\$ -	\$ 440,000	\$ 440,000	NMFA Cif-6441 Water Infrastructure - Waterline Replacement
1	360	360-7044-80860	WTR - Infrastructure	Expense	\$ -	\$ 4,400,000	\$ 4,400,000	NMFA Cif-6441 Water Infrastructure - Waterline Replacement
1	360	360-7044-45600	WTR - Match	Expense	\$ -	\$ 440,000	\$ 440,000	NMFA Cif-6441 Water Infrastructure - Waterline Replacement
1	360	360-7044-39935	WTR - Transfer In	Revenue	\$ -	\$ 4,840,000	\$ 4,840,000	NMFA Cif-6441 Water Infrastructure - Waterline Replacement
1	101	504-3803-49930	WTR - Transfer Out	Expense	\$ 786,518.00	\$ 4,840,000	\$ 5,626,518	NMFA Cif-6441 Water Infrastructure - Waterline Replacement
1	101	504-3803-39935	WTR - Transfer In	Revenue	\$ -	\$ 4,400,000	\$ 4,400,000	NMFA Cif-6441 Water Infrastructure - Waterline Replacement
1	360	360-7044-49930	WTR - Transfer Out	Expense	\$ -	\$ 4,400,000	\$ 4,400,000	NMFA Cif-6441 Water Infrastructure - Waterline Replacement
2	360	360-7045-32700	WW -Grants	Revenue	\$ -	\$ 274,860	\$ 274,860	NMFA Cif-6442 Wastewater Infrastructure - WWTP Bar Screen Replacement
2	360	360-7045-38387	WW -Loans	Revenue	\$ -	\$ 30,540	\$ 30,540	NMFA Cif-6442 Wastewater Infrastructure - WWTP Bar Screen Replacement
2	360	360-7045-80860	WW - Infrastructure	Expense	\$ -	\$ 305,400	\$ 305,400	NMFA Cif-6442 Wastewater Infrastructure - WWTP Bar Screen Replacement
2	360	360-7045-45600	WW - Match	Expense	\$ -	\$ 30,540	\$ 30,540	NMFA Cif-6442 Wastewater Infrastructure - WWTP Bar Screen Replacement
2	360	360-7045-39935	WW - Transfer In	Revenue	\$ -	\$ 335,940	\$ 335,940	NMFA Cif-6442 Wastewater Infrastructure - WWTP Bar Screen Replacement
2	101	506-4005-49930	WW - Transfer Out	Expense	\$ 288,925.00	\$ 335,940	\$ 624,865	NMFA Cif-6442 Wastewater Infrastructure - WWTP Bar Screen Replacement
2	101	506-4005-39935	WW - Transfer In	Revenue	\$ -	\$ 305,400	\$ 305,400	NMFA Cif-6442 Wastewater Infrastructure - WWTP Bar Screen Replacement
2	360	360-7045-49930	WW - Transfer Out	Expense	\$ -	\$ 305,400	\$ 305,400	NMFA Cif-6442 Wastewater Infrastructure - WWTP Bar Screen Replacement
							\$ -	

ATTEST:

Angela Torres, Clerk-Treasurer

(Date)

Rolf Hechler, Mayor

(Date)



CITY OF TRUTH OR CONSEQUENCES

AGENDA REQUEST FORM

MEETING DATE: January 8, 2025

Agenda Item #: J.1

SUBJECT: MainStreet Trash Can Artists - approval for proposals

DEPARTMENT: n/a

DATE SUBMITTED: January 8, 2025

SUBMITTED BY: Becca Eza, Executive Director of MainStreet T or C

WHO WILL PRESENT THE ITEM: Becca Eza

Summary/Background:

As part of our 2024-2025 Clean and Beautiful Grant (in collaboration with the City of T or C), MainStreet invited locals to apply to “adopt” and paint downtown trash cans. We advertised for proposals in November, and a selection committee made up of representatives from MainStreet, the Arts Council, downtown business owners, the City Commission, and City Staff met to select the 8 artists (plus 2 alternates) who would be invited to paint a downtown trash can.

We are seeking approval of these proposals from the Commission, and then artists will paint the trash cans, with a ‘reveal’ ceremony as part of a Litter Clean-up event on January 25.

Recommendation:

Attachments:

- Trash can proposals
- .

Fiscal Impact (Finance): No

Legal Review (City Attorney): No

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: [Click here to enter text.](#)

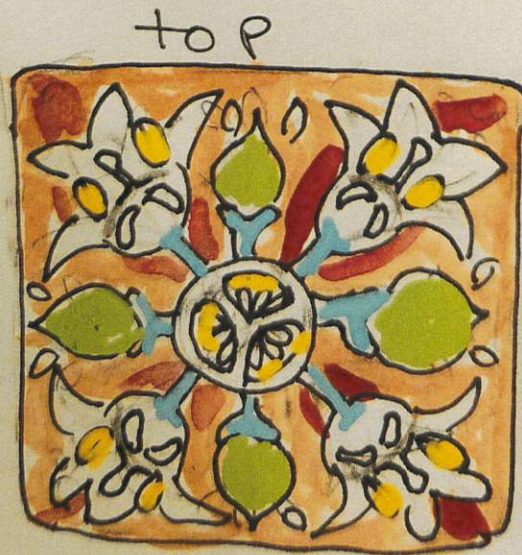
File Name: CC Agendas 1-8-25



Side & side



front & back



Design is
Folk art
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motif

Artist name:

DAYMEON REMBERT
(ARTWYRKS)

Title/theme:

EMERGENCE

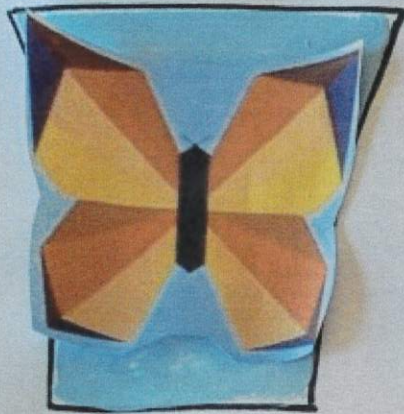


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Artist name:
Debbie Martin

Title/theme:
Bugsie

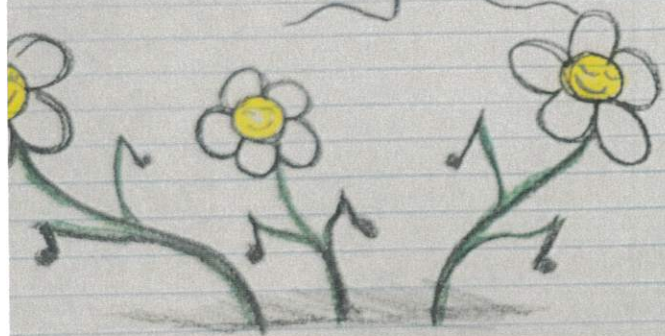


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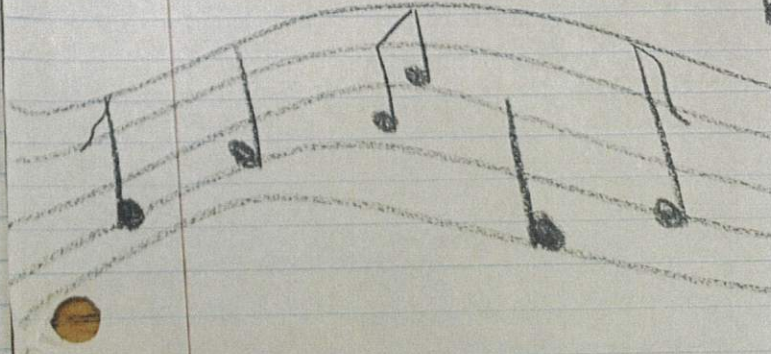
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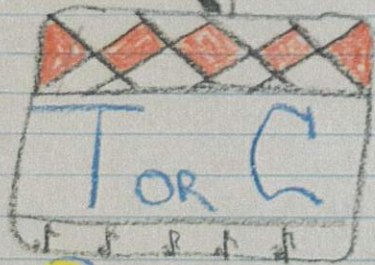
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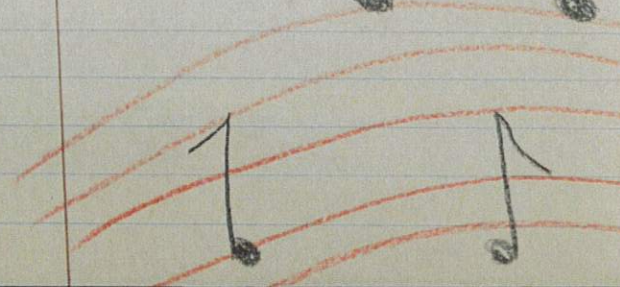
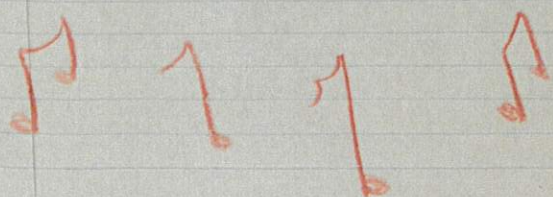


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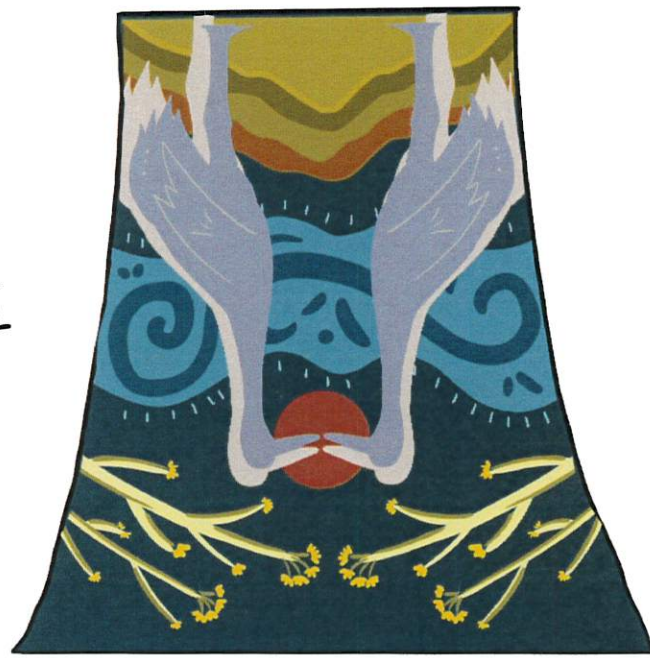


THE RIVER IS ALWAYS MY HOME

TITLE/THEME

MURALS BY BRETT-MORGAN

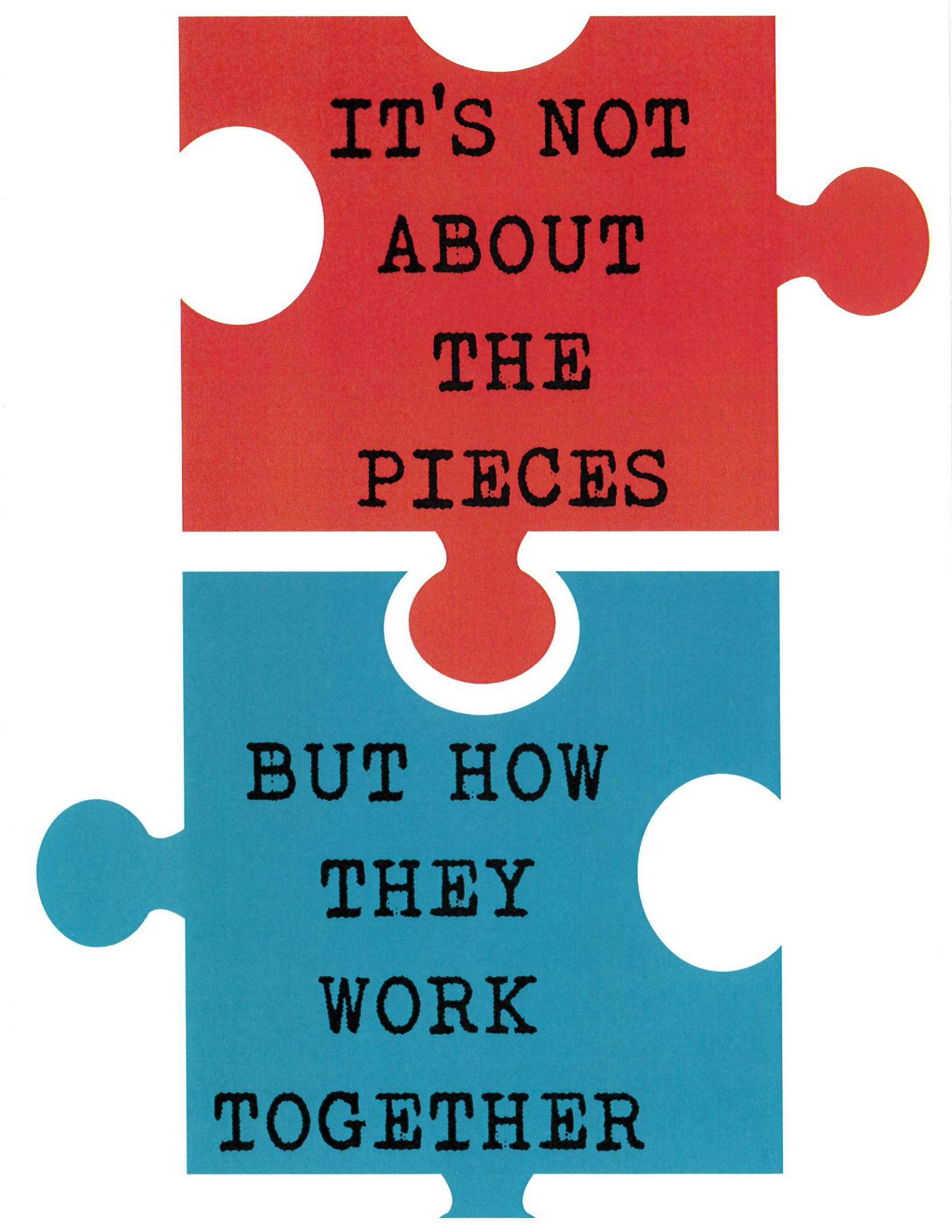
ARTIST





SIDE OF TRASH CAN



The image features two interlocking puzzle pieces. The top piece is red and has a circular hole on its left side and a circular protrusion on its right side. The bottom piece is blue and has a circular protrusion on its left side and a circular hole on its right side. The text is printed in a bold, black, sans-serif font on each piece.

IT'S NOT
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THE
PIECES

BUT HOW
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WORK
TOGETHER

SIDE OF TRASH CAN





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First Statement
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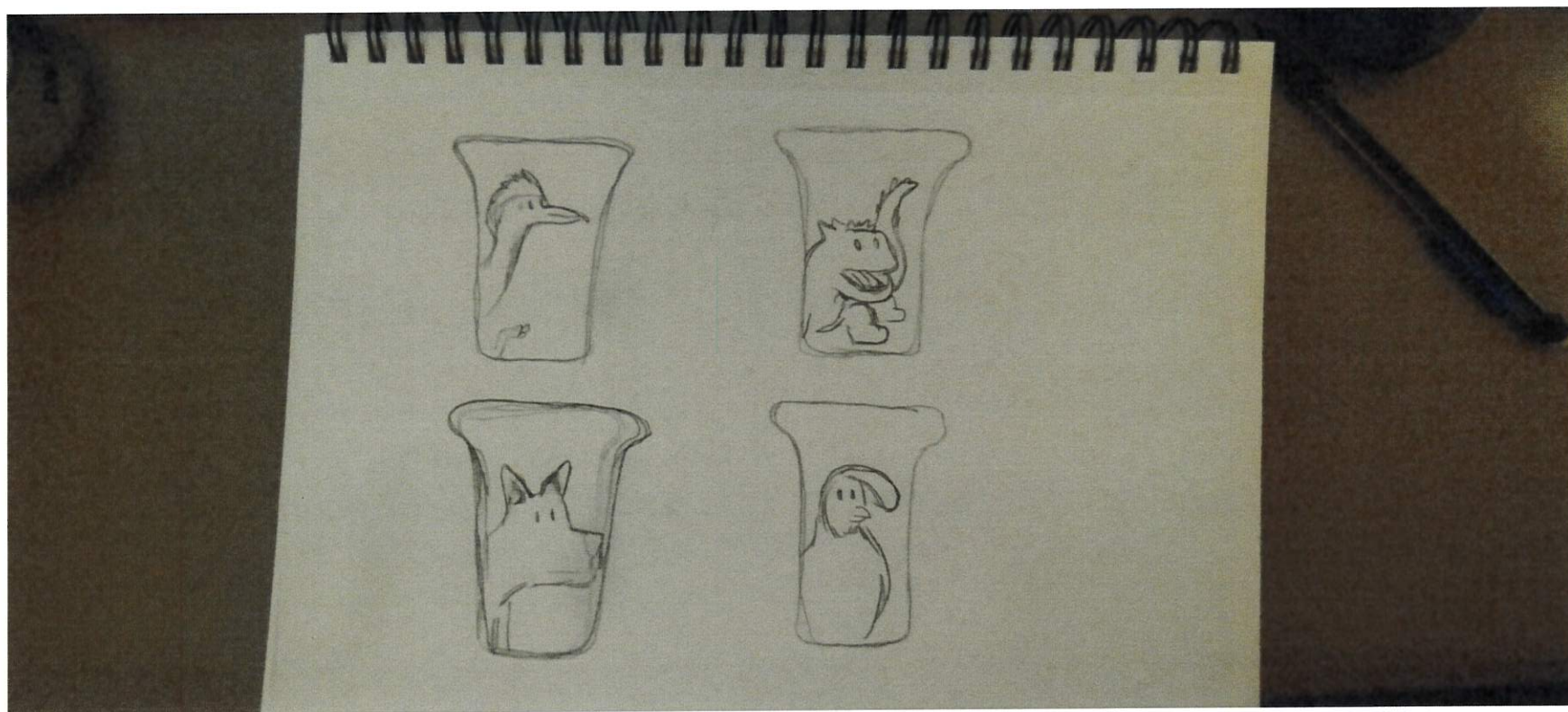
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CITY OF TRUTH OR CONSEQUENCES

AGENDA REQUEST FORM

MEETING DATE: January 8, 2025

Agenda Item #: J.2

SUBJECT: Discussion/Action – Multi Animal Special Use Permit 1501 N. Ash

DEPARTMENT: Community Development

DATE SUBMITTED: January 2, 2025

SUBMITTED BY: Traci Alvarez

WHO WILL PRESENT THE ITEM: Traci Alvarez Assistant City Manager

Summary/Background:

Applicant is requesting a Multi Animal Special Use Permit 1501 N. Ash for 6 dogs. Public Hearing presented at P & Z Meeting 8-12-24. No proponents or opponents. The board recommended to deny request due to lack of info and lack of applicant attendance. P & Z recommendation to deny was presented to City Commission on 8-28-2024. The Commission moved to accept the recommendation to deny the permit at that time but revisit it in 90 days. Meeting minutes attached for reference. The applicant has made no attempt to contact Planning and Zoning office as directed by the Commission. The applicant was notified by email that application would be heard at the January 8th meeting and attendance was recommended. The applicant responded to email that she was unable to attend.

Recommendation:

Review Multi Animal Special Use Permit application

Attachments:

- Application
- Commission Meeting Minutes 8-28-24

Fiscal Impact (Finance): N/A

[Click here to enter text.](#)

Legal Review (City Attorney): Yes

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. [Click here to enter text.](#) Ordinance No. -

Continued To: - Referred To: -

☐ Approved ☐ Denied ☐ Other: -

File Name: CC agendas 1-8-25

CITY OF TRUTH OR CONSEQUENCES MULTI-ANIMAL PERMIT APPLICATION

Date: 12.22.23
 Applicant: Rhonda Spence
 Property Address: 1501 Ash
 Phone Number: 575-312-7676 Business license number (if applicable): _____
 Initial License ☒ or Renewal _____

TYPE	GENDER	AGE	BREED	COLOR	NAME	CITY LIC#	EXP DATE	RABIES TAG #	EXP DATE
DOG	MALE	6.5	LAB	BLACK	Ranger	1123	12.22.26	240836	12.22.26
	MALE	3.5	BLK MOUTH KERR	BROWN	Hoots	1120	12.22.24	240830	12.22.24
	FEMALE	4.5	HEELER MIX	MULTI	Freedom	1122	12.22.24	240879	12.22.24
	FEMALE	3.5	AUSSIE MIX	BLK/WHITE	Dottie	1124	12.11.26	240156	12.11.26
	FEMALE	3.5	HEELER MIX	MULTI	Tootie	1125	12.11.26	240147	12.11.26
	FEMALE	3.5	AUSSIE MIX	BLK/WHITE	Japalina	1121	12.22.24	240867	12.22.24

Proof of payment, rabies vaccinations, and city animal/business licenses must accompany application

Applicant Signature: R Spence

ON SITE INSPECTION (A=Acceptable or U=Unacceptable)

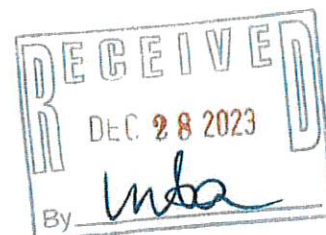
- A Enclosure/fencing type/gates/latches/pens sufficient to prevent escape/proper confinement.
- A Adequate habitat space necessary for each animal's movement.
- A Animal(s) habitat is sanitary, good condition (weatherproofing), ventilated/heated, and accessible.
- U Animal(s) have access to protection from weather.
- A Sufficient fresh clean/sanitary potable water and food/sufficient access for each animal.
- A Property is clean/sanitary and free of hazards/trash/debris and not dangerous to animal(s).
- A Property size is adequate for the number of animal(s) allowing for compliance as noted above.
- U Property has the following conditions that require immediate attention: OWNER DOES NOT LIVE ON PROPERTY, NOT ENOUGH DOG HOUSES

Inspected by ACO: Knull Signature [Signature] Date 06/13/24

Code Enforcement Signature [Signature] Date 06/13/24

Planning and Zoning Commission Meeting Date: _____ () Approved () Disapproved

City Commission Meeting Date: _____ () Approved () Disapproved



Mayor Hechler: So, these are projects that we can do with our legislative finance committee, and we can request help from our legislators. That doesn't mean that we're not going to ask for \$10 million from the Water Trust Board for our sewer issues. It doesn't mean that we're not going to go after the big items. These are just items that we think we could get through from our legislators on a local level. The Animal Shelter as you know was a little over \$200,000 short. The bids came in way too high so we are going to ask our legislators to help with that, and of course the PNC Bank (New Police Station) renovations so we can make it a functional Police Department. We will make a decision regarding the \$1.68 million bond that we are requesting. If the bond gets shut down for a referendum, then we can hopefully ask one of our legislators to appropriate the funds to us. We will have our Police Station in one form or another. It just depends on what happens with our community down the road.

Mayor Pro-Tem Forrister made a motion to approve the legislative action seeking capital outlay in the order of 1. Police department 2. Sewer Vacuum System Replacement 3. Animal Shelter 4. Lee Belle Johnson Center. Commissioner Hoepner seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

3. Discussion/Action: Multi Animal Special Use Permit at 1501 N. Ash.

Assistant City Manager Alvarez: This item went before the Planning & Zoning Commission. The applicant was unable to attend at that time. The board made a recommendation to deny her request for a Multi-Animal Special Use Permit. There were no opponents or proponents that showed up, and due to lack of information and the lack of attendance, the recommendation was unanimously to deny the request. The applicant Rhonda Spence is here in attendance today as well as Code Enforcement. Code Enforcement also recommended that we not approve the application.

City Attorney Rubin: It might be helpful to find out why the applicant did not attend the Planning & Zoning meeting because the concerns that I have legally is that the Planning & Zoning meeting is where we had the Battershell hearing and if there was nobody to show up there as a proponent, then the board didn't really have any other choice but to deny the application because there wasn't any evidence submitted.

Rhonda Spence, Applicant: That was my error. I wrote it down on the wrong date. That's why I didn't attend.

Mayor Hechler: Generally, this isn't the way we do things at this level, but I'm still interested to hear what you have to say, and then we'll ask our Code Enforcement Officer to Speak.

Rhonda Spence, Applicant: I came here in a flight situation. I have 6 dogs and I'm trying to find a place to put them. I was requesting to build a fence and have them housed there. They can have ample shelter that has a permanent shelter, and they also have

CITY COMMISSION AUGUST 28, 2024 REGULAR MEETING MINUTES

their dog houses. They get food and water every day. I go and visit and play with them. I'd like to extend the fence eventually and put a building in there so they can get washed and bathed.

Mayor Hechler: I think some of our concerns are that this is on a lot by itself, and there is no landowner onsite. How far away do you live from the proposed area?

Rhonda Spence, Applicant: Maybe 2 miles. Right now, I'm renting a house on Locust, and I work at the Elementary School, so I go right by there as well.

Mayor Hechler: It seems that there is a lack of shade on the property right now.

Rhonda Spence, Applicant: Right, but again, I have had some permanent structure placed for shade on there right now. I also have two oversized dog houses, and I have two more being built.

Mayor Hechler: What happens if one of the dogs get bitten by a snake or they get out of the kennel. How would you know?

Rhonda Spence, Applicant: I've been contacted by Animal Control one time that my dogs had gotten out and that was due to the dog houses being too close to the fence, and my two Ausie mixes jumped over, and so I have since moved those dog houses elsewhere so they can't go out of the perimeter unless they all come and rage towards me, and if they do that and they get out that way I just go and scoop them up in the car.

Mayor Hechler: What is your intent with these animals?

Rhonda Spence, Applicant: To continue to love them. I had them and I am responsible for them.

Mayor Hechler: How did you get 6 animals?

Rhonda Spence, Applicant: I had one run in front of my car in Hatch, then I got one as a gift and then I was in an accident and that dog met some neighbors and she had puppies. Then I had a blue heeler with a broken hip who came up to my pond when I was living in the Hobbs area.

Mayor Hechler: You obviously care for the animals, but you also understand our concerns. Thank you, ma'am. I'd like to hear from the ACO now.

Tyler Knull, Animal Control/Code Enforcement Officer: As Ms. Spence has stated, she obviously does care for the animals. I don't see any signs of cruelty, but I do share the same concerns that you guys do. Nobody lives on the property, and there's not really a lot of space for 6 animals on the current property with dog houses, shade and all of that. I've received quite a few complaints from people who are concerned that there is nobody living on the property, and the dogs are left there, and the owner visits maybe

CITY COMMISSION AUGUST 28, 2024 REGULAR MEETING MINUTES

twice a day or once most of the time. People are concerned about what happens if these dogs start barking and what happens if these dogs start getting out. In the process of her starting to get her permit, there were 5 or 6 times that I had to respond to go and contain her dogs that were running at large. I don't know what the reasons were, but she was very hard to contact to let her know that the dogs were running at large. I'm not saying that's currently the issue. I haven't had an issue in quite a while with the dogs running at large, but that was an issue in the beginning. So, I do share the same concerns about what happens if the dogs get hurt and she's not there. If it takes 5 hours for her to visit for the next time, there is a lot that can happen to a dog that is in pain or has been injured or anything like that. If the dogs start barking, who's going to stop the dogs from barking. People are concerned that we've denied permits for less than what's going on. No one is living on the property, so who is taking care of these animals consistently, so I do share the same concerns and that's why I recommend denying the permit at this time.

Mayor Hechler: Are the animals on the site there now? And how long have they been there?

Tyler Knull, Animal Control/Code Enforcement Officer: Correct. I would say they have been there for a few months. It's been 3 months since she applied for the permit.

Mayor Hechler: How many issues have you had in that time frame?

Tyler Knull, Animal Control/Code Enforcement Officer: The 6 at the beginning and then I am getting complaints from citizens about if this is allowed and why are we allowing animals to be left on the property when nobody is watching them.

Mayor Pro-Tem Forrister: She obviously does care for these animals, so what are our steps moving forward. What can we do to accommodate her when it is her long-term goal to have these animals. What happens if we deny it? Do you go and take the dogs from her and then they go into our overcrowded shelter?

Tyler Knull, Animal Control/Code Enforcement Officer: I wouldn't take the dogs. It would be up to her to figure out where she could house the dogs until she could have an approved permit. Whether that's at the property she's renting or something like that. Her long-term goal is to try to get a building built so she can have the dogs go into an indoor area in the heat of the day and bathe them. Things like that. That's currently not what's on the property right now. They are currently outside 24/7 right now.

Mayor Pro-Tem Forrister: But you do have a shelter out there for them now?

Tyler Knull, Animal Control/Code Enforcement Officer: Currently they have dog houses, and she has a tarp out there for shade. I don't know if that's changed. It's been quite a while since I've been over there.

CITY COMMISSION AUGUST 28, 2024 REGULAR MEETING MINUTES

Rhonda Spence, Applicant: I do have a structure inside the gate. I can't remember the dimensions, but it has metal piers. It's on the side that goes towards the street, but that's the side that is also covered so the dogs don't see the road, and the other side is a chain-link fence. So, where the structure ends, I placed a canopy that goes all the way over to the chain-link part.

Mayor Pro-Tem Forrister: You can see how this is not ideal. We want to help, and we want you to be able to keep your dogs, but what is in your future? Is there a place you can rent where you can keep your dogs with you?

Rhonda Spence, Applicant: No, there's not.

Mayor Hechler: We are going to have to make a tough decision here because I don't see this as being an attainable position. I think these animals need to be on a property where they have immediate care. They are out in the middle of nowhere. Do you own that property?

Rhonda Spence, Applicant: Yes.

Mayor Hechler: What would be a reasonable timeframe for you to do something other than leaving them on these premises?

Rhonda Spence, Applicant: I will have to quit my job and leave the area.

Mayor Hechler: I don't want that to happen, but this is setting kind of a tough precedence for us.

Rhonda Spence, Applicant: I do want a building there. I've always said that, but then the way that it is zoned as an R3, it is difficult to what you can and can't do.

Mayor Hechler: Exactly. We can help you get these dogs adopted. That would be one option.

Rhonda Spence, Applicant: No thank you.

Mayor Hechler: I know we all form attachments to animals, but what your perception is on care of those animals may not be the same perception that the average person would think it is because animals should be at home where there is somebody on the premises 24/7 so if something happens, you can have an immediate response. If you're at work all day, there isn't going to be an immediate response. I appreciate you driving by there and looking, but that doesn't solve the problem, and we have to get to the point where we solve the problem. So, we have to make a decision on that and that's what makes the decision difficult because I know that you care about your animals, but we have to care for the animals ourselves too, and what's best for the animals may not be this scenario.

CITY COMMISSION AUGUST 28, 2024 REGULAR MEETING MINUTES

Mayor Pro-Tem Forrister: I'm not even concerned about her being at work all day. That would happen if she had them at her house. Ms. Spence, how do you foresee this playing out? Are you just going to leave them on this piece of property, and you're going to live somewhere else?

Rhonda Spence, Applicant: That's what I've had to do. I would like to put a structure where I could be with them there, but then again to zoning, I didn't know the requirements. I do have a business license. I've been trying to do this since November. I'm at a loss.

Mayor Hechler: Mr. Knull. Is there an opportunity for us to help her get some of these animals adopted?

Tyler Knull, Animal Control/Code Enforcement Officer: There is from the Animal Shelter. As far as her process and what she's comfortable with, I'm not exactly sure. Like you guys stated, this is a precedence that we haven't set before. I want to clarify that the issue is not the necessities for the dogs. The water and food are being met and the dogs look healthy. My concern as far as responsibility, is the owner not being on the property, as well as the space. That's the only necessity that is kind of missing for me. I'm willing to work with her. It's within the process of compliance and I am willing to extend my time limit and not issue citations and things like that. I do have that ability. I understand what she's going through. We would have to decide what she's comfortable with and check with the Animal Shelter to see what we can do as far as the next step to get these animals removed from the property.

Mayor Pro-Tem Forrister: This is difficult because like you said, their needs are being met. Fix the place up a little bit, and get a kennel permit and have a kennel business there. I don't know if there is something that can be done here.

Rhonda Spence, Applicant: That's what I wanted to do, but you have to do these steps, and the first step for me was to take care of my dogs and let them all be together somewhere. That was the fastest thing that I could do.

City Attorney Rubin: You can deny the application, but that doesn't stop Ms. Spencer from coming back and re-applying after her situation changes.

Mayor Pro-Tem Forrister: Clearly, she doesn't want to get rid of her dogs, and I don't think we need to be taking them from her. I like Officer Knull's discretion on this and working with her to come up with a solution. Clearly, she's taking care of her animals and she loves them so let's figure out a way to make it work. I don't want to give her the permit, because then we are setting a precedence.

Assistant City Manager Alvarez: We could potentially do a temporary approval and re-visit with Code Enforcement and the applicant to maybe see where she is at and whatever amount of time that you guys wanted to do that.

CITY COMMISSION AUGUST 28, 2024 REGULAR MEETING MINUTES

Mayor Hechler: I kinda like that idea. Officer Knull, would you be okay with us not making a decision other than a temporary permit for maybe 3 months, and then monitoring the situation in the system, and hopefully you can work toward a resolution that will benefit her situation and the animals. Quite frankly Ms. Spencer, you may have to adopt some of them out so that we can lessen the impact because I do have some concerns that those animals are going to be left in a community without anybody around for a lot of the time, and I don't want to set that precedence either. Absentee ownership isn't something that I think we want to allow to have within the city. I hope you understand our situation too.

Assistant City Manager Alvarez: If I could encourage the applicant to come and speak with me regarding the zoning, R3 allows for home occupation, as well as structures and stuff like that. I haven't seen anything other than the fence brought to me.

Rhonda Spence, Applicant: You won't let me do anything else.

Assistant City Manager Alvarez: When you were saying that there were limits on what you can put there, there is, we have a distinct list of what's allowed, but there's also processes for items that maybe aren't allowed or require a special use permit, so if you have some ideas that aren't fitting in what you read, I encourage you to come speak with me and see if there is a way that we can go back to Planning & Zoning and ultimately the Commission for a conditional use or special use permit or a variance request. There are different options and routes that we can take.

Mayor Pro-Tem Forrister: Officer Knull, what would you prefer? Would you prefer that we deny it and you just kind of just use discretion on what she's doing or do you want us to approve it for 3 months and let her work in that period of time.

Tyler Knull, Animal Control/Code Enforcement Officer: Personally, I would recommend denial simply because it does set a precedence. For other properties and other cases, we don't allow property owners to just leave their animals and go stay somewhere else for a week and visit them once a day or whatever. It's not something that I allow, so I don't think that the situation is permissible, but upon your denial of the permit, this is only a denial for my side of things for now. The situation is planning to change, and I can see that she loves all of the animals. Once improvements are made as far as where the animals can live and where she can stay with the animals, then I would recommend approval.

Mayor Hechler: Ma'am, I see several houses around that area. Do you have any relationship with any of the folks that live close to there that can possibly assist you.

Rhonda Spence, Applicant: No.

Mayor Hechler: So, your options are that we're going to deny the permit, but we'll allow 90 days. Please go talk with the Assistant City Manager in the meantime to see if we can make some plans, and then we will revisit this thing in 3 months.

Commissioner Hoeppner made a motion to deny the Multi Animal Special Use Permit at 1501 N. Ash, and we will revisit this in 3 months with an update. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

4. Discussion/Action: Charging & Fueling Infrastructure Grant Application.

Bo Easley, Electric Division Director: About a year ago the government and the federal highway administration gave money out to stage for electric car charging stations so we started working with SCCOG and submitted a grant. We didn't get a grant the first go around, and now the second round is fixing to come up and close out, and they are asking for a match fund of 20%. I wanted to bring this to the Commission to get a directive of which way you would like to go. There are other grants out there that we could probably look for to get electric car charging stations, but I wanted to bring this to you to get a decision from you.

Mayor Hechler: So, we are looking at 20%. What is the overall cost.

Bo Easley, Electric Division Director: The overall cost would be \$2.2 million, so we are looking at a little over \$1.5 million.

Mayor Pro-Tem Forrister: When you first brought it I thought it would be really cool for the city, but the more I look into this, say we did want to pay that \$1.5 million and invest in this. Its our upkeep and we're going to have to be working on this, and right now private businesses are putting in charging stations in our community so I think, let them handle it and we should stay out of it.

Commissioner Hoeppner: I feel that we should have at least a couple of them in the downtown area so we can provide the service. There is a space next to the PNC bank where we could put one and people could know that their cars are safe. What safer place then directly by the Police Station, and when we ask for funding, that's another bullet point we could put on it to help downtown and the community. It would be better for the interest of downtown. Or we could find somebody privately who would want to install something. I don't think we should abandon the opportunity. Maybe we could look into some better grants for it.

Commissioner Mitchell: I kind of agree with Ingo's point on having those kinds of stations in the downtown area. I think that would be beneficial. I disagree in the sense that I just see that this could potentially be where eventually it would get rid of all gasoline cars, and that would be a positive step for the city, but it would all depend on the cost to us personally. I also agree with Mayor Pro-Tem Forrister about private businesses putting them in.



City of Truth or Consequences

AGENDA REQUEST FORM

MEETING DATE: January 8, 2025

Agenda Item #: 1.3

SUBJECT: Increase Commission Approval Threshold
DEPARTMENT: Finance
DATE SUBMITTED: December 31, 2024
SUBMITTED BY: Jocelyn Holguin, Finance Director
WHO WILL PRESENT THE ITEM: Jocelyn Holguin, Finance Director

Summary/Background:

Based on the staff review and the needs of the City, the Finance Department has issued a resolution for a hindrance on the Finance Department, Staff and Elect. The request would be to increase approvals from the \$20 Thousand Dollar threshold to \$60 Thousand Dollars, prior to official approvals. The State Procurement Code states the threshold may go up to \$60 thousand and the Federal law is capped at \$50 Thousand, and I would request the amounts to be officially in place. This amendment to our internal controls would update requirements and processing. Please, see attached.

Recommendation:

Approval Recommended by Finance Director

Attachments:

- Letter from Finance Director
- Copy of Adopted Policy 9-22-21-Redlined and Updated to reflect Changes
- Update Travel Requirements- Attached Statues

[Click here to enter text.](#)

Fiscal Impact (Finance): N/A

There would be no fiscal impact as departments will continue to follow the Procurement requirements prior to having a purchase order issued. Spending may be reviewed in the AP EOM Report provided by Accounts Payroll in the monthly packets for reviews when needed.

Legal Review (City Attorney): Choose an item.

N/A

Approved For Submittal By: ☒ Department Director

Reviewed by: ☒ City Clerk ☒ Finance ☐ Legal ☒ Other: CPO/Accounts Payable

Final Approval: ☒ City Manager

CITY CLERK'S USE ONLY - COMMISSION ACTION TAKEN

Resolution No. [Click here to enter text.](#) Ordinance No. [Click here to enter text.](#)

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: CC agendas 01/08/2025



City of Truth or Consequences

505 Sims Street

Truth or Consequences, New Mexico 87901

City (575) 894-6673 ▪ Fax (575) 894-7767

December 30, 2024

To City Mayor, Pro-Tem and Commissioners,

RE: OFFICIAL MEMO TO INCREASE PURCHASING THRESHOLD- NEW
BUSINESS

In the past few months, I have had the opportunity to implement and process according to the current City Purchasing Department internal control policies. It is in my professional opinion and feedback provided to myself, by staff and management, would be imperative to increase the \$20 thousand dollar Commission Approvals up to \$60 Thousand as allowable in the State Procurement Code 13-1-125 Small Purchase regulations.

As part of my previous duties, we applied the formula I am presenting to everyone in this packet and have had a successful audit review, along with minimizing the need to process all items for \$20 thousand or more. The changes would remove extra work for all processing parties involved in the packet creations to approvals. Items over \$60 Thousand would be agenda packet ready for your application.

I find it very time-consuming to be doing packets at such a low threshold biweekly when with the proper internal controls, we should be able to increase and process accordingly. I feel that the low threshold packets are taking time from the Finance Department which could be used in more important projects which are delayed by producing the current packets. I request that you please approve the attached changes and allow us to move forward accordingly. I stand for any questions. Thank you.

Please, see attached:

Regards,

A handwritten signature in blue ink, appearing to read "JH", is placed above the printed name of the signatory.

Jocelyn Holguin
Finance Director



City of Truth or Consequences

505 Sims Street

Truth or Consequences, New Mexico 87901

City (575) 894-6673 • Fax (575) 894-7767

Definition Per State Procurement Code:

13-1-125. Small purchases.

A. A central purchasing office shall procure services, construction or items of tangible personal property having a value not exceeding sixty thousand dollars (\$60,000), excluding applicable state and local gross receipts taxes, in accordance with the applicable small purchase rules adopted by the secretary, a local public body or a central purchasing office that has the authority to issue rules.

B. Notwithstanding the requirements of Subsection A of this section, a central purchasing office may procure professional services having a value not exceeding sixty thousand dollars (\$60,000), excluding applicable state and local gross receipts taxes, except for the services of landscape architects or surveyors for state public works projects or local public works projects, in accordance with professional services procurement rules promulgated by the general services department or a central purchasing office with the authority to issue rules.

C. Notwithstanding the requirements of Subsection A of this section, a state agency or a local public body may procure services, construction or items of tangible personal property having a value not exceeding twenty thousand dollars (\$20,000), excluding applicable state and local gross receipts taxes, by issuing a direct purchase order to a contractor based upon the best obtainable price.

D. Procurement requirements shall not be artificially divided to constitute a small purchase under this section.

CITY OF TRUTH OR CONSEQUENCES
PROCUREMENT LIMITS AND PROCESSES
ADOPTED 9-22-21

UPDATED 01/08/2025

Notice: A purchase order is required for all purchases. ~~with the exception of employee travel reimbursement.~~

Procurement Type	Value of Procurement	Procurement Requirements	Approval Needed
Small Purchases Any Product or Service	\$19,999.99 or less (Not including GRT)	No Quotes Required. Single Quote Required. Direct Purchase Order	Chief Procurement Officer
Purchases of Items of Tangible Personal Property, Construction, and Non-Professional Services	\$20,000 Not Exceeding \$59,999.99 (Not including GRT) Federal Funded \$50,000 and Over	3 Written Quotes or City, State, GSA, or Cooperative Price Agreement/Contract. All documents must be attached to purchase requisition	Commission Approval Needed Chief Procurement Officer for Purchase Requisition and/or Contract. City Manager's signature on Purchase Order
Purchases of Items of Tangible Personal Property, Construction, and Non-Professional Services	Exceeding \$59,999.99- Federal Funded \$50,000 and Over	Formal Bid or Procurement or City, State, GSA, or Cooperative Price Agreement/Contract. All documents must be attached to purchase requisition.	Commission Approval Needed for Award and/or Contract. City Manager's signature on Purchase Order Commission approved, CPO may direct process, once Finance Officer or Director have reviewed.
Purchases of All Professional Services (Except for the services of architects, engineers, landscape architects, or surveyors)	\$0 Not Exceeding \$60,000	No Quotes Required. Supporting documents i.e. Contracts, ext. Direct Purchase Order	Between \$20,000 and \$60,000 Commission Approval Needed for Purchase Requisition and/or Contract if one is issued. Commission approved CPO may direct process, once Finance Officer or Director have reviewed.
Purchases of All Professional Services (Except for the services of architects, engineers, landscape architects, or surveyors)	Exceeding \$60,000	Formal Bid or Procurement or City, State, GSA, or Cooperative Price Agreement/Contract	Commission Approval Needed for Award and Contract. City Manager's signature on Purchase Order Once commission approve CPO may direct process, once Finance Officer or Director have reviewed.
Purchases of the services of architects, engineers, landscape architects, or surveyors	See Chief Procurement Officer	Shall comply with 13-1-120 through 13-1-124 NMSA 1978, competitive sealed qualifications-based proposals. Competitive qualifications-based proposals shall be used for procurement of professional services of architects, engineers, landscape architects, engineers or surveyors	

TITLE 2 PUBLIC FINANCE
CHAPTER 42 TRAVEL AND PER DIEM
PART 2 REGULATIONS GOVERNING THE PER DIEM AND MILEAGE ACT

2.42.2.1 ISSUING AGENCY: Department of Finance and Administration.
[2.42.2.1 NMAC - Rp, 2.42.2.1 NMAC, 01/16/2024]

2.42.2.2 SCOPE: In accordance with Section 10-8-1 to 10-8-8 NMSA 1978, 2.42.2 NMAC governs the payment of per diem rates and mileage and the reimbursement of expenses for all salaried and non-salaried public officers and employees of all state agencies and local public bodies, except:

- A.** state legislators; and
- B.** public officials and employees of state educational institutions specified in Article 12, Section 11 of the New Mexico Constitution and institutions defined in Chapter 21, Articles 13, 14, 16 and 17 NMSA 1978 (hereinafter "public postsecondary educational institutions"). If an official or employee of a public postsecondary educational institution is also a salaried or non-salaried public officer or employee of any other state agency or local public body, these regulations shall apply when the person seeks payment of per diem rates and mileage or reimbursement of expenses in the capacity of a salaried or non-salaried public officer or employee of a governmental entity other than a public postsecondary educational institution.

[2.42.2.2 NMAC - Rp, 2.42.2.2 NMAC, 01/16/2024]

2.42.2.3 STATUTORY AUTHORITY: These regulations are promulgated pursuant to authority granted in Subsection A of Section 10-8-5 and Subsection E of Section 9-6-5 NMSA 1978.
[2.42.2.3 NMAC - Rp, 2.42.2.3 NMAC, 01/16/2024]

2.42.2.4 DURATION: Permanent.
[2.42.2.4 NMAC - Rp, 2.42.2.4 NMAC, 01/16/2024]

2.42.2.5 EFFECTIVE DATE: January 16, 2024, unless a later date is cited at the end of a section.
[2.42.2.5 NMAC - Rp, 2.42.2.5 NMAC, 01/16/2024]

2.42.2.6 OBJECTIVE: To govern the payment of per diem rates and mileage and the reimbursement of expenses for all salaried and non-salaried public officers and employees of all state agencies and local public bodies except those set forth in Subsections A and B of 2.42.2.2 NMAC.
[2.42.2.6 NMAC - Rp, 2.42.2.6 NMAC, 01/16/2024]

2.42.2.7 DEFINITIONS: As used in this rule:

- A.** **"Agency head"** means:
 - (1) the cabinet secretary of departments and their administratively attached boards and commissions;
 - (2) the director for other agencies and institutions and their administratively attached boards and commissions;
 - (3) the superintendent of regulation and licensing for boards and commissions attached to the regulation and licensing department;
 - (4) the chairperson, president or executive secretary for remaining boards and commissions; and
 - (5) the chief executive, chief administrative officer, or governing body for local public bodies.
- B.** **"Attend"** has the same meaning as ascribed to it in Section 10-8-3 NMSA 1978.
- C.** **"Board or committee meeting"** means the formal convening of public officers who comprise a board, advisory board, commission or committee even if no further business can take place because of the lack of a quorum.
- D.** **"Designated post of duty"** means the address of a public officer's or employee's assignment as determined by the agency.

E. **"Employee"** means any person who is in the employ of any New Mexico state agency or local public body within New Mexico whose salary is paid either completely or partially from public money but does not include jurors or jury commissioners.

F. **"Governmental entity"** means a New Mexico state agency or local public body within New Mexico.

G. **"Home"** means:

(1) for per diem purposes, the area within a 50-mile radius of the place of legal residence as defined in Section 1-1-7 NMSA 1978;

(2) for mileage purposes, the place of legal residence as defined in Section 1-1-7 NMSA 1978.

H. **"Local public body"** means every political subdivision of the state, whether created under general or special act including, but not limited, to counties, municipalities, drainage, conservancy, irrigation, school or other districts, that receives or expends public money from whatever source derived.

I. **"Non-salaried public officer"** means a public officer serving as a member of a board, advisory board, committee or commission who is not entitled to compensation, but is entitled to payment of per diem rates and mileage.

J. **"Normal work day"** means eight hours within a nine-hour period for all public officers and employees both salaried and non-salaried, regardless of the officers' or employees' regular work schedule.

K. **"Occasionally and irregularly"** means not on a regular basis and infrequently as determined by the agency. For example, an employee is not entitled to per diem rates under 2.42.2.8 NMAC if the employee either travels once a week or travels every fourth Thursday of the month. However, the employee is entitled to per diem rates under 2.42.2.8 NMAC if the employee either travels once a month with irregular destinations and at irregular times or travels four times in one month and then does not travel again in the next two months, so long as this is not a regular pattern.

L. **"Out of state"** means beyond the exterior boundaries of the state of New Mexico.

M. **"Public officer"** means every elected or appointed officer of a governmental entity, including but not limited to:

(1) officers of the judicial branch of state government, including judges;

(2) officers of the legislative branch of state government, except legislators; and,

(3) all board, advisory board, committee and commission members elected or

appointed to a board, advisory board, committee or commission specifically authorized by law or validly existing as an advisory committee pursuant to Section 9-1-9 NMSA 1978.

N. **"Secretary"** means the secretary of finance and administration.

O. **"Travel"** means: for per diem purposes, being on official business away from home as defined in Subsection F above and at least 50 miles from the designated post of duty of the public officer or employee. However, non-salaried public officers are eligible for per diem for attending meetings in accordance with Subsection C of 2.42.2.8 NMAC.

P. **"Travel voucher"** means a payment voucher submitted for the purpose of claiming reimbursement for travel expenditures.

[2.42.2.7 NMAC - Rp, 2.42.2.7 NMAC, 01/16/2024]

2.42.2.8 PER DIEM RATES AND PRORATION:

A. **Applicability:** Per diem rates shall be paid to public officers and employees only in accordance with the provisions of this section. Per diem rates shall be paid without regard to whether expenses are actually incurred. Where lodging or meals are provided or paid for by the agency, the governing body, or another entity, the public officer or employee is entitled to reimbursement only for actual expenses under 2.42.2.9 NMAC.

B. **Per diem rate computation:** Except as provided in Subsections C through I of this section, per diem rates for travel by public officers and employees shall be computed as follows:

(1) **Partial day per diem rate:** Public officers or employees who occasionally and irregularly travel shall be reimbursed for travel which does not require overnight lodging, but extends beyond a normal work day as published on the department of finance and administration website on May 1 for the preceding fiscal year.

(2) **Overnight travel:** Regardless of the number of hours traveled, travel for public officers and employees where overnight lodging is required shall be reimbursed as published on the department of finance and administration website on May 1 for the preceding fiscal year or actual lodging and meal expenses under 2.42.2.9 NMAC.

(3) **Return from overnight travel:** On the last day of travel when overnight lodging is no longer required, partial day reimbursement shall be made. To calculate the number of hours in the partial day, begin with the time the traveler initially departed. Divide the number of hours traveled by 24. The hours remaining constitute the partial day which shall be reimbursed as published on the department of finance and administration website on May 1 for the preceding fiscal year.

(4) **Special area designations:** For all officers and employees, the in state special area shall be Santa Fe county.

C. **Board, commission and committee members:** Non-salaried public officers may receive per diem as follows:

(1) **Official board, commission and committee meetings:**

(a) **State non-salaried public officers:** Non-salaried public officers of the state may elect to receive:

- (i) \$95.00 if the officer physically attends the meeting for four hours or more during a single calendar day; or
- (ii) \$45.00 if the officer physically attends the meeting for less than four hours or the officer attends a virtual meeting of any duration during a single calendar day; or
- (iii) per diem rates in accordance with Subsection B of this section.

(b) **Local non-salaried public officers:** Non-salaried public officers of local public bodies may elect to receive:

- (i) \$95.00 if the officer physically attends the meeting for four hours or more during a single calendar day; or
- (ii) \$45.00 if the officer physically attends the meeting for less than four hours or the officer attends a virtual meeting of any duration during a single calendar day; or
- (iii) per diem rates in accordance with Subsection B of this section provided that the local governing body has not established a lesser rate.

(c) **Municipal non-salaried public officers:** Non-salaried public officers of municipalities may elect to receive either:

- (i) \$95.00 if the officer physically attends the meeting for four hours or more during a single calendar day; or
- (ii) \$45.00 if the officer physically attends the meeting for less than four hours or the officer attends a virtual meeting of any duration during a single calendar day; or
- (iii) per diem rates in accordance with Subsection B of this section, provided that the board or commission meeting is held outside of the municipal boundaries.

(2) **Other official meetings:** Non-salaried public officers may receive per diem rates for travel on official business that does not constitute a board, advisory board, committee or commission meeting only in accordance with Subsection B of this section.

(3) **Members serving in dual capacities:** Non-salaried public officers who also serve as public officers or employees of state agencies or local public bodies may receive mileage or per diem rates from only one public entity for any travel or meeting attended. Furthermore, non-salaried public officers who are also public officers or employees may not receive per diem rates for attending meetings held in the place of their home or at their designated posts of duty unless they are on leave from their positions as public officers or employees. Local public bodies may adopt regulations with respect to the receipt of per diem rates by employees or officers of local public bodies who also serve on boards or commissions subject to this rule.

D. **Temporary assignment:** Public officers and employees may be reassigned temporarily to another duty station.

(1) **Routine reassignment:** Public officers and employees subject to periodic reassignment of duty stations or districts as a normal requirement of their employment will not be eligible for per diem rates after the time of arrival at the new duty station or district.

(2) **Non-routine reassignment:** Public officers or employees not normally subject to periodic reassignments who are temporarily assigned to another office of a state agency away from home will

receive per diem for the first 30 calendar days of their assignment only, unless approval of the secretary is given to extend per diem payments upon showing that the assignment is necessary and temporary. Except in such extraordinary circumstances, after 30 calendar days, the place where the employee or officer is assigned will be regarded as the designated post of duty.

E. New Mexico department of transportation: The New Mexico department of transportation may adopt special policies pertaining to payment of per diem rates for temporary assignments. Such policies shall be subject to the annual approval of the secretary.

F. Department of public safety: The department of public safety may adopt special policies pertaining to payment of per diem rates, mileage and subsistence allowances authorized by law for commissioned officers. Such policies shall be subject to the annual approval of the secretary.

G. Travel for educational purposes: A public officer or employee shall not be reimbursed for more than 30 calendar days of per diem in any fiscal year for attending educational or training programs unless approval has been obtained from the secretary.

H. Per diem in conjunction with other leave: While traveling, if a public officer or employee takes sick, annual or authorized leave without pay for more than four hours of the normal work day, per diem shall not be allowed for that day unless authorized in writing by the agency head.

I. Illness or emergency: Agency heads may grant permission, in writing, to pay per diem rates and travel reimbursement to an employee or public officer who becomes ill or is notified of a family emergency while traveling on official business and must either remain away from home or discontinue the official business to return home.

[2.42.2.8 NMAC - Rp, 2.42.2.8 NMAC, 01/16/2024]

2.42.2.9 REIMBURSEMENT OF ACTUAL EXPENSES IN LIEU OF PER DIEM RATES:

A. Applicability: Upon written request of a public officer or an employee, agency heads may grant written approval for a public officer or employee of that agency or local public body to be reimbursed actual expenses in lieu of the per diem rate where overnight travel is required.

B. Overnight travel: For overnight travel for state officers and employees where overnight lodging is required, the public officer or employee will be reimbursed as follows:

(1) **Actual reimbursement for lodging:** A public officer or an employee may elect to be reimbursed actual expenses for lodging not exceeding the single occupancy room charge (including tax) in lieu of the per diem rate set forth in 2.42.2.8 NMAC. Whenever possible, public officers and employees should stay in hotels which offer government rates. Agencies, public officers or employees who incur lodging expenses in excess of \$215.00 per night must obtain the signature of the agency head or chairperson of the governing board on the travel voucher prior to requesting reimbursement and on the encumbering document at the time of encumbering the expenditure.

(2) **Actual reimbursement for meals:** Actual expenses for meals are limited by Paragraph (2) of Subsection K of Section 10-8-4 NMSA 1978 to the rates published on the department of finance and administration website on May for the preceding fiscal year.

(3) **Receipts required:** The public officer or employee must submit receipts for the actual meal and lodging expenses incurred. Under circumstances where the loss of receipts would create a hardship, an affidavit from the officer or employee attesting to the expenses may be substituted for actual receipts. The affidavit must accompany the travel voucher and include the signature of the agency head or governing board.

C. Return from overnight travel: On the last day of travel when overnight lodging is no longer required, partial day reimbursement shall be made. To calculate the number of hours in the partial day, begin with the time the traveler initially departed on the travel. Divide the total number of hours traveled by 24. The hours remaining constitute the partial day which shall be reimbursed as published on the department of finance and administration website on May 1 for the preceding fiscal year. No reimbursement for actual expenses will be granted in lieu of partial day per diem rates.

[2.42.2.9 NMAC - Rp, 2.42.2.9 NMAC, 01/16/2024]

2.42.2.10 TRAVEL ADVANCES:

A. Authorizations: Upon written request accompanied by a travel voucher, agency heads and governing boards of local public bodies or their authorized designees may approve a public officer's or

employee's request to be advanced up to eighty percent of per diem rates and mileage cost or for the actual cost of lodging and meals pursuant to 2.42.2.8 NMAC and 2.42.2.9 NMAC and for other travel expenses that may be reimbursed under 2.42.2.12 NMAC. Requests for travel advances shall not be submitted to the financial control division of the department of finance and administration more than two weeks prior to travel unless, by processing the request earlier, significant savings can be realized for travel by common carrier or for registration fees for seminars and conferences.

B. Travel period: A travel advance may be authorized either for a single trip or on a monthly basis for public officers and employees who travel continually throughout the month. Payment shall be made only upon vouchers submitted with attached authorization for each travel period.

(1) **Single trip advances:** Where a travel advance is made for a single trip, the officer or employee shall remit, within 5 working days of the return from the trip, a refund of any excess advance payment to the agency. The agency or local public body shall deposit the refund and reduce the disbursement recorded when the money was advanced.

(2) **Monthly advances:** Where monthly advances are made, employees shall remit to the agency, at the end of each month, any excess advance payments together with a thorough accounting of all travel advances and expenditures as required by the secretary. Where a travel advance is approved for the next month, the agency head may authorize the use of excess advance payments from the previous month as part of the advance for the next month in lieu of having the employee remit the excess funds.

C. Agency records: Each agency is responsible for maintaining records of travel advances authorized by the agency head or the agency head's authorized designee.

(1) **Employee ledgers:** Each state agency shall keep individual employee ledgers for travel advances. The ledger shall include the following information to provide an adequate audit trail:

- (a) employee;
- (b) no;
- (c) division;
- (d) fiscal year;
- (e) date of travel advance;
- (f) date of destination;
- (g) per diem advance;
- (h) earned;
- (i) additional per diem or refund due.

(2) **Year-end closing:** Each state agency shall review all travel advances prior to the end of the fiscal year and collect or pay all outstanding amounts if possible. Any receivables or payables outstanding at year-end must be recorded on the books and records of the agency.

D. Local public bodies: Local public bodies may grant prior written approval for travel advances as authorized by regulation of the governing body of the local public body.
[2.42.2.10 NMAC - Rp, 2.42.2.10 NMAC, 01/16/2024]

2.42.2.11 MILEAGE-PRIVATE CONVEYANCE:

A. Applicability: Mileage accrued in the use of a private conveyance shall be paid only in accordance with the provisions of this section.

B. Rate: Public officers and employees of state agencies shall be reimbursed for mileage accrued in the use of a private automobile or aircraft in the discharge of official duties as follows:

(1) unless the secretary has reduced the rates set for mileage for any class of public officials and for employees of state agencies pursuant to Subsection D of Section 10-8-5 NMSA 1978, one hundred percent of the internal revenue service standard mileage rate set January 1 of the previous year for each mile traveled in a privately owned vehicle;

(2) privately owned airplane, eighty-eight cents (\$0.88) per nautical mile.

C. Local public bodies: Public officers and employees of local public bodies may be reimbursed for mileage accrued in the use of a private conveyance in the discharge of official duties, at the statutory rates unless such rates have been reduced by the governing bodies of the local public body pursuant to Subsection D of Section 10-8-5 NMSA 1978.

D. Privately owned automobile: For conveyance in the discharge of official duties by privately owned automobile, mileage accrued shall be reimbursed at the rate set forth in this section as follows:

(1) pursuant to the mileage chart of the official state map published by the state highway and transportation department for distances in New Mexico and the electronic mileage calculator as approved by the department of finance and administration for distances outside of New Mexico; or

(2) pursuant to actual mileage if the beginning and ending odometer reading is certified as true and correct by the traveler; and

(a) the destination is not included on the official state map or on the approved electronic mileage calculator; or,

(b) at the destination(s) of the public officer or employee, the public officer or employee was required to use the private conveyance in performance of official duties.

E. Privately owned airplane: Mileage accrued in the use of a privately owned airplane shall be reimbursed at the rate set forth in this section as follows:

(1) pursuant to the New Mexico aeronautical chart published by the state highway and transportation department, aviation division, for distances in New Mexico and other states' air maps for distances outside of New Mexico; or

(2) pursuant to actual air mileage if certification is provided by the pilot, or a beginning and ending reading of actual mileage if the reading is certified as true and correct by the traveler, and the destination is not included on an air map.

F. Reimbursement limit for out of state travel: Total mileage reimbursement for out of state travel by privately owned automobile or privately owned airplane shall not exceed the total coach class commercial airfare that would have been reimbursed those traveling had they traveled by common carrier. This subsection shall not apply to a public school when transporting students.

G. Additional mileage provision: Mileage accrued while on official business shall be reimbursed for travel on official business. An agency head or designee may authorize by memorandum reimbursement for mileage from a point of origin farther from the destination than the designated post of duty in appropriate circumstances. The memorandum must accompany the payment voucher. If official business is transacted while commuting from home to post of duty or from post of duty to home, mileage shall not be paid for the number of miles between post of duty and home. Odometer readings showing additional miles accrued for official business must be provided to the agency for payment.

[2.42.2.11 NMAC - Rp, 2.42.2.11 NMAC, 01/16/2024]

2.42.2.12 REIMBURSEMENT FOR OTHER EXPENSES: Public officers and employees may be reimbursed for certain actual expenses in addition to per diem rates.

A. Public officers and employees may be reimbursed for the following expenses provided that receipts for all such expenses are attached to the reimbursement voucher:

(1) taxi or other transportation fares at the destination of the traveler;

(2) gratuities as allowed by the agency head or designee, not to exceed twenty percent per transaction;

(3) parking fees;

(4) actual costs for travel by common carrier, provided such travel is accomplished in the most economical manner practical;

(5) rental cars or charter aircraft, provided less expensive public transportation is not available or appropriate;

(6) registration fees for educational programs or conferences, provided, if the fee includes lodging or meals, then no per diem rates shall be paid and only actual expenses paid by the officer or employee and not included in the fee shall be reimbursed within the limits of 2.42.2.9 NMAC; and

(7) professional fees or dues that are beneficial to the agency's operations or mission.

(8) Under circumstances where the loss of receipts would deny reimbursement and create a hardship, an affidavit from the officer or employee attesting to the expenses may be substituted for actual receipts. The affidavit must accompany the travel voucher and include the signature of the agency head or governing board.

B. Local public bodies: Local public bodies may adopt regulations governing the reimbursement of actual expenses incurred in addition to per diem rates and mileage.

[2.42.2.12 NMAC - Rp, 2.42.2.12 NMAC 01/16/2024]

2.42.2.13 TRAVEL VOUCHERS: Travel vouchers and supporting schedules and documents shall conform to the policies and procedures manuals issued by the financial control division of the department of finance and administration.

[2.42.2.13 NMAC - Rp, 2.42.2.13 NMAC 01/16/2024]

2.42.2.14 EFFECT OF PUBLICATION: All sections shall be effective upon publication in the *New Mexico Register*.

[2.42.2.14 NMAC - Rp, 2.42.2.14 NMAC 01/16/2024]

HISTORY OF 2.42.2 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center:

DFA 71-4 (Directive DFA 71-1) State Transportation Pool Rules and Regulations, filed 6/23/1971.

DFA 72-5 Directive DFA 61-1, Transportation Pool Rules and Regulations, filed 6/30/1972.

DFA 75-4 (Directive-DFA 63-4) State Transportation Pool Rules and Regulations, filed 3/3/1975.

DFA 71-9 (Directive DFA 60-5C) Chapter 116, Laws of 1971, filed 6/30/1971.

DFA 74-2 Per Diem and Mileage Act (Sections 5-10-1 through 5-10-4 NMSA 1953 as Amended) being Chapter 26, Laws of 1974, filed 5/6/1974.

DFA 75-6 (Directive LGD 63-49) Out-of-State Travel, filed 5/6/1975.

DFA 74-4 (Directive-DFA 62-3B) Procedures for In-State and Out-of-State Travel, Laws of 1974, Chapter 26, filed 5/7/1974.

DFA 75-8* (Directive-DFA 63-6) Procedures for In-State and Out-of-State Travel, filed 6/10/1975.

DFA 75-9* (Directive LGD 64-5) Per Diem and Mileage Act as amended, filed 8/7/1975.

DFA 75-17* (Directive DFA 64-16) Expenses of Advisory Committees, Task Forces and other Bodies Appointed by State Agencies, filed 10/9/1975.

DFA 78-3.1* (Rules 78-3) Relating to Reimbursement of Public Officers and Employees for Travel Expenses & Attending Meetings, filed 6/30/1978.

DFA 81-3 (Rule 78-3) Related to the Reimbursement of Public Officers and Employees for Travel and Attending Meetings, filed 6/26/1981.

DFA 82-2 (Rule 78-3) Related to the Reimbursement of Public Officers and Employees for Travel Expenses and Attending Meetings, filed 10/20/1982.

DFA Rule No. 87-2 Related to the Reimbursement of Public Officers and Employees for Travel Expenses and for Attending Meetings; filed 9/30/1987.

DFA Rule No. 90-2 Department of Finance and Administration, DFA 90-2, Governing Per Diem, Mileage and Other Reimbursements to Public Officers and Employees; filed 3/30/1990.

DFA Rule No. 92-1 Regulations Governing the Per Diem and Mileage Act; filed 10/7/1992.

DFA Rule 95-1 Regulations Governing the Per Diem and Mileage Act; filed 11/17/1995.

History of Repealed Material:

2.42.2 NMAC, Regulations Governing the Mileage and Per Diem Act filed 6/16/2003 - Repealed, effective 01/16/2024.

Other History: 2.42.2 NMAC, Regulations Governing the Mileage and Per Diem Act filed 6/16/2003 Replaced by 2.42.2 NMAC, Regulations Governing the Mileage and Per Diem Act effective 01/16/2024.



City of Truth or Consequences

AGENDA REQUEST FORM

MEETING DATE: January 8, 2025

Agenda Item #: J.4

SUBJECT: New IT Part-Time Position
DEPARTMENT: Finance
DATE SUBMITTED: December 31, 2024
SUBMITTED BY: Jocelyn Holguin, Finance Director
WHO WILL PRESENT THE ITEM: Jocelyn Holguin, Finance Director

Summary/Background:

Based on the staff review and the needs of the City, the Finance Department has issued a determination to have a create for a Part-Time On-Site/Remote Position. The Current IT stated to management they would not be renewing their current contract at the end of the Fiscal Year and to avoid disruption the City would benefit from having the part-time staff position filled during the transition. This position would fall directly under the Finance Department.

Recommendation:

Approval Recommended by Finance Director

Attachments:

- Letter from Finance Director
- Part-Time Descriptive.

[Click here to enter text.](#)

Fiscal Impact (Finance): Yes

There would be cost savings based on the calculations of what the City currently pays for IT services with the additional cost for outsourcing.

Legal Review (City Attorney): Choose an item.

N/A

Approved For Submittal By: ☒ Department Director

Reviewed by: ☒ City Clerk ☒ Finance ☐ Legal ☒ Other: Human Resources

Final Approval: ☒ City Manager

CITY CLERK'S USE ONLY - COMMISSION ACTION TAKEN

Resolution No. [Click here to enter text.](#) Ordinance No. [Click here to enter text.](#)

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: CC agendas 01/08/2025



City of Truth or Consequences

505 Sims Street

Truth or Consequences, New Mexico 87901

City (575) 894-6673 • Fax (575) 894-7767

December 30, 2024

To City Mayor, Pro-Tem and Commissioners,

RE: PART-TIME IT POSTION- NEW BUISNESS

Regarding the request and needs from the staff, I would like to create a part-time IT position for the City. Our current IT, Mike Torres, has informed the City management that he will no longer be renewing his current agreement in the new Fiscal Year. Based on this information and input from the staff, it would be in the City's best interest to have on-site IT with remote support. The new position would also include Tyler knowledge or training to provide staff assistance as it presently falls on Human Resources.

Employee Retirement Income Security Act (ERISA) – Federal Law states that if an employee works 1,000 or more hours in a 12-month period we must offer the employee the opportunity to participate in our retirement plan.

Ordinance # 719 City Personnel Policy:

1.31 Part time employee: An employee who works twenty (20) hours or more and less than forty (40) hours per week. Employees working twenty (20) hours or more on a consecutive basis are eligible for fringe benefits.

9.1 Insurance Benefits: The City offers group insurance benefits to all employees as long as the employee is regularly scheduled to work at least 20 hours per week and whose term of employment when hired is for six or more months. Independent contractors and causal employees are not eligible under the City benefit plan. Insurance plans may be changed at the discretion of the Board or the insurance carrier.

10.3 Annual Leave with Pay: A. Employees employed in regular part-time status accrue annual leave on a prorated basis.

10.7 Sick Leave with Pay: Employees shall accrue a maximum of four (4) hours of sick leave with pay per pay period. Part-time employees accrue sick leave at the rate of 2.0 hours per pay- period. Casual and temporary employees do not accrue sick leave.

Following discussion with Management, it would be our intention to offer the new position with the option of accrued benefits. I stand for any questions. Thank you.

Regards,


Jocelyn Holguin
Finance Director



CITY OF TRUTH OR CONSEQUENCES

AGENDA REQUEST FORM

MEETING DATE: January 8, 2025

Agenda Item #: J.5

SUBJECT: Discussion/Action – Liquid Waste Dumping Agreement – Annual Renewal Request

DEPARTMENT: Community Development

DATE SUBMITTED: January 2, 2025

SUBMITTED BY: Traci Alvarez

WHO WILL PRESENT THE ITEM: Traci Alvarez Assistant City Manager

Summary/Background:

City Commission approved the Liquid Waste Dumping Agreement with Talon Septic LLC on 2/20/2024. The agreement expired on 12/31/24 with the ability to be extended annually for an additional 2 years. Talon Septic is requesting an extension to the agreement.

Recommendation:

Discuss options for extension

Attachments:

- Liquid Waste Dumping Agreement
-

Fiscal Impact (Finance): TBD

[Click here to enter text.](#)

Legal Review (City Attorney): Yes

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. [Click here to enter text.](#) Ordinance No. -

Continued To: - Referred To: -

☐ Approved ☐ Denied ☐ Other: -

File Name: CC agendas 1-8-25

LIQUID WASTE DUMPING AGREEMENT

This Agreement is entered into by and between The City of Truth or Consequences ("City"), and Talon Septic, LLC ("Talon").

1. The City of Truth or Consequences agrees to provide the rights to Talon Septic LLC for the purpose of dumping liquid waste at the City of Truth or Consequences Liquid Waste Treatment Facility located at 1595 Animal Shelter Rd. Truth or Consequences, NM 87901.

2. The City of Truth or Consequences agrees to accept liquid waste from Talon Septic, LLC. The liquid waste shall not contain grease traps. All waste received will be billed at \$0.125 per gallon and in 1,000-gallon increments. However, this rate will be adjusted on an annual basis, taking into account other factors such as inflation in the economy, fair market value and City Ordinance increase.

3. Talon Septic, LLC agrees to comply with all City Wastewater ordinances and regulations, including Section 14-112 Wastewater discharges and Section 14-114 Commercial wastewater monitoring and reporting.

4. Accurate logs of the addresses where waste is obtained, and the quantity will be provided by Talon Septic, LLC to the City of Truth or Consequences and billed monthly. Dumping records will be kept by Talon Septic, LLC for a 3-year period. Records will be provided upon request and made available for inspection. However, the City retains the right to employ independent means to verify the information provided to it by Talon Septic, LLC.

5. Each liquid waste truck will carry a spill kit and have a spill prevention plan. Each truck will have a clean-up kit in the event of an incident spill. Truck tanks will be deposited via hose into the receiving pipe to the southwest corner near the box screen at the treatment facility. Trucks will enter through the main gate during normal business hours. Safe driving practices will be adhered to at all times.

6. The following dumping limitations shall apply:

a. Disposal shall be limited to 8 am. through 3 pm., Monday through Friday with the exception of Wednesdays and City observed holidays.

b. No more than 4,000 gallons in one day shall be permitted.

c. A maximum of 50,000 gallons per month of dumping is imposed.

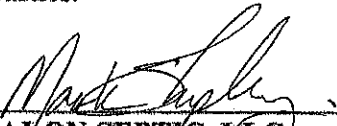
7. Talon's vehicles are subject to testing at any time. Petroleum and other substances detrimental to the wastewater treatment process are not permitted.

8. Septage must be from Sierra County.

9. Either party can terminate this agreement with or without cause with ninety (90) days written notification to the other party. Additionally, if Talon violates any of aforesaid provisions, the City may immediately terminate this contract for cause.

10. This Agreement will be for a One-Year term commencing on January 1, 2024 and continuing through December 31, 2024. This Agreement may be extended for two (2) additional one (1) year periods upon mutual consent for the parties.

11. Talon Septic, LLC will provide and maintain insurance on all vehicles and will add the City of Truth or Consequences as additional insured in amounts to be agreed upon by the parties.



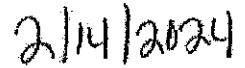
TALON SEPTIC, LLC



Date:



CITY OF TRUTH OR CONSEQUENCES



Date: