

**CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
CITY COMMISSION CHAMBERS, 405 W. 3RD Street
WEDNESDAY, DECEMBER 13, 2023**

A. CALL TO ORDER:

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

OPENING CEREMONIES:

**B. ADMINISTRATION OF THE OATH OF OFFICE BY THE HONORABLE
MAGISTRATE JUDGE GEORGE A. LEE. TERMS WILL BEGIN JANUARY 1,
2024:**

Honorable George Lee administered the Oath of Office to:

Ingo Hoepfner for Position II: City Commissioner
Rolf Hechler for Position IV: City Commissioner
Amanda Forrister for Position V: City Commissioner

C. INTRODUCTION:

1. ROLL CALL:

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

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

Also Present: Angie Gonzales, City Manager
Traci Alvarez, Assistant City Manager
Jay Rubin, City Attorney
Angela A. Torres, City Clerk-Treasurer
Luis Tavizon, Chief of Police

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

2. SILENT MEDITATION:

Mayor Forrister called for fifteen seconds of silent meditation.

3. PLEDGE OF ALLEGIANCE:

Mayor Forrister called for Commissioner Harrelson to lead the Pledge of Allegiance.

4. APPROVAL OF AGENDA:

Mayor Pro-Tem Hechler moved to approve the agenda with the changes to remove D3, move J2 and J8 under D5 presentations. Commissioner Fahl seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

D. PRESENTATIONS:

1. Presentation regarding concerns on Main Avenue in downtown Truth or Consequences.

Kari Fresquez: I am a business and property owner at 412 Main. I was asked to speak on behalf of the 34 business and property owners on Main who signed the petition regarding some of the safety concerns we have that we see along Main Avenue. That petition was addressed to the State, and a copy was also provided to the people. Some of the business owners who signed the petition, and the President of the MainStreet organization are here. We may also have a representative of the State Department of Transportation here to hear our concerns. Janice Gray spearheaded the effort to get all the petition signatures and engage with the city and state, and she round up all the Main Street business owners. Unfortunately, she's not able to be here due to a personal matter. Janice provided a letter in her absence. With my business being located on the corner of Main & Foch, what I witness daily includes predominantly speeding vehicles blowing past pedestrians who are either exiting their vehicles from parking spots or attempting to cross the street to get to businesses. I see vehicles turning left from Main onto Foch using the wrong lane. They're turning from the right lane because they're forgetting that the two lane is actually a one-way. I also see vehicles turning the wrong way on Main, so they're on Foch and turning the wrong direction. I believe they're looking for parking. They come into my store frazzled saying, "I was looking for a parking space." They're not realizing that the two lanes are both a one way, so they turn into the right lane. In Janice's letter, she mentions that she's seen at least 10 accidents since becoming a property owner on Main. We've both witnessed our neighbor's vehicles being totaled because of these accidents. Some of them are here in the audience today. We frequently watch people that are parked on Main Street or those who are just trying to generally enjoy the shops, trying to cross the street, and we hold our breaths. We see people crossing over, and cars are blowing past them. A lot of times they're waiting in the crosswalk and one car does stop, but since it's two lanes, you never quite know if the other lane is going to stop. I've even seen when I've been at the crosswalk, and someone's veered around the stopped car to go ahead and keep

going. We think that the issues we're seeing on a daily basis on Main, that status quo is no longer a tolerable situation. We know that the downtown area is a center of social and economic activity for our city. We have business and property owners that are very proud of beautifying and making every day a better place for our city. We think we all have a common goal in making the street safe, walkable, and enjoyable for our citizens and residents. As business owners, we've brainstormed several possible solutions:

- Brighter, more obvious crosswalks that are visible.
- Brighter or obvious one-way signage or road decals indicating the one-way.
- Making Foch & Main a 3-way stop to get cars to stop and pay attention, and not just blaze through.
- Re-installing the street parking that was removed several years ago in front of Passion Pie. That seems to encourage people to turn in the wrong direction because they're not seeing cars parked that they're going to be turning againStreet
- Have Main Ave. turn into a single lane with diagonal parking to provide more overall parking, safer parking, and possibly resolve some of the one-way issues. It makes it easier for pedestrians to maneuver.

None of us may have the ideal solution. It's just us brainstorming as we see issues daily. We want to be partners with the state and make them aware. We understand it is a state road, and it is their responsibility to make the changes that we're asking for. I'm very pleased we have NMDOT here listening to us. That's important, and we appreciate that. We also would like the city to partner with us as well in supporting our concerns about the priority for the state to address. I think if the city, business owners, and state are all unified at getting some things done, we can get something done. Janice and I, as well as Linda with MainStreet T or C, worked on a draft resolution that has been provided to you, and we ask at a future meeting, that you consider adopting that resolution that would be sent to the state showing your prioritization, and your support on the issue.

City Clerk Torres: Originally, they presented a resolution that they wanted you to adopt. However, we first wanted them to do a presentation along with NMDOT, so you can get an idea of what they're wanting to do, and we can also hear from NMDOT to see what their concerns were, and after that, possibly at our next meeting, we can bring back the resolution they submitted to us. That's the reason why it's on presentations right now and the resolution wasn't submitted.

NMDOT District 1 traffic engineer, Andrew Guerra: We've got quite a bit of activity going on in T or C and Williamsburg. A lot of projects and improvements are in place. Some of them are coming to an end here shortly. We have the roundabouts pretty much completed, and ongoing efforts with the bridge on the interstate. A lot of possibilities are out there with traffic and driver behavior. Unfortunately, that's a challenge that we all face from day to day with city, county, and state numbers. We have curves, flashers, lights, and signage to help regulate that. Most drivers obey those rules, and much appreciation to our law enforcement throughout. They do a fantastic job. We have an inlay project coming into T or C within the downtown area. We will be re-laying some asphalt and re-striping a lot of the crosswalks throughout town. That's going to be done

between Williamsburg and the roundabouts. In the next 12 months, more improvements will be coming into place. That will address a lot of the points that were made this morning. We'll take all that information that we've got to the higher level, and we will have more discussions on it. Just to give you a quick update, that's what's in play at this point.

Commissioner Mitchell: Do you have any type of draft of some of the suggestions they gave such as the diagonal parking, removing that barrier in front of Passion Pie, or putting in a stop sign? Are any of those on your potential plans for a solution?

NMDOT District 1 traffic engineer, Andrew Guerra: We can look at those options to see if that's going to improve conditions at the intersection. Again, driver behavior is one of those unknowns that we don't find in a book too often. It's one of those things we have to anticipate kind of in the future. We can certainly look at additional signage, striping, things like that. One project that has come across my desk recently are improvements the north side of Foch. We've got a project there that's going to incorporate additional parking, curves that are going to be extended out from the businesses on the west side. Typically, when you narrow a roadway down with curving or some sort of vertical panel delineators that gives a driver the perception of being more cautious as you're driving. You only have so much room. That's another project that's ongoing as well on the north side. There will be additional parking there with striping that's going to come in with an inlay job on Main. We'll have that clear and visible. Again, addressing some of the concerns and issues there.

Commissioner Fahl: Those of us who have been here a long time. You guys have done a lot of studies on that particular intersection, over many years. Some of the things that Kari brought up are things that we believe you had studied before. We've never really advanced besides putting in that light. I hope you'll do a thorough study. Many people in the past have brought up the question of a single lane. If we did single lanes along Main and Broadway, it would really slow the traffic down, I would assume. I've also heard guys with big rigs say that would be a problem trying to get through downtown. I hope that you do a thorough study. Besides Main, Broadway has a lot of the same problems with people going the wrong way, speeding, and parking is always a problem. Maybe that could be something from these petitions, and these items they brought forward that you could really do a thorough review on how to resolve those. That thing at Foch has been going on since I was a kid. That's a long time.

Mayor Pro-Tem Hechler: I think what we need to do here is a fresh new approach to the downtown area, and have it looked at a different way. We've done traffic studies before, and as a result of those traffic studies, we've got what we have now. It's not making our business people feel secure or safe, and they should be the first ones that are able to say what they want in their neighborhood. I'm hoping that we can figure out a way to accommodate that. What is the best mechanism to get people's attention for change, and how do we affect that other than another traffic study? Do you have hearings? Do you listen to folks? How do we deal with that?

NMDOT District 1 traffic engineer, Andrew Guerra: I think this is a great approach. Public outreach is really big. I've been in some situations very similar where law enforcement will reach out to the community, small or large, and bringing everybody's attention that this is an overall concern. A lot of times the speeding issue was brought up, not always but sometimes, it's localized. Public outreach is definitely a good approach in bringing this attention to the city, county, and state. We can all work together.

Mayor Pro-Tem Hechler: Does the completion of that resolution that we proposed, is that going to be beneficial? Who should we send that to, or how should we implement that?

NMDOT District 1 traffic engineer, Andrew Guerra: You can send that to me. We'll take a look at that and discuss it with my staff to see what the next step should be.

Mayor Pro-Tem Hechler: When I say a fresh new approach, I want to bring a case and point. A few years ago, we initiated a request to put a 4-way intersection at New School Road. The Highway department stepped in, and all of a sudden, we saw what a fresh new approach looked like. I'm not here to judge either way. I think the proof will come as we get the construction company out of there, and the signage out of there, and we see how it flows. I can see what level and measures the NMDOT can go to, to get things done. I think we need to have the kind of approach to the downtown area. We need a complete makeover. We need to look at it so that we can plan for now, or next year, not 5 or 10 years from now. The downtown area that I know. The Main Street and the Broadway area have changed dramatically in the last couple of years. It's gotten busier. There are more things happening. If we're going to do some more work like mill and inlay, and asphalt, is there any way that we can use NMDOT funds to address the drainage issues in that drainage area. Just putting more asphalt over the top of what we have now is not going to cause and change for our drainage we have. When it rains hard, we still have water going into Bullock's. You still see sand bags sitting outside of businesses. The reason I'm bringing this up is that I saw what can be done on North Date. I want to see something similar in the downtown area. Let's get our creative pen, our planning, and our strategy, and let's fix the downtown area once and for all, and not do a band-aid approach to appease what you think is going to happen. I'm not trying to slam you or anyone else. I'm trying to look into the future of what should happen for this community. All those things need to be factored in. We need to take a comprehensive strong approach to the future of this downtown area.

Commissioner Harrelson: The parking is definitely an issue down there and I've been to many other communities that have downtown areas. They do go to a one lane with the staggered parking. That is a really good idea. Those other communities figure out a way to get the big trucks through there. That's something that could be considered through that area too. Parking becomes an issue, and that's where we have more protection to walk in between vehicles. Thinking about safety-wise, Las Cruces has one, Albuquerque has one, Silver City has one. They all have something similar to that, and I

don't think that's out of reason for something to create and just thinking what in the best interest of safety for pedestrians too.

Mayor Forrister: Mayor Pro-Tem hit that on the head. Let's look at something that's going to be long term, but what can we do immediately to help while we're planning for the future and hitting some of the concerns of taking out those barriers at Passion Pie, or those parking. I know, a lot of the times, that's where people turn and go the wrong way. You're right Kari. It's probably because they don't see all of those cars going the other way. Just things to maybe address immediately while we're planning for a comprehensive future. Thank you for hearing our concerns. I appreciate it.

Chief Tavizon: I understand that it being a state road, there's a process. Usually there's a traffic study. It goes to the engineer's office, and they come up with a comprehensive plan. I'm sure they're capable of doing that. I'm looking forward to seeing them come up with a solution.

Kari Fresquez: Do you want to hear from any of the business owners, or MainStreet T or C? They have some of their personal stories and showed up today for this.

Linda DeMarino, Main Street T or C: MainStreet fully supports new and fresh ideas to the downtown. This has been a problem for such a long time. I agree, we've heard traffic study, after traffic study. We do support something like that. We can't forget one problem in the solution of another one. We really didn't like the taking away of those spaces, but that was a solution to the people coming up the hill, and not being able to see. After they put those in, while it was a solution to that one problem, it created another problem. Creating other problems is not a solution. We would like to encourage the commission, the NMDOT, and everybody else working on this, to make sure that this is a solution that's going to work for everybody. Also, as a reminder, in the back of the downtown master plan, there are other traffic pattern ideas including a two-way. Two-way slows down traffic. That's something to think about. There are other options. When those parking spaces were taken away, and that was a solution, our president at the time tried to correspond with NMDOT to ask for other solutions, with responses being "This is what we have." He (MainStreet T or C president) asked if we have all the money in the world, what are the other solutions? We didn't get anything back. We would love to hear all the possible solutions. Two-way and one-way are options, and we all know the reason that nobody speeds through border patrol.

Moshe Koenick: I live and work at 404 Main Street and am constantly walking back and forth across Main Street. I've been there for 20 years now, and I've seen quite a bit happen. I was in one of those accidents as well. Right before COVID happened, our car was totaled by someone speeding up Main and caused quite a scene. As you can see, I'm kind of a little bit jittery about it. From then, as each accident has happened, I'm reliving that moment. More recently, a motor cyclist went head-on into a pick-up truck. It seems like speeding is a real issue, and even at Foch Street, and by then they're already speeding. I believe that it needs to happen possibly down by the museum or by the post office. The police can't be there all the time to monitor it and police it. It

happens 24 hours a day. I see people driving a long way all the way down to the turn back going up on the wrong way. With no cars on the other side or with cars going by nothing's done, so I'd just like to see more happen to it.

Michael Darling: I own a business and property at 304 Main. 45mph is typical. 65 does no longer register shock. 75 still registers shock. I see it regularly. These are not tourists. These are our local people. They know the road. They know that if they can pick up enough speed at the museum, they can hit that hill and have some fun going around that corner. The most fun hours to watch it are when the bars close or if it's a rush hour or something like that. Driver behavior is not an excuse for addressing physical resolutions. We've tried enforcement. The police have been really good about coming, but they have other things to do. As soon as the enforcement goes away, the word gets out because there are applications on your phone that tell you when the police have left. One of them is called Waves. We've studied and studied. We need action. We've looked at it. We can't put up with it just because we're a small town. We need to fix this thing.

Andy Underwood: My wife owns 303 Gallery on Main Street. Parking's a problem. The biggest way to fix it, all the problems we're talking about today, is a simple sign that says 15mph. You can put those up today, and then you can spend as much time as you want to study everything. People will not get run over. There'll be less accidents. It's an easy fix, and then we can work on getting some kind of incentive for getting more bars and restaurants downtown. It's an easy fix. It's just a speed limit sign. That gets you on the right path to fix everything.

Mayor Forrister: I hear what you're saying about the speed limit, but apparently it doesn't work even with the 25 as it is now. People are disobeying it anyway.

Andy Underwood: If you have a 15mph speed limit sign, we can figure out a way to enforce it with cameras. We can charge large amounts of money for speeding violations. We are learning quickly. It'd be a little income for the city. Maybe we can work on parks a little bit. Maybe we can work on the swimming pool with the money we make off of speeding violations. I'm sure I will be contributing to that.

Commissioner Mitchell: As a previous downtown business owner, I had a restaurant downtown on Broadway for 3 years, and people going the wrong way was a weekly thing, if not daily. We were at the brewery last night for trivia, and there was a car going the wrong way in front of the brewery. It happens all the time. I definitely see the need for better signage. Then drainage, my restaurant flooded 3 times. Mopping and sucking up water off the carpet, you know. The drainage is definitely something that needs to be addressed. My suggestion for Main Street is a speed bump in front of the post office, especially one of those high ones or rumble strips. Something that says "hey, slow down". That would be my first suggestion of action.

Mayor Forrister: I agree. We drive there every day. On Main Street between the post office and Foch is where it gets the worst. It's hard to see there. Andrew, thank you for

being here. I hope you can take some of our concerns and get to working on something that is going to be feasible for us in the future too. And thank you all for being here. I appreciate it.

2. Airport Update:

Chad Rosacker, Tech 45 Airport Management gave a presentation in regard to the updates at the Airport. (Presentation attached hereto and made a part hereof).

Mayor Forrister made a motion to move J8 after D2 since Chad Rosacker, Tech 45 Airport Management is currently online. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

ITEM J8 OF NEW BUSINESS WAS MOVED AFTER ITEM D2.

J8. Discussion/Action: Tech 45 Airport Management Contract Modification.

Assistant City Manager Alvarez: In your packet, you'll have a letter of request for Tech 45 to amend their current contract. They'd like to increase the basic management services by \$2,916/month. This will enable them to bring in more staffing at our airport. Currently, we're of course, new into this, new into the contract, and new into the budget stuff. At budget time, we only transferred half the amount that we normally transfer into our airport. We've been able to sustain the airport and the contract services by the fuel. We transferred out of world fuel because all of our revenue goes to world fuel. We transfer that out back into the airport and that's what's been covering costs of the contract. We haven't had any budget increase, at this time, necessary from the amount that we originally started with in the budget. That amount covers the utilities, our assets, repairs to any of the trucks and anything like that. With that, as you know, Chad is online and stands for any questions.

Commissioner Mitchell: I just like it whenever we have a department that is funding itself, so that's always good to have.

Mayor Pro-Tem Hechler: There's no better time to ask for some more money when you present us with a great report. I'm glad you're self-sufficient. The city's making money on it. You're making money on it. It's a great relationship. I look forward to the future, and I really appreciate the presentation.

Mayor Forrister: What are we trying to get? Increase in personnel?

Chad Rosacker, Tech 45: We will have the option to go with two full-time personnel, or one full-time and two part-time personnel. He explained the ability to increase hours if needed due to increased activity.

Assistant City Manager Alvarez: Right now, there's one full-time, and one part-time attendant out there. Not only staffing for, of course, the customer service aspect, but also the additional staffing is a safety as well. When we got one person out there on tractor. It's not a good idea to have only one employee on staff and have them out working on equipment and not have another attendant out there as well.

Mayor Pro-Tem Hechler made a motion to approve the Tech 45 Airport Management Contract Modification. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously

3. Animal Shelter Update. Tara Manning, Animal Shelter Manager

This item was removed from the agenda.

4. Recreational Parks Restroom Vandalism.

OJ Hechler, Community Services Director: As you know, a couple weeks ago, the city decided to lock the bathrooms at Ralph Edwards Park. We got hit really hard the weekend of November 24th and 25th, it was a Friday and Saturday. I received a call from Sergeant Blomquist Friday evening, that he was locking up our bathrooms over by the basketball courts. The stall door was on the ground, and someone tore it off. All the toilet paper dispensers were pried open. All the toilet paper was gone and the bathrooms were just trashed with trash all over the place. That Saturday of the same weekend, when our Parks Maintenance worker was locking up, he sent me some pictures of our toilets over at Family Park. Someone had intentionally filled them with gravel, busted them with rocks. Those aren't easy fixes. We've got to do some plumbing, buy some toilets, we've got to replace all that. It's time consuming. Since our bathrooms have been remodeled over there, several months ago, at Ralph Edwards Park, we've had multiple issues per week at our brand new, remodeled bathrooms. We've re-hung the stall door 4-5 times. We've replaced a toilet over there already, and somebody threw an m80. I didn't even know you could get those still. It cracked the toilet. We replaced that. The baby stations have been torn off the walls, intentional clogging of the toilets, stealing toilet paper holders. You have to work really hard to get those off the wall, and they steal the entire thing. I just don't understand. The graffiti, the door stops have been broken off the doors. Whoever's doing this, they're intentionally working on the stalls. Once these stalls are damaged, they won't open or close right ever again. They intentionally have been breaking and bending them. The divider between the men's urinal and the sink has been torn off the wall. At some point, we have to stop the people. Our staff, there's nothing more demoralizing than fixing something once or twice, 3 times, but having to do this over and over. It's gotten really repetitive and it's actually affecting morale of the staff. At some point, we made the call to go ahead and lock them up. The bathrooms have not been addressed yet. We have

some work to do. We were out working on Christmas these last couple of weeks. We made the call to go ahead and lock them up and put porta potties out there. The idea is to fix the bathrooms, get them in good working order, and then lock them for events like the farmer's market, rental agreements, gazebo, which will be finished this week. The contractors are working on it. That's the idea. I just wanted to give the commissioner's an update as to why this has been going on. I've worked here 7 years. This has been trending the last couple of years, the vandalism has been. With that, I'll stand for any questions.

Commissioner Harrelson: Are there cameras out there?

OJ Hechler, Community Services Director: We have 5 cameras currently at Ralph Edwards Park. That's what we could budget for.

Commissioner Harrelson: So, during this, who was on the film?

OJ Hechler, Community Services Director: We don't have them inside the bathrooms. We have a camera facing our basketball court. It's on our basketball court facing the entrance to the main bathrooms. There's just no way to pinpoint the exact time this happened. Those are the main bathrooms. They get used a lot, but we just don't know what's going on behind those closed doors.

Discussion ensued between Commissioner Harrelson and OJ Hechler regarding who has been showing up on the videos consistently and if all of them could possibly be questioned.

OJ Hechler, Community Services Director: Somebody mentioned that at the schools, they had put vapes and sensors and listening devices, so that you could figure out what time someone was in there. The nice thing about our new camera system is that everything is stored in iCloud, so we can pull information as far back as you can go. But those are options.

Mayor Forrister: It's so frustrating to have to go and sift through these voice recordings and videos. We have other things to do. Until the kids pull their heads out of somewhere, the bathrooms can remain locked, and that will solve the problem.

OJ Hechler, Community Services Director: I appreciate that. I can't tell you how many days we've spent fixing those bathrooms. We could do stainless steel, things of that nature. It's so costly.

Commissioner Fahl: You have to compare the cost of that to your time and what you do repeatedly and repeatedly. It's a big cost initially, but it might be better in the end. Someday, maybe we can have public bathrooms instead of porta potties.

Commissioner Harrelson: When you think about some of the rest stops, they do put those in for a reason. You can still destroy the partitions and stuff, but you can't really

hurt the toilet itself. If you keep adding up what you've done, it might equal one of those toilets.

Mayor Pro-Tem Hechler: Mr. Hechler, when you have an incident like this, do you notify the police department every time?

OJ Hechler, Community Services Director: We call and make a police report every time.

Mayor Pro-Tem Hechler: Can Chief Tavizon let us know what's going on and see what's happening?

Chief Tavizon: These kinds of crimes, we have these cameras and yeah, it's helpful to see people going in and out. Without an actual time, frame of when the incident happened, nobody is saying anything. We've reached out to the community to say something if they see something. That's not happening. There's no way to pinpoint, charge, prosecute, there's no way to do any of that. One of my biggest pet peeves are any property crime like that, vandalism, and kind of damage to property like that when it doesn't belong to them. The people work hard in this community to have what they have. The park is part of what they have. It's discouraging to not be able to. The vandalism for example. We had over 18 areas that were vandalized recently. Every one of those is a petty misdemeanor. If we do arrest them, they're out the next day, and doing the same thing. Unfortunately, it's bigger than us, there's legislation that passes the Civil Rights Act where they don't believe in arresting anybody and having any kind of bail and leaving them in jail. Without sitting somebody under cover and sitting there and pulling that staff and trying to catch them that way, it's almost impossible to get them. I wouldn't want cameras in a public restroom or listening devices when people are doing their business in there. It's definitely frustrating for us as well.

Mayor Forrister: I get that the prison style toilets are expensive, but maybe we can look at doing that, but what about the toilet paper holders, and the graffiti on the wall.

OJ Hechler, Community Services Director: I'm a firm believer that if someone wants to destroy something, they're going to find a way.

Commissioner Harrelson: I think this is one of those situations where it takes a village. It takes a community to stop that kind of stuff. Our community members, we have plenty of them that like to go out and do things. Maybe that's something we all take a swing at and try to help stop some of that stuff.

Mayor Forrister: It's got to be a thing that they take value in too. If somebody's not coming forward to tell, then the bathrooms will remain locked until you guys can figure out not to do it.

Assistant City Manager Alvarez: I think it's important, OJ didn't mention, the bathrooms are locked at night. All of this is happening during the day.

Cross discussion ensued regarding community members getting involved.

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

City Manager Gonzales and David Johnson presented an Employee Service Anniversary Award to Thomas Cool for 8 years of service with the City of Truth or Consequences.

City Manager Gonzales presented an Employee Service Anniversary Award on behalf of Silke Kapela for 18 years of service with the City of Truth or Consequences.

City Manager Gonzales and Pat O'Hanlon presented an Employee Service Anniversary Award to Shae Yaw for 7 years of service with the City of Truth or Consequences.

City Manager Gonzales presented an Employee Service Anniversary Award on behalf of Elizabeth Standley for 2 years of service with the City of Truth or Consequences.

City Manager Gonzales presented an Employee Service Anniversary Award on behalf of James Scott for 1 year of service with the City of Truth or Consequences.

City Manager Gonzales presented an Employee Service Anniversary Award on behalf of Chelsea Warner for 1 year of service with the City of Truth or Consequences.

Mayor Forrister presented a plaque to Commissioner Harrelson for serving as a governing body member for the City of Truth or Consequences.

The following item was moved after item D5.

J2. Discussion/Action: Property Lease Agreement with Talon Septic, LLC.

Assistant City Manager Alvarez: Mark Shipley approached me regarding some property the city owns out by the airport. It's adjacent to the property we rent to Cortez Gas for their propane tanks. He wanted to see if the city would potentially be interested in leasing a section of that property with the possibility of them purchasing it in the future for the purpose of conducting some septage operation. Mark Shipley is here in the audience. I think it would be easier for him to explain what they do and what they're wanting to do to move forward. Included in the agenda packet is a potential contract as well as the appraisal. We did have the section, that Mr. Shipley wanted, surveyed and appraised by an appraiser with both potential price for lease as well as sale. With that, I'd like to refer to Mr. Shipley.

Mark Shipley, Talon Septic, LLC: I'd like to thank the city of T or C for working with Talon Septic for numerous years. Being able to have the privilege of receiving services with a

very gracious contract with the sewer department. We know that is a very fragile contract. We're very careful about that. Knowing that facilitates for short term but also allowing us to be of service for a variety of events that go on here as well as because of the destruction of the bathrooms, we very quickly got ready and provided the porta-potties necessary for that. We certainly feel that is an unfortunate event that happened. All the different activities that go on within the city, we are grateful to be of service and provide that when Fiesta weekend is going on, a lot of the music things are happening, film festival. We try to provide that. As a septic company, we provide a large portion of the city of T or C is on septic systems as well as all of Sierra County in the outlying areas are on septic systems. It's kind of a basic utility. The challenge is being able to meet the needs locally not only within the city of T or C, Elephant Butte, and Sierra County. For dealing with the septic systems that they have there but also regulatory requirements proposed by the State through the NMED as well as Ground Water Bureau. Looking for properties that we can then conduct the development of an environmental application. One of the things that we've already done is hire an engineering firm from Mesilla Valley. DBE Environmental Engineering Services are working with us in the design of an application to be presented to the NMED as well as Ground Water Bureau making sure that we meet all regulatory requirements. The area that we're looking at, that we had surveyed out is actually the piece of land that used to be the old skeet shooting facility. That ground is lead contaminated because of skeet shooting, so you really can't do much with it except for us. It doesn't bother us. It also then in geological studies that we've done with the area and outside of the immediate airport area across the way from that allows us to have a much safer area. We've looked at different lands. Everything about environmental is what will happen. Access to ground water and safety in dealing with different types of soils. Believe it or not, that probably presents the best place in what we want to develop in Sierra County in that area. What we're seeking is a lease agreement so that we can begin the permitting process which takes some time to do. We've got a lot of regulations, a lot of licensing, it has to go through a whole Santa Fe committee to be able to be approved. One of those is through that. Our hope then is once we can receive a granted application by the state that we will look at every option and purchase the property.

Commissioner Hechler: What would the treatment facility look like? I assume, are you going to have concrete lined ponds?

Mark Shipley, Talon Septic, LLC: Actually, because the soil is so bad out there, we can do direct to land application. There are approximately 4-5 50foot layers of clay between us and ground water. In between there the types of soil. Our engineer already looked at it and said you couldn't have picked a better place to potentially put a septic. The challenge is we don't have, so the County itself no longer has something. They have their own problems they've been having to deal with and close those down in trying to meet regulatory requirements. The next closest place is down in Dona Ana. Dona Ana has closed their own facilities that's left us several private facilities, which is limiting as well. The cost to the consumer would be extravagant to be able to pump septage from here and transport it, pay their fines and fees and etc. It would put an enormous burden on the people not only in the city of T or C but in Sierra County. It would be very costly. One of the challenges is trying to keep costs at a reasonable amount knowing that in a round-

about way, it's a utility that we're able to provide. Understanding that the income levels of many of the people who are on septic systems, it would be harmful. Not only that, because they don't have that, they either not cost wise be able to handle that, they would be dealing with septage themselves which would be not a very good situation. One of the things we had to do, also a service that we offered because we saw a need, was down at the state park. No matter how many times we talked to the state park, the people when they come down to visit from other areas were dumping their RVs in the lake. It took several news stations and a house representative to get the state park when we said we would purposely build a truck to service the RVs. Please stop polluting our lake and our beaches. We want to keep them clean. We provide that at a very reasonable price because we want to keep the beach clean. My employees work all summer long on every holiday weekend to service RVs to make sure our lake, our water is kept clean.

Mayor Pro-Tem Hechler: I'll be interested to see what the environmental department says about that property. Do you have an idea how much septage you're going to be depositing there?

Mark Shipley, Talon Septic, LLC: Right now, it's based upon on a variety of things where actually they want to categorize it based upon gallons per day. Given what our past history is with what we're trying to look for growth, we're looking at building an area. It's roughly about 9,000 square feet, and it'll be a burned area that's fenced and burned that we can put septage. That will handle approximately 5,000 gallons a day, which we are nowhere near right now.

Mayor Pro-Tem Hechler: Will you be accepting any customers from other locations to dump septage there?

Mark Shipley, Talon Septic, LLC: One of those things is that is to be addressed. We have to determine what the NMED will require or allow us to do. They really set the standards. We can only comply with what they want. That falls back to the engineer and also to Ground Water Bureau and to the NMED. We follow their rules, and there is no ambiguity in their rules. Either we follow or we don't get permitted and then of course, we have to follow very strategic guidelines the entire time with inspections to verify that we're not harming or hurting anything environmentally with that. Whatever they say that we can do, and at that time we plan on trying to cross that bridge. They are looking at a variety of things because many municipalities are shutting down their facilities, they realize it can be a strain on municipal sewer systems and trying to handle that sewage treatment systems that they have. As they are shutting down and not allowing those to happen, more privates are coming in but they're more particular about it. We've looked, asked, and requested. One facility hasn't gotten back to us that is in Dona Ana County. The other one said "nope we will not take what you have when we can't verify where it's from". Socorro said "we won't accept anything from you". The closest, if the one says yes potentially that's in Dona Ana, the next we would be hauling it to Belen.

Mayor Pro-Tem Hechler: Now, I want to be careful that we limit the use of that property. Obviously, if you're permitted, you can do what you're permitted to do. I don't know if I want to solve everybody else's problem. Down the road, we're going to have to clean this mess up.

Mark Shipley, Talon Septic, LLC: In here, just like in mining practices, the state then will deem what reclamation is required by the Environmental Dept. They tell us what we have to do in remediation to make sure that it's reclaimed appropriately at the term of our... their permitting is a 5-year permit. Once it's granted, so it's about a 6month process to go through all that. We meet with them on several occasions. They come down for soil testing, water testing, drilling, all those things to verify even before to make sure that they will allow us to do that. The least part of that is the purpose of leasing the land is so we can start the process. Without that, they won't even allow us to start the process to say is this going to be viable. Will they allow it? We looked at other places and proposed that. And they said "no we won't allow that". One was the old landfill. It's a landfill, and they wouldn't let us use the landfill. We have then proposed, and this one seems like it's the best choice. We would follow all of their requirements in reclamations.

Mayor Forrister: Is that the purpose of, I'm guessing, you want to lease until you get the go ahead and then is that at some point you want to purchase.

Mark Shipley, Talon Septic, LLC: We couldn't even move dirt until we had the permit to construct from them. The least then is to be able to have some control to say we have some control. We've been granted. This is where we want. Now, we can start the application process. We've already started the process knowing that was one of the things. You control the land so before what will you do? That was the conversation we've had with the City Manager and Assistant Manager verifying. We've got to figure out how to make this move. Our timeline with the city waste water is very limited. Again, we're really protective of that contract that we have there.

Mayor Forrister: Roughly how long if we sign this today saying yes, we'll lease, before you're up and running?

Mark Shipley, Talon Septic, LLC: Reasonably within this year – 2024. The sooner, the better. We're very careful about what we want to do. We also want to have a facility that's up and running and being able to maintain it.

City Attorney Rubin: Actually, the lease does call for commencement of January 1, 2024.

Mark Shipley, Talon Septic, LLC: We would start making lease payments. Lease payments based upon the appraisal for lease. We just split that annual amount into months. As of January 1, we would start making payments on that even though we're not able to use the land for anything until the time they grant us a permit to construct.

Mayor Forrister: I'm assuming this is something the city would want, so that we would have you stop that contract.

Mark Shipley, Talon Septic, LLC: Absolutely, this would take away the strain and struggle that we're already imposing upon the city with the contract that we have. We want to be able to pull that away and deal with it ourselves and not have to worry about that but also providing services for the residents of the city.

Mayor Pro-Tem Hechler: This is one of those decisions you make that's not fun for anyone to make because we're dealing with septage. I know the effects on our sewer plant are detrimental to keep on doing this. I know it's a headache for Arnie to deal with every day. We have to make another decision. If we don't make any decisions, then where is this stuff going to go? We have to make a decision. None of these decisions are popular sometimes, but we have to take the least evil here. Your proposal makes the most sense.

Mayor Forrister: I agree with you that it's not the best situation. I also want to commend you as somebody else coming in to help solve the problem within our community and take the strain off of our waste water plant. This makes really good sense. We have to follow certain guidelines, and I think that's great that somebody else is taking that load off too.

Commissioner Fahl: My question is about the permitting process. Do you know through that process, are you going to have to conduct public meetings and let people comment?

Mark Shipley, Talon Septic, LLC: I know one of the things about them, in the limited amount of understanding of this whole process. Again, that's why we've hired this engineering firm to do it. We need a professional environmental engineer stamping off on everything to make sure this is his... One of those things has to do with mostly residential spaces that the distances from you to residences and being able to post for those. When you're dealing with commercial properties, not necessarily. We know that we have some regulations to make sure that we don't build structures certain heights based on FAA based on our proximity to the airport, but we're not within the airport spaces not directly on the airport. We're across the road from the airport. There won't be any structures. We don't need a structure. We need fencing, usable roads to be able to get in and out of there. There are no residences around there. You cannot build to the south of us because it's in line with one of the dirt runways.

Commissioner Fahl: To follow up on that, permitting with NMED is very time consuming. If you're issued a permit, can the public appeal that decision, so that it would stop it? You put something in the ground, someone's going to try to stop you. We need to prepare for it taking longer.

Mark Shipley, Talon Septic, LLC: One of the differences about that under where it's since the policies and the regulatory requirements are already in place, we're not the first one doing this. This is procedure that's been going on statewide for a long time. Outside of proximity to residences where you have to post and have a public forum. We were really careful in looking for land that would be appropriate as far away from residences as we could find and land that ultimately, you can't build on anyways without remediation currently. Then being able to do what it would require, what utilities are already there. We were really picky and choosy to make sure we were as far away from everybody so that

wouldn't be problematic. I am sure there will always be every individual that will complain. My daughter complains about plastic bags from Walmart and fried chicken in cellophane.

Commissioner Fahl: I think that's something we need to be aware of. Even if you get your permit, then somebody could still try and stop you.

Mark Shipley, Talon Septic, LLC: I know the one who will not stop us is anybody on a septic system. They'll also be the ones that will come to our defense. We know right now in looking at the cost between if we were not able to have a local facility. Currently, the cost of pumping a standard septic system is about \$350. It would go to \$1500. Anybody who's on a septic system, you would pay such... COVID taught us a lot. We ended up replacing more septic systems in Sierra County in the two years of COVID than in the last 10 years. It's because people's septic systems were already on the verge of collapse. They just spent more time using the bathroom at work. The moment they were put home, they ruined their own onsite waste water treatment plant. When that happened, it showed that we have some issues that we're trying to clean up. The regulations are getting more and more stringent, not less. Also, there is a movement going through because of the efficiency of septic systems to unsaddle the burden from the municipalities and sewer systems. Requiring home owners to handle their own septage on their own land and not have to worry about the challenges because of the cost of maintaining, upgrading, improving of the municipal sewer systems. They are just costly. I was in a conference in Dallas, TX, and they are opening up huge subdivisions. Big homes all have to have septic systems. They city said they will not extend sewer.

Mayor Forrister: Not even within our city, but within our county, it's just continuing. More people are putting in septic tanks. It's going to be an ongoing situation that we have to have a solution for.

Mark Shipley, Talon Septic, LLC: Our demand for RV parks. RV parks are what we consider high strength waste, so we have to put in fairly expensive, advanced treatment systems. They are micro sewage treatment plants that have to be constantly monitored and tested. Water testing on not only the septage but the wells to make sure they are meeting all the regulatory requirements. New Mexico has some of the most stringent environmental laws concerning septic systems in other places. They will only get stronger, which I'm an advocate for that. I want you to know that. I appreciate how valuable water sources are and keeping water clean. Septages can be a major contaminator. Cleaning that up and trying to keep it clean. I appreciate what we have for our resources. They're limited as they are. What I can do as my part to make them better, I will. That's our focus as a company. We are environmentally concerned.

City Attorney Rubin pointed out certain provisions of the lease to make sure everyone was in agreement on terms including that the option to purchase will be at appraisal at time of executing this option not necessarily the current appraised value.

Mayor Forrister: I want to point out that it seems we're in a weird situation with leasing vs. selling. If we didn't do this, I'm sure you could go find somewhere else and buy it and then we don't have any say in this at all. This is just giving the city an opportunity to have a hand in this game. We wouldn't have that if you decided to go buy somebody's private property and do this.

City Attorney Rubin: For people listening in, look at page 375. At date of appraisal, it was appraised at \$172,500.

Mayor Forrister: If all of this goes through, is that your goal to purchase at the end of this or continue leasing?

Mark Shipley, Talon Septic, LLC: The purpose of the lease is to allow us to have that control, so we can get through the permitting process. We can't do anything with the land without the permit to construct. Once we have constructed it and it's been signed off and permitted to operate. Once we receive the permit to construct, our hope is to exercise the option to purchase at that point.

Commissioner Fahl made a motion to approve the Property Lease Agreement with Talon Septic, LLC. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

E. PUBLIC COMMENT (3 Minute Rule Applies):

Ariel Dougherty addressed the Commission with various comments. (Complete copy attached hereto and made a part hereof).

Ron Fenn addressed the Commission with comments related to:

- I have emailed you all this in a packet because it's more than 3 minutes. This is about the armory property that's subject to the ordinance that you just passed 3 weeks ago. The 13,000 square foot armory is only part of the Sierra County Assessor's parcel. The assessment along with a large storage building and animal shelter. The building is not worth a million dollars. Expenditure of \$4.5 million, which actually computes to \$6.2 million with interest, would not raise the full value of the property by that much. However, it would merely increase the amount of exempt tax value of the property. Potentially favorable use of the building would be to sell to a commercial entity and have them repair the building at their expense, for their use. They would be producing a product or service at that location that would pay GRT into our coffers rather than taking GRT out of our coffers. Some fallacies in the report that was part of the ordinance that said that 13,000 square foot building would cost more to build than renovate. Who said we needed 13,000 square feet. They're in 5,000 right now, and with the same size police department, the city's population is lower than it was when they were in a 2500 square foot building. I was also given, by a proud member of the community, the alternate proposal that I included in this packet, which would be to use the former county

office building on Van Patten and Broadway. This would make more sense. It's a 7,500 square foot building. It is not anywhere near the cost of this renovation that will just harm this community.

Kathleen Sloan addressed the Commission with comments related to:

- I ask that you not approve agenda items J6 and J7. These are articles for RP awards. About 4 years ago, you didn't use the same procurement process on call RPs to come up with a list of architects and engineers. After that, it appears, it's not transparent, it's very hard to know how engineers and architects are hired, by whom, and for how much. It does not show up on your \$20,000 or over purchase list that you have on every agenda item. This would appear to open up the same process where anybody can hire anybody on this on call private company. It's not even a contract because you would still need to contract with people. It's a procurement process that's so open-ended that does away with the city commission's oversight of the expenditure of millions of dollars in architecture, engineering, and private company fees. I ask that you instead draft policies that control these kinds of expenditures. You didn't set a policy. You didn't make a policy decision. The staff is supposed to execute your policies, but they appear to be making policy and then you're asked to approve hiring them. The first step should be "do we want to hire outside firms to provide these services?" For instance, Smithco are working on water and sewer lines. It would be less costly to hire people on staff that have this expertise instead of hiring a private firm like Smithco. Thank you.

Ray Downs addressed the Commission with comments related to:

- I want to comment on the police department. The town's not expanding. It's not growing. Would money not be better spent on the water infrastructure of the city? Everybody knows the problem with that. Referencing issues due to water pressure. Discussing water pressure regulator valve. The water pressure at the top of the hill is 80psi. That's ridiculous. The poor people at the bottom of the hill are in trouble. Half a million dollars could be better spent on the water system.

F. REPORTS:

City Manager Gonzales reported the following:

- Water update: Last week, we were fortunate to have the NM Well Water Assoc. come by with one gentleman that has volunteered his expertise. He is certified all the way across to come and help the T or C water dept. knock out these leaks. I'm so proud of the staff we have in the City of T or C. The Electric Dept. let us commandeer their vac truck and the water dept. vac truck. We have two crews starting in Williamsburg going east and knocking out our leaks. The quick update this morning was that the teams have finished close to 14 leaks yesterday out of the 24 they had scheduled to complete this week. Today, they will finish Veater and side streets. Water outages on Simpson and Platinum with surrounding areas affected. We also have water being turned off at 1st and Magnolia and

South Silver Street & 1st Street The water dept, the compliance Ms. Foreman is letting everyone know when those things are happening. The guy's plan on working another few hours, so the total leaks today will go up slightly. This was last night, so they did 14 leaks. They could have done anywhere from 16-17 leaks. They did that Tuesday, Wednesday, Thursday. Next week, Tuesday, Wednesday, Thursday. We've had some bad luck with equipment, so with both vac trucks running and this extra help we have, our water department is really focused on knocking these out. That's where we're at with that.

- McAdoo Street: Windstream finally came Monday. Last week, they uncovered a main utility that goes down the alley and across the street. It was laying on top of an 18" footer of concrete. They came back Monday with jackhammers and all the stuff to break up concrete. They broke up concrete and lowered it. I think we're ready to roll. The contractor is on standby. He's looking and checking. I think we're ready to rock n roll on that.
- Those are the biggest headaches for me. I stand for questions.

City Attorney Rubin reported the following:

- It's good to see Magistrate Judge Lee here. This is good timing. We're going through a transition period right now with the Magistrate Court. He was alerting me there are some issues that he's probably going to need some help with. He and I were talking. We're going to try to brainstorm some ideas to make this as smooth a transition as possible. I'm looking forward to that. Just looking at our schedule today, we had executive session scheduled. We are going to be having an attorney who is going to be calling in on that. He and I were talking a couple days ago and I suggested we would call at 12:00. I didn't know how long we'd be at that point. I'd rather keep the 12:00 appt if it's ok with the commission.

City Commission Reports:

Commissioner Mitchell reported the following:

- Thank you to Main Street Truth or Consequences and the Truth or Consequences Police Dept. for their help with Old Fashioned Christmas last weekend. It was a really big success. We had a great turnout. There were tons of people downtown and a shout out to everybody that helped with it including the miracle getting a hayride put together in two days. It was a great addition. We're hoping to bring it back again permanently. A lot of people did a lot of hard work. She thanked Rolf for coming and giving the tree-lighting speech and stuff.
- I wanted to say to the public to make them aware of the situation with the Police Dept. in the sense of money that we're getting for that department goes for that department. It cannot be moved and switched over to the Water Dept. as much as we want it to. I know the people think we're wasting money. The thing is, we're getting the money specifically for this. Therefore, we cannot use it for something else. I don't think the public understands that concept. That's what we keep getting hit over the head with. It's not picking and choosing. We have money earmarked for this. We're going to use it. I was hoping to clarify that point.

- I also wanted to thank Commissioner Harrelson for her service for the past two years. It has been a pleasure serving with you. You're going to be missed. We hope to see you back here.
- Congratulations to Mr. Hoeppner, and I look forward to working with you in the future as well.

Commissioner Fahl reported the following:

- Shelly, it was great working with you. Change is enlightening and can be good. We have to look at the positive, and Ingo's going to bring a whole new perspective. It's going to be fun.
- I wanted to say something that's really cool that's going to happen in the future. As you know, I represent the Geronimo Springs Museum board. We've come up with a concept. Most of the museums in our county are recognized non-profits. We're all struggling to stay open, so they came up with this neat concept. There are these specialty license plates that you can buy, and whichever one you want to buy supports a certain effort. I think that \$25 out of that specialty license fee goes to that organization. We prepared this presentation to the county, and they've agreed to sponsor an effort to get a license plate for Sierra County basically. The license plate has been designed by somebody on our board. Apparently, there's a national license plate collector's organization. He had it designed. Sierra County is Spaceport America, so it has space and the Zia symbol. It's a really cool design. In order to get the processed, you have to have a public body sponsor it, so the county has. They'll have to take it to the legislative body to get it adopted. This is a 30 day session, so we can't get that done. Senator Brantley has agreed to sponsor it on the senate side. Representative Jaramillo will do it on the representative side. When they get those funds, it'll go to the county, and our museum is going to administer that. We're going to divide the money up. The 4 museums would be Kingston, Hillsboro, the Veteran's Museum, and Geronimo Springs Museum. That will be an exciting thing. Someday, when we get it there, support that. It's a really pretty design.

Commissioner Harrelson reported the following:

- I went out to the event that happened out at the fairgrounds. The event was really to support community on knowing what's happening in legislation and what things can affect our community as far as laws that are going to be in place. I'm going to let Mayor Pro-Tem about most of it. I'm going to talk about the education portion that I get hammered on. As you know, I will continue to advocate for small children because that is our future. We've got to remember that the biggest employer in our community is the school systems. A lot of the things that happen up there do affect all of our educators. Not only our children directly but our educators. There are a few bills that are going up in Santa Fe that'll happen in January that will directly affect the classroom. A couple of them I think directly affect the work I do. There's a couple of bills. One of them is every student will have a literacy plan developed. That's going up on the floor so that we can start raising our reading rates. New Mexico sits at 33% proficiency reading rate. We

want children at 100% proficiency. We're sitting at 33% as a state. In T or C, we're sitting lower than that. I can tell you at the end of last year that our reading rates were around 28%. I can tell you by grade level kind of what's happening. When we talk about reading, it's a civil rights issue. Reading is the foundation for everything we do in our community. If you cannot read, you can't do math at the higher level. You have to be able to read to get a job. You have to be able to read to do everything. It's the bottom foundational thing that our community needs. Every person in our country needs to be able to read. Looking at that, that is why some of that is being put in place. That's one bill that's being put on the floor. Another bill that's being put on the floor is New Mexico is looking at outlawing the 3-cueing system, which is how we were all taught. There are 13 other states that have put that in place. There are just some bills like that. We really need to know about reading and about why it's so fundamental to our community and to our future.

- I will be known as we go forward as the de-bunker. I just wanted to address a few things that happened from the last commission. Last commission, we had this beautiful family here with many children. Once again, I'm speaking about children again. There were children here in the audience that were – I love to see bright shiny faces like that. During the break, the students came down to discuss how they could get to the Spaceport. I just wanted to share that out because there were some miscommunications put out about the conversations. The children and parents wanted to know how to get them to see a launch at the Spaceport. Rolph and I had this little discussion about that. What was reported out was more something twisted about January 6. I don't know how that got into the conversation. The conversation was about how we can get our students and people in our community to be able to see something that's local like that to be a space launch.
- Talking about the armory, I'm going to piggy-back with what Destiny talked about. If you don't use the money for what it's allocated for, it goes back to the government. You can't just re-allocate it to something else. I think there's a miscommunication on how public funding is used. It happens in the school level. It happens at this level. When you get specific funding for use of a repair or to remodel or something like that, you cannot use it for something else. What happens is it goes back to the government, and you don't get to use it at all. You have to think about those sort of things. When you get funding specifically earmarked for something like the armory, it's for the armory. You can't use it on anything else. I just want to make sure we need to be really diligent as you go forward in really explaining how funding works. I think there's a miscommunication city-wide.
- We don't have the staffing to do the on-call or we would do it in-house. That's one thing we have to remember. We don't have the staff in-house to repair issues. That's why we have to contract out. If we were in Las Cruces, we could do it in-house. If we were in Albuquerque, we'd do it in house. We as a city work on a skeleton crew. Every department here would like to have more people involved with them so they could do more work. We don't have that. We don't

have the funding for it. We don't have the revenue. We don't have the positions to fill like that. We'd love to have that. We don't have that.

- There are things that every person should do. Everyone should try to volunteer at a school. Just do it for one day and see how it feels. Everyone should try to wait tables. If you've never waited a table, there's a whole different ball game there. Sitting in a hot seat like this is a really good civic thing to do. I'm happy to be here. It was an honor to be here. I think that everyone should take a turn sitting up here. It is very important to be able to be part of your community and share out and be able to be non-biased when you have a situation coming in and do what's in the best interest for the city not just one department. I hope when Ingo takes over, that he is able to be non-biased about decision making and not focus in on a specialty area, thinking about our entire community, all of the community, not just a single area. With that being said, thank you so much for letting me sit here. It's been an honor to be part of our community, and I appreciate it. Thank you so much.

Mayor Pro-Tem Hechler reported the following:

- I attended the legislative forum that Commissioner Harrelson talked about on December 1st at the Albert Lyon Center. Some things that you should be aware of that the state is considering doing.
- They're considering putting in new taxes. Putting in new taxes at a state-wide level when you have a \$3.5 billion surplus makes no sense to me. I'm hoping that some of you folks will call and let them know how you feel about it. There's enough money there to cover things right now. We have a \$3.5 billion surplus. Hopefully, we'll get some of that money for our streets, for our water systems and things of that nature. We're going to be asking for it. That makes sense to me. This is a short session, so the Governor will call the things that she wants to talk about. For instance, a possible minimum wage increases to \$16. Works great in Santa Fe. Works great in maybe Las Cruces and Albuquerque. Doesn't work great here. When you increase the minimum wage to that amount, it's going to really hurt our small businesses. How are they going to continue to function? Their ability to hire more people isn't going to happen. That price is a tax to me. You're going to have to charge more for goods and services to the common folks to make sure that you can pay that \$16 wage.
- They're going to be talking about medical malpractice. They're going to phase out the limits to those things to our hospitals or trying to. The cost of insurance is going to skyrocket. That's very detrimental to our local hospital. We're a small hospital, so it's very difficult for us to even get insurance companies to bid on our medical malpractice insurance that we want. I think we've asked for 20 companies and 1 or 2 responded. The prices have doubled, and it's going to continue to go high. We've got to fight that. There are caps in place right now for medical malpractice in this state. We need to keep those caps. If they remove those caps, and there's a 20- or 30-million-dollar settlement down the road, it's going to break our hospital, and we won't have a hospital. I think that's very important to pay attention to.

- One small item on schools – nmvistas.org is a site you can visit. Anybody can visit to look into our schools to see how they're doing. You actually get a report card and a grade on how our schools are doing in comparison to other schools. You'll see how we're doing in reading, writing, math, science, you'll see rates of attendance and things of that nature. You can actually compare our school with other schools. Every parent or anyone concerned with our schools should go to that site and look. I spent some time on it the other day. It's very informative, and it tells you the health of our schools, what we're doing here, and how we're doing it. Please visit that site. Responding to question by Commissioner Harrelson: Your numbers were pretty close. We're not at the average for the state. Our state is 50th in the nation. Figure that one out. You don't hear much of that from Santa Fe. We should, and we should hold people accountable for those things.
- Shout out to Sierra Soil & Water. If you noticed, yesterday they started the invasive salt cedar removal at Ralph Edwards Park. It looks barren, but it looks good. It's nice to get those invasives out of there. That was one step. The next step is to get some trees planted. I'll be working on that the next few weeks and see if we can't get some things going in the form of a grant or maybe developing a tree farm, so that we can have a source to get some trees. Also, a couple of area farms and ranches have indicated they may give us some trees. I'll be working on that, and it'll be a good thing to do down the road.
- I attended the South-Central Regional Transportation Planning Organization meeting on December 5th. Of note with that is Dona Ana County is applying for a grant to improve their bus services. They're going to include Truth or Consequences, which I think is important. They'll be going from all the way down to Mesilla, all the way up to Walmart in town here, Elephant Butte. My concern with that is, I think it's a great benefit for our community, but I don't want everybody going south. I'm hoping that we get our business, our hot springs and folks, to advertise, so we can get people from Dona Ana and Las Cruces to come north to visit our community and visit our towns and all the things we can provide here. That's an interesting thing to happen. I think it's going to be good for our community, but we need to use it to the best of our ability to get things going both ways.
- Old Fashioned Christmas – Destiny hit that really well. What she didn't do is thank herself for doing the parade. Thank you, Destiny, for doing the parade. You did a great job. I appreciate that very much.
- I attended another ribbon cutting on December 9th. The Turtleback Disc Golf Club is putting a 2nd 9-hole course at our golf course. They call it the Gila Course or the Gila Monster, which I thought was pretty interesting. They're going to do a tournament in February with 140-180 participants. We're going to get our money back for doing that. It's a great organization. I really appreciate that.
- I met with Judge Sanders, our Chief, our City Manager, and Clerk Torres for a final transition to close the court and transition it to Magistrate Court. Discussion centered around archiving some of our files and things like that especially DWI files which I think have to be maintained 55 years. We'll have to maintain some of these files, and we're going to be able to do that. It was a productive meeting. Judge Sanders was interested in somehow figuring out a way to keep teen court.

Teen Court is a very beneficial alternative to our community and our students, so we don't put them into our justice system but find a remedy to figure things out for them. I'm looking forward to being able to work for Judge Sanders in that regard.

Mayor Forrister reported the following:

- Salt Cedars: If you guys have seen the park, they're all cleaned out. Today, they're moving over to Rotary Park.
- Last meeting, we were going to State Volleyball. We ended up 3rd, made it to the final 4. I was hoping for a little bit better. That's a very big accomplishment when competing with private schools up north. I'm very proud of our team.
- Basketball is hitting the ground running. If you get a chance, go watch a game.
- Merry Christmas and Happy New Year.

Commissioner Hechler reported the following:

- I've been conversing with Sonya Cooper who is at NMSU about the Lavelle Johnson Center. She's looked at the previous engineering plans and building plans. I talked with her extensively about the building itself. She's going to recommend a geo-technical engineer to come in to talk about the foundation of the building. That's the first thing that needs to be stabilized. Whether we go to turn down slabs, strip footing, piles, or Caissons. We have to come up with a remedy to figure out how to stabilize the foundation first. Then she will help us with anything above that. We'll be reaching out or I'll be talking with the City Manager about possibly reaching out to some engineering group to see if they have it a technical engineer on staff who can do those things. I want to ask Lodger's Tax to help us pay for it because this a building that is conducive to the public and our community. We may end up doing that down the road. I'll stay on top of that to see what we can get done.

Commissioner Mitchell added the following:

- Reach out to Gina Kelley for getting it on the National Historic Registry because they have funding for the Lavelle Johnson Center too. Also recommended talking to another program about teen court.

G. CONSENT CALENDAR:

1. City Commission Regular Minutes, November 15, 2023
2. City Commission Special Executive Session Minutes, November 29, 2023
3. Acknowledge Regular Planning & Zoning Board Minutes, October 10, 2023
4. Acknowledge Regular Public Utility Advisory Board Minutes, October 16, 2023
5. Acknowledge Regular Lodgers Tax Advisory Board Minutes, September 25, 2023
6. November 2023 Accounts Payable

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

H. PUBLIC HEARINGS:

- 1. Public Hearing/Discussion/Action: Final Adoption of Ordinance No. 758 An Ordinance Amending the City of Truth or Consequences Municipal Code of Ordinances, by Amending Section 14-30 of the Code Pertaining to Access to Property:**

Bo Easley, Electric Division Director: I am bringing back to you Ordinance No. 758 pertaining to access to property, and now I am just asking for approval to move forward with this.

City Attorney Rubin: As I pointed out when we went to publication, you have in your packet not only the clean copy of the proposed amendment but also the red-line version, which gives you the changes. The changes were very minimal here. All we did was delete the phrases meter boxes.

Bo Easley, Electric Division Director: Yes, we added a 25ft pole.

Mayor Forrister opened the public hearing.

Proponents:

There were no proponents.

Opponents:

Ron Fenn: I want to speak about this proposed change. This proposed change really came out of a recent court case in which I was involved and pointed out the fact that electric meters belong to the people, the home owners, the businesses. They are not part of the city's purview only the meters are. However, now this changing by eliminating meter boxes makes a further mistake because of the water meter boxes do belong to the city. You're changing one wrong item for another wrong item. This ordinance should state that the water meter boxes, etc. etc. etc. are the purview of the city not just eliminating the meter boxes all together. They never should have been part of the electric department's ordinance in the first place. Now in correcting it created another problem. Is that understandable?

Mayor Forrister closed the public hearing.

Commissioner Fahl: Bo, could you clarify the difference of what the ordinance says vs. what Mr. Fenn noted about meters and meter boxes?

Bo Easley, Electric Division Director: The meters are the city's responsibility. When a customer wants electricity to their house, they go to the utility office and request for a meter be set. We go out and set the meter. The meter can is the customer's responsibility. If anything ever goes wrong, they'd have to hire an electrician. The electrician has to contact the inspector. They have to make sure it's up to code per state electric code. When it's passed, we receive the permit, then we can go out and set the meter.

Commissioner Fahl: The meter boxes maybe you can clarify Sonya. What do they call the water meter? Is that a meter or a meter box?

Sonya Renfro, Utility Office Manager: It's a meter can. For the water department, probably 98% of the time, it's outside of the property. It's either in the alleyway or on the roadway. What Bo was talking about in his ordinance, it's on the customer's property. It's either on their house or on the pole. The water department does do the meter cans, but they're not inside the customer's property.

City Attorney Rubin: So, are we OK with this? By deleting the phrase meter boxes does that cause trouble with anything?

Sonya Renfro, Utility Office Manager: No, for electric, its meter boxes, and for water, it's meter cans.

Commissioner Fahl moved to approve final adoption of Ordinance No. 758. An Ordinance Amending the City of Truth or Consequences Municipal Code of Ordinances, by Amending Section 14-30 of the Code Pertaining to Access to Property. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

2. Public Hearing/Discussion/Action: Final Adoption of Ordinance No. 760 An Ordinance Amending the City of Truth or Consequences Municipal Code of Ordinances, by Amending Section 14-42 of the Code Pertaining to Energy Cost Adjustment.

Bo Easley, Electric Division Director: As again, on this Ordinance 760, the one thing that we changed was us removing the automatic pass-through charge and changed the name to Energy Cost Adjustment.

Mayor Pro-Tem Hechler: I still have an issue with "the city commission shall review production cost annually during budget hearings and shall set the amount of any increase

or decrease in rates for the following year” That’s a whole year. I propose it to say, “The city shall review the production cost periodically and shall set the amount of any increase or decrease”.

Mayor Forrister: It’s on 114, right? It says “at any time and/or as needed”.

City Clerk Torres: We did change it on the ordinance, but you won’t see it on the red-line version.

City Attorney Rubin asked for clarification.

City Clerk Torres: At the last meeting, when this was discussed, they wanted **and/or** added after budget hearings, so we did add that onto the ordinance.

City Attorney Rubin: So, when it went to publication it had the language you are talking about.

City Clerk Torres: Correct.

Mayor Forrister opened the public hearing.

Proponents:

There were no proponents.

Opponents:

Ron Fenn: I’m looking at Ordinance 760 as it was published in the packet. I see no “and/or” anywhere on this.

Commission: It’s in our packet.

City Manager Gonzales shows Ron Fenn where the document was located in the packet as well as the updated language to Ordinance 760.

Ron Fenn: What I have an objection about this whole issue is that you also say “passed onto the customer at a Pro Rata basis”. Pro Rata means that the amount of money, not a rate, not a percentage of increase of anything, is a tax to each and every item, which is kilowatt-hour in this particular case. We never have done anything Pro Rata since 2000, since I’ve been here. No changes, no fuel charges, which is what the pass-through was in the first place, was calculated, and it was mis-calculated since its inception in 2000. There was a formula that compared and used the price difference between the Sierra Electric or the electric rate and the WAPA rate. They used that to calculate the pass-through difference. It was only used for a couple years until it was brought back as a firm number, and it’s never changed. It’s not a Pro Rata thing. It’s actually a new rate. It’s not included in the new rate schedule because the new rate schedule is actually lowering the

base rate and increasing this energy cost adjustment. Why are we doing that? The rate and I don't even know what this LD1 charge is. Nobody's explained what LD1 is, but it looks like adding the base rate and the energy cost adjustment. If that's so, why are we doing that? Why don't we just make the rate 14 cents or 14.34 or 15. Whatever the rates are, make that the rate instead of this ridiculous fooling around with adjustments where there were no adjustments. It was just passed as a rate increase without calling it a rate increase. I say that the issue was when this pass-through which still is in the city's ordinances, when it was done, they were comparing the cost of electricity at WAPA, which did not include transportation. If you added the transportation, which is more than what the cost of the rate was. The difference between WAPA and the Sierra Electric was minimal, and that was what they were supposed to be using as a pass-through. It was never done properly since the day they did it. Now, this whole rate schedule is pretty bogus. I don't know why the energy cost adjustment is higher than some of the rates, higher than the rates themselves for commercial and non-commercial. It makes no sense whatsoever, but it does hide a lot of things that people are paying for. The biggest problem I have with this thing is, there is no itemization of our bills, which is required by the state.

Mayor Forrister closed the public hearing.

Commissioner Fahl: I'll just ask a question since that was in Mr. Fenn's opening statement. He claims that the Pro Rata basis was never in our ordinance. Can you clarify that the only thing we're changing is the title? So it's always been in this ordinance, is that correct?

~~Mayor Forrister: It was called an automatic pass-through charge. Now it's called an energy cost adjustment. We adjusted the and/or.~~

Sonya Renfro, Utility Office Manager: The Public Utility Advisory board, George, he had that changed a few years back.

Commissioner Fahl: That's all we're doing today. I just wanted that clarified.

Commissioner Harrelson: Also clarify that your billing statements are in code with what the state regulations are.

Sonya Renfro, Utility Office Manager: Yes, we're audited every year. The state auditors have come down and thoroughly checked out the utility bill, and they've never cited us with anything.

Mayor Pro-Tem Hechler: The energy cost adjustment works both ways. It protects the city. It should also protect our consumer, so if there's an inordinate shift in energy costs, I'm hoping that we can give the benefit back to our citizens. How often would we review this or how often will we take action? I know it's "as needed", but who makes that determination?

Commissioner Fahl: Wouldn't the Public Utilities board be aware of what's going on?

Sonya Renfro, Utility Office Manager: I actually have a spreadsheet on my computer from Mr. Swingle can have someone come down and look at our rates and stuff. Also, I believe it was Mr. Szigeti, gave me a spreadsheet. Priscilla and I can plug in what we paid for solar, and what we paid to Sierra Electric co-op, and it actually gives us the price per kilowatt that we are incurring.

Mayor Forrister: How often do those change when we purchase?

Sonya Renfro, Utility Office Manager: We've been on a contract. Our prices haven't changed. We haven't needed to adjust it, but we do check it regularly.

Mayor Pro-Tem Hechler: I don't know what incremental process there is for us making an energy cost adjustment change if it's 2% or 5% or 20%. I don't know. I don't know if we need to clarify that down the road or if we need to figure that part of it out. We can't do it every month. I know that.

Sonya Renfro, Utility Office Manager: The way we explain it in the utility office is for the energy cost adjustments, it's actually the price passed on to the customer for what we're having to pay for an outside utility to buy electricity. Again, that price hasn't changed, but if it does, we'll bring that to the Public Utility and to you.

Mayor Pro-Tem Hechler: For the lack of a better term, it's just a pass-through for us. So we don't really have to change anything.

Commissioner Mitchell moved to approve final adoption of Ordinance No. 760 an Ordinance Amending the City of Truth or Consequences Municipal Code of Ordinances, by Amending Section 14-42 of the Code Pertaining to Energy Cost Adjustment. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

3. Public Hearing/Discussion/Action: Final Adoption of Ordinance No. 761 An Ordinance Amending the City of Truth or Consequences Municipal Code of Ordinances, by Amending Section 14-45 of the Code Pertaining to Electrical Rates.

Bo Easley, Electric Division Director: We went back and looked at our code. Pretty much all we did was clean it up a little bit.

Mayor Forrister: We heard from Ariel this morning. She's on our proponent list, and she's not here, but she said "see her public comment". She made a statement saying that would make us the highest in the state. In our reviews through Sierra Electric, we're going to be very comparable to them now with that. Here's to the public, if we sold it, this is what the rate's going to be and if we don't, this is what your rate's going to be regardless, this is

what's going to have to happen. Obviously, we're not going to be the biggest in the state because we'll be very comparable to Sierra Electric.

Sonya Renfro, Utility Office Manager: People who do opt out of the AMI, it causes a hardship on the department. Right now, water is super busy. Whenever we bill, they still have to stop what they're doing and go hunt down those readings. If we have the guys still having to go into the yards with dogs. Everything that we're trying to prevent by going in.

Mayor Forrister: We've already discussed, beat that dead horse, and it's \$50 going to stay that way.

Mayor Pro-Tem Hechler: You mentioned to us that the number of people that were opting out. How many folks were there, 2 or 3 did you say?

Sonya Renfro, Utility Office Manager: Yeah there's closer to about 6.

Commissioner Fahl: But less than 10. So, her comments about creating a financial hardship when there's only 10 people. The majority of our community.

Mayor Forrister opened the public hearing.

Proponents:

There were no proponents.

Opponents:

Ron Fenn: There is a strange thing in this Ordinance 761. It says "customers will be billed according to meter size as set by resolution." Where is the resolution setting the sizes of meters? I haven't seen anything on that. Again, the "Energy Cost Adjustment", anytime there's an increase in the wholesale cost of gasoline, fuel, diesel, energy, the charges that the electric department uses in their vehicles for instance, that difference is supposed to be passed along Pro Rata. That means that you have to, any time there's an increase, once a year or anything else at any time. That means that you have to be monitoring it constantly. Every month, well, I doubt this, but it's the language of your ordinance. The other thing is, in the rate structure, I know this is part of what you're passing today. There are some major little errors in here. The city street lights at \$4.75 is not per kilowatt hours. It's per each. Mims Street lights, \$2.12, are not per kilowatt hours but each. Large commercial, \$10, is not per kilowatt hours, it's per kilowatt. Yard lights, \$7.68, is not per kilowatt but each. This is a public document, and it's erroneous. It should be corrected. I know that's difficult. I would also like to know, what is LV1? It says here LV1 charge. What is an LV1 charge? Does anybody know that? It's not explained anywhere to the public. If we're going to be looking at this rate schedule. I'm going through a lot of trouble in the past over things that are not correct. This is a city. It should be making sure what they say, what they do, is at least correct. That's all I've got to say. Thank you.

Mayor Forrister closed the public hearing.

Commissioner Fahl: I do have a question. I had to look around in there to see what he was talking about. Under street light, what does that mean "meter size as set by resolution"? I guess I didn't notice that before. What does that mean? Street light E2 in the regular resolution. It's in the ordinance.

Mayor Forrister: It's on page 125 in our packet. Page 404, it says: Street light.

Commissioner Fahl: "Street light E2: the customer will be billed according to meter size."

Sonya Renfro, Utility Office Manager: "The customer will be billed according to meter size as set by resolution." That can mean a residential customer, a small commercial, a large commercial, a large commercial pre-paid.

Cross discussion clarifying that it's not the actual meter size but the usage.

Mayor Pro-Tem Hechler: Does the street light jargon have to be corrected where Mr. Fenn alluded to the kilowatt-hours where it should be per each? Does that need to be corrected?

Sonya Renfro, Utility Office Manager: He was talking about this, and all the charges he was talking about are under the customer charge, which is just a base charge. That never changes. We could take off the proforma on here, but in the customer charge, it's just a base charge.

Mayor Forrister requested to see the document Sonya was referring to since it wasn't included in the commission's packet.

Sonya Renfro, Utility Office Manager: Also, this is a level 1 charge, so a lot of communities have different charges.

Bo Easley, Electric Division Director: He's jumping ahead. That's on our next two items. Just not on this one.

Mayor Forrister: So when this comes, just clean it up.

Cross discussion ensued about the LV1 being a level 1 charge and making sure the language is less confusing and easy to understand possibly including definitions. Sonya suggested removing the LV and adding later if necessary. Also clarified this is for the purpose of this hearing this discussion is in reference to this ordinance.

Mayor Pro-Tem Hechler moved to approve final adoption of Ordinance No. 761 an Ordinance amending the City of Truth or Consequences Municipal Code of Ordinances, by Amending Section 14-45 of the Code Pertaining to Electrical Rates. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

Commissioner Fahl made a motion to move into executive session after item H3. Mayor Pro-Tem Hechler seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

K. EXECUTIVE SESSION

1. Limited Personnel Matters (Wastewater Dept.) Pursuant to 10-15-1(H.2).

Mayor Pro-Tem Hechler made a motion to go into executive session at 12:20 p.m. to discuss Limited Personnel Matters (Wastewater Dept.) Pursuant to 10-15-1(H.2). Commissioner Fahl seconded the motion. Roll call vote was taken by the Clerk-Treasurer. Motion carried unanimously.

Mayor Forrister reconvened the meeting in open session at 1:35 p.m.

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

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

a. Limited Personnel Matters (Wastewater Dept.) Pursuant to 10-15-1(H.2).

No action was taken.

The Commission returned to open session at 1:35 pm to continue the meeting with item I1. ORDINANCES/RESOLUTIONS/ZONING.

I. ORDINANCES/RESOLUTIONS/ZONING:

1. Discussion/Action: Publication of Ordinance No. 762 TDS Franchise Agreement.

Assistant City Manager Alvarez: A while back, I brought an extension for the TDS Franchise Agreement. I noticed it had expired. That extension expired in June, and I'd been back and forth in some communications with TDS. They have agreed to renew their agreement with the city and increase the franchise fees they've been paying the city from 3% to 5%. In your packet, you have the new ordinance as well as the redline changes.

Mayor Forrister: What does that look like money-wise?

Assistant City Manager Alvarez: Unfortunately, I was trying to get that information, and the person in finance that we would normally get that from was out sick last week, so I didn't get my numbers.

Commissioner Fahl: Why is the Municipal Court building going to stay on the list when it is going to be vacated? If somebody rents it, we don't want to give them free internet.

Assistant City Manager Alvarez: To my knowledge it is not for internet. Jay and I were discussing that, and we think it is actually for cable TV from way back in the day. That is something that was in there previously.

Mayor Forrister: That has nothing to do with the contract though. We are changing that.

City Attorney Rubin: We had this ordinance from 2007 to 2022. It is basically the same ordinance. The only changes that were made were the increase in the franchise fee from 3% to 5%. We have the correct name of the service provider being TDS Broadband Service LLC, and then there is also, if we ever decide to operate a government or public educational channel, we now require that in paragraph 7A.

Commissioner Fahl moved to approve Publication of Ordinance No. 762 TDS Franchise Agreement. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

2. Discussion/Action: Resolution No. 22 23/24 Establishing electric rates for the City of Truth or Consequences.

Bo Easley, Electric Division Director: After the electric rate study was completed, we decided that we needed to increase the fees for electric. The PowerPoint was presented to you with suggestions of what needs to be done, so now we want to move forward with adjusting our electrical rates.

Sonya Renfro, Utility Office Manager: We would like to strike the level one charge on the sheet that is provided in your packet, and we would also like to remove the per kilowatt portion on the line for the city streetlights. We want to strike where it says per kilowatt and where it says yard light per kilowatt.

Commissioner Fahl: If we adopted this, how much do you think your customers are aware of this potential change? Will you send letters to the customers explaining the increase?

Sonya Renfro, Utility Office Manager: The rates basically go up every July 1st, and we just let the customers know on the utility bill and we run it on there for about a month. We will do that for this increase, and we can even include a flyer in the envelope.

Commissioner Fahl: Doing a flyer is just more work. I think we need to do a good job at letting our customers know this is happening, so they are not "sticker shocked" when they see their bill from one month to the next.

Mayor Pro-Tem Hechler moved to approve Resolution No. 22 23/24 establishing electric rates for the City of Truth or Consequences with the changes noted. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

3. Discussion/Action: Abatement Resolution No. 24 23/24 - 306 Foch.

Assistant City Manager Alvarez: For the next 3 items, I know that you have to take action on them separately, but just to summarize, these have all been through the Code Enforcement process, as well as being sent to the City Attorney for attempts to contact and work with the property owners. We have had no success with those so we will be asking the Commission to go through the property abatement resolution. The property has been through our Municipal Court process, and has been handed back to the city. The property is vacant, and the property owner does live in T or C.

Jamie Sweeney, Code Enforcement Officer: I officially sent a letter to the owners on February 8, 2022. I got them for litter, and a large RV that was parked there and storge on private property. At that time there was somebody staying in there. I believe it was the owners grandson. It was in pretty bad shape. We worked with them to try and get some things done. It is off of Foch and it is a road that is often traveled on, and this property is constantly getting complaints. I still to this day am getting complaints about this property. I sent a letter to them, and they originally did not do anything. We went to court, and then

he agreed that he would move the RV. That is the only thing to date that the property has had done to it. It has since gotten worse, and when I originally started the process, I didn't realize the extent to the inside of the house. I since now have been aware of that. It has caked animal feces onto it, and there were children staying in the home. You can see in the back side that it is a very filthy home. I don't know if somebody bought it, if they would be able to even clean it. We do plan to move forward with the dangerous structure on this as well. We can now go after them for a dangerous structure as per our ordinance, and the home owners need to be aware of that because that is going to be coming as well.

Mayor Forrister: Are they still living in there?

Jamie Sweeney, Code Enforcement Officer: I do not believe he is, but I think she is. The children were removed. The animals were even removed because it wasn't even livable for them. We had the owners surrender their pets because it was that bad.

Commissioner Mitchell: Can you explain the abatement process.

Assistant City Manager Alvarez: We have to notify the property owner, and we give them a copy of the resolution, and they have a 10-day appeal process. Our hope is that this will maybe kick them in gear, and maybe they will start doing something so we won't have to come back and for a dangerous structure, and so we won't have to abate the property because it is really hard to abate properties and not structures, as we have found with one other past property. When we hire somebody to go in, they just want to go in with equipment and take the entire thing down, and not have to work around a structure. We are hoping at notifying them, and saying hey, we are going to abate your property, and then we are going to put a lien on it, in which in essence the city would hopefully not obtain. We are hoping somebody else would bid on it like we have in the paStreet We don't hold onto liens for long. I have been pushing Jay to close on them quickly.

City Attorney Rubin: We have actually been doing really well recently with our liens. We have had some on our utility side that we have filed law suits on in the last couple of months for delinquent utility bills. The law suit threatens a foreclosure, and the people have been coming forward and have been paying after I have done that.

Commissioner Fahl moved to approve abatement Resolution No. 24 23/24 for 306 Foch. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

4. Discussion/Action: Property Abatement Resolution No. 25 23/24 and Dangerous Structure Resolution 26 23/24 - 709 Broad.

Assistant City Manager Alvarez: We are going after a property abatement and dangerous structure for this property. There are two separate resolutions, but it is for the same property of 709 Broad.

Jamie Sweeney, Code Enforcement Officer: We didn't take this property to court. Given where I am at, I can kind of gage it and see if it is even worth taking to court or coming in front of you. This was a property that I felt was going to add more time. It is kind of a diamond in the rough, and I say that because it is off the beaten path so you would never even know it was up there. When I called for law enforcement to go up there, they went to the wrong area as well. The address is 709 Broad, and it is next to Tractor Supply, off to the side. It is the only home that is up there, and you would never know it was there unless you were looking in that direction. I was called back in there in February of this year, and I remember it because we were doing our audit for our evidence room, and I wasn't doing Code Enforcement that week, but I got contacted to go over there because I had someone who was complaining about it. When we got there, we found that somebody had broken in. It was a well-known guy around here who has a lot of criminal history. We found him inside the home and he was arrested and was found with drugs. The Officers who were called went inside with me and we noticed that he had a nice little set up, so he had been in there for a little while. The owner of it had passed away, and it was passed to his daughter. At that time, I didn't issue a letter. I just explained to her that this property is massive with code violations, and I could immediately tell that it was a dangerous structure. I also told her that it needed to be cleaned up, and I kind of left it at that. Just a word of mouth of what needed to be done. Fast forward to July, nothing had been done so I went ahead and issued a letter. The letter was issued on July 11th. She did call me, and I told her that I would work with her, as long as she can work on my schedule and get it cleaned up. It is a bad property, and she herself has complained that things have been stolen off of there, and there are a lot of junk vehicles that are there. It is a huge line that is kind of broken down into two areas where the house sits, and then it looks like there is a junk vehicle yard next to it. I remember being a cop 9 years ago and going up there for something, and this was the second time. The area is very secluded but it is really close to town, so with that one I just went ahead and brought it to the Commission because we felt if we went to court, it was going to get turned back to us anyways. I did speak to the homeowner, and she did get quite upset with me, because I did agree to work with her, but she wasn't doing anything within the time that I agreed with. She did inform me that she has a life. I get that, but if this property is inviting vagrants coming in, drug activity, or whatever it may be, we have an issue here, and she is not making it a top priority, which it should be a top priority.

Mayor Forrister: I went over and looked in the window, and there were definitely people that were in there, and I bet if you went there today, there would be somebody else living in there.

Jamie Sweeney, Code Enforcement Officer: The property owner was a massive hoarder, and she will admit that. It was quite filthy inside, and I feel sorry for her because it was a

mess that she inherited. Both the inside and outside are dirty, and with the New Mexico winds, that trash is blowing around, and it is very close to downtown.

Mayor Forrister: So, what is the process on this? You abate the property, clean it up, file a lien on it, sell it?

City Attorney Rubin: Yes.

Assistant City Manager Alvarez: We will demo both the property and the structure. One of the resolutions is for the dangerous structure. They would either need to repair it or we would demolish it. We don't want to get into the same situation that we are in with the other property, where we can't get anyone to abate that property because they are afraid to touch one thing, and have everything come down on them. We really need to make a determination once we got on there of whether or not we could safely abate the property, and then board up the windows, and then potentially put a lien on it and sell the property. Or if we can't get someone to go and abate the property, because it is easier for them to just take equipment and knock it all out. It is never our intent to get rid of a structure that could potentially be remodeled or renovated, but at the same time, like I said, we can't make that full determination until we get full access. We don't have the ability to get full access until we do this. Like I said, we just don't want to be in the situation like we are with the other place where we can't get the property cleaned because we can't find someone to go clean the property because it is too difficult or dangerous to work around the existing structure.

Commissioner Fahl moved to approve Property Abatement Resolution No. 25 23/24 and Dangerous Structure Resolution 26 23/24 for 709 Broad. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

5. Discussion/Action: Resolution No. 27 23/24 Property Abatement at 4100 East 3rd.

Assistant City Manager Alvarez: The property is currently occupied, and they do have utilities connected.

Jamie Sweeney, Code Enforcement Officer: I was made aware of this property in May of this year. I noticed that there were a lot of boats and RVs on the property. It looked like a storage. I spoke to the homeowner Dustin Delatorre who is the son of Paul Delatorre. This property sits right at the intersection going towards the lake. It is a very traveled road. The property is within the city limits. I asked the owner if they had a business license for the storage. He told me yes, but I confirmed with the Clerk's Office that there is no business license for that property. We had an incident involving law enforcement where we had to go out there, and we were out there for quite some time. We had to evacuate the property, and we found out that there were people living in RV's over there as well. That was another violation that they had. He just has a lot of trash on the property. I

explained to him that he needed to get this done. I told him that I understood that it was a big property that he inherited, and it became his problem. I understood that, but his biggest argument was that he was not living within the city limits. I explained to him that his property is still within the city limits, and he has to follow our Municipal Code. He understood, but he did not do anything to rectify or fix the situation. He didn't contact me, and he didn't let me know if anything was done to it. At the time, I did not know it would be considered a dangerous structure. It wasn't until after the law enforcement incident where my officers entered the main house that we discovered it can be considered a dangerous structure. This was the same case as the other property where they didn't even try to clean anything so why waste the time to go to court if it was going to be turned back to us, and we would be here anyway. That would just add more time to a situation that he was not going to fix. He knows what we are going to do and he still has not done anything to the property.

Commissioner Fahl: So where exactly is the city boundary?

Jamie Sweeney, Code Enforcement Officer: It is almost when you get to the bridge.

Assistant City Manager Alvarez: I think I said that the utilities were turned on at that property, and I shouldn't have said that. We don't service any utilities in that area.

Mayor Pro-Tem Hechler: How many acres are we talking about here?

Jamie Sweeney, Code Enforcement Officer: It is a massive property.

Mayor Pro-Tem Hechler: It is going to cost quite a bit to abate this property, isn't it?

Jamie Sweeney, Code Enforcement Officer: Yes, it is. I would like to say that all of the stuff he has there would be easily removed, but I don't even know who some of these vehicles that are parked belong to, so that is another issue we have. We are going to have to run those numbers to make sure that nothing is stolen.

Mayor Forrister: The problem that is going to be really bad is that those people pay to stay there. There are lots of boat storage over there.

Jamie Sweeney, Code Enforcement Officer: This one is going to be a huge one, and I did consider that as well, but it needs to be done. He did say to me that it was a business, and he was running it. It also concerns me that these people are putting their stuff there because when we did a search through the entire property, some of the RVs had been broken into. It could potentially turn into a big thing, especially if one of the owners get contacted that their stuff has been broken into.

Mayor Pro-Tem Hechler moved to approve Resolution No. 27 23/24 Property Abatement at 4100 East 3rd. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

6. Discussion/Action: Amendment to Resolution No. 21 23/24 Declaring a disaster in the City of Truth or Consequences related to waterline infrastructure failure.

City Manager Gonzales: New Mexico Homeland Security and Emergency Management were here last Tuesday, and it looks like I must be specific about what caused the water emergency. I added two paragraphs to the resolution that say *"WHEREAS, the Cook Street Booster Station electronic control panel has been problematic for a few weeks prior to the following incident. The water wells had to be shut down to make the necessary repairs. The main electronic motor would not start, and when it finally started to run, a breaker was tripped, and the motor caught fire. The motor was replaced with the spare motor, but it also would not start. The problem was in the electronic panel, it took extra time to troubleshoot and repair; meanwhile the water levels in the storage tanks went to critical levels"* and *"WHEREAS, if a Fire incident or emergency had occurred, the city did not have the resources necessary to adequately protect the population due to the lack of water in the water tanks."* Those are the only two paragraphs that were added because that pertained to that specific incident.

Commissioner Fahl moved to approve the amendment to Resolution No. 21 23/24 Declaring a disaster in the City of Truth or Consequences related to waterline infrastructure failure. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

J. NEW BUSINESS:

1. Discussion/Update: PD Update.

Chief of Police Tavizon reported the following:

- There was a mention of how things were done 50 years ago. In all my education, and leadership training, that is the worst thing you can do. I appreciate that none of you have that mindset because if you live in the past, especially 50 years ago, as you can imagine, law enforcement has changed completely since then. The state laws as well as the needs of our community have changed. They weren't dealing with Fentanyl at the time, and they weren't dealing with some of the challenges we have in our judicial system nowadays so to have that mindset is a little disturbing, in my opinion. One of our major opponents of everything that we try to do positive in our community was standing in my office in October, and he told me if it was up to him, he would demolish the Police Department all together in Truth or Consequences because there was no need for us, so that mindset, as you can imagine is asinine in my opinion. He thinks that the Sheriff's department would be able to handle the entirety of our calls for service. They get less than a 3rd of the calls that we get monthly, on average. They do what they can with those, but they are short staffed, and they are trying to fill that.
- **Monthly Update on Stats from October 20, 2023 - December 5, 2023:** My agency responded to 1732 calls for service. Not all of these calls were

emergencies, and not all of them generated a report, but it is as simple as somebody calling about a noise complaint or a suspicious person. Something that may have not generated a report, so not all of these are going to be reports, but they were still calls for service. It is something that the Sheriff's department would have to do if they decided to do that. Once we start breaking those numbers down. The actual Police Officers took 1051 calls for service. Animal Control took 347 calls for service. Animal Control is extremely busy. We have recently eliminated our Animal Control services to Elephant Butte, so that eliminated some of those calls for service. We are looking at some considerations for the County as well. They are operating on a 2018 MOU, and they are only paying \$30 per call out, and then they fight to pay the majority of those. I will be presenting some numbers that the former Manager brought to see if we can come up with. Hopefully we can come up with a win/win solution for both of us. If not, we will just eliminate that and they can provide their own services to the County. We had 27 motor vehicles during that time frame. 27 is quite a bit, and listening to some of the comments earlier, that was one of the major incidences. So no matter what that individual says, we are needed. One of the things that I am going to do to try and help eliminate some of the traffic and speeding concerns, is I am going to allocate some of my grant money specifically to those areas, and have officers in that area working zero tolerance enforcement saturation patrols, and hopefully that will make some of those business owners a little happier. One of the things that we have to consider when we are running traffic enforcement is, are we ourselves becoming a hazard to the roadway. That roadway, specifically on MainStreet is dangerous. When you are coming around that blind side, you can potentially be becoming a hazard yourself to the roadway and cause additional crashes, so we have to be mindful of that. We will come up with an operation plan and we will implement that to try and help deter some of the speeding in that area. I know that we can't be there all the time, and obviously we have a bunch of calls for service that we are trying to address. Those are priority for us, but we will try to address the speeding issues with grant overtime paid by the state. SKI reports come in from CYFD. They are child abuse or child neglect cases. We have had 18 of them during that time frame. Generally, the officers will do the initial response and if there is anything substantiated with that, they will forward that over to our new detective. He has been extremely busy, and doing a great job for us. Our School Resource Officer took 19 reports. She was extremely busy during that time frame in the schools. That can vary from fights, to vaping, to absentees and stuff like that. We conducted 79 follow ups on those cases, so when we take the initial call, we don't just leave it at that. We want to make sure the problem has been resolved, and we try to make as many people as possible happy with our services. We had 2 DWI's during that time period.

Our Code Enforcement worked on 6 different cases during that time frame as well. We conducted 183 traffic stops throughout the city. We issued 58 citations, and we made 14 arrests which were both felony and misdemeanor. We have taken a lot of steps, and we continue to move forward with the challenges. I share your

frustration Mayor Pro-Tem on the different vandalisms that we have had, as well as the one we had on the brand-new sign to the Animal Shelter sign. 50 years ago, we would have been able to take care of that easily without the court system, but we can't do that anymore. There are even going to be some changes transitioning from the Municipal Court to the Magistrate Court. The Judge is bound to whatever the state legislature passes for the judges to do. They don't necessarily want to release these individuals, but they must because that are the rules that were put into place in Santa Fe. We are doing our best, and we will continue to do our best. We had some intel recently where there is a group from coming in from Socorro and the Albuquerque area to try and steal vehicles and catalytic converters in our area. We put that information out there so the officers are out there checking that out, and making sure that they can deter any kind of criminal activity during our calls for service.

- We have done 100% inventory of our evidence vault, as well as an audit. We hired an outside company to come in just in case there were any kind of discrepancies that we may have had with former employees. You approved a full-time evidence tech position, and she has kept up with that well. She also got us up to date with our records retention.
- We have the Shop with A Cop event scheduled for Saturday. We've had some issues with the procurement of the gift cards. I guess there are some laws in place with Walmart and money laundering, so you have to submit for a bulk gift card purchase. Hopefully we will be able to purchase the remaining cards, and Saturday morning at 10:00 a.m. will be the event. We have 80 kids that we will be servicing.

2. Discussion/Action: Property Lease Agreement with Talon Septic, LLC.

Item was moved after D5.

3. Discussion/Action: 865 W. 4th Ave. Multi Animal Permit Renewal.

Assistant City Manager Alvarez: This is just an annual renewal for a Multi Animal Permit at 865 W. 4th Ave. The applicant has 7 cats, and the cats are contained in the house. I think she has a Catatat. They aren't loose and they don't wander. Animal Control has been out there, and they verified the application for the annual renewal. There were no issues, concerns, or complaints. The Planning & Zoning Board has recommended approval.

Mayor Pro-Tem Hechler: In a future date, I would like to change the ordinance to where somebody who applies for a multi-animal permit, they can do it for 3 years at a time. That doesn't preclude that they are going to get inspected every year. If they are inspected annually, and there is an issue, then it can come before the Commission, but this way we won't see it on our agenda once a year from now on.

Mayor Forrister: You can just approve it, and if there is a problem, then we can go through the process of taking it to Planning & Zoning and go from there.

Commissioner Mitchell moved to approve the 865 W. 4th Ave. Multi Animal Permit Renewal. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

4. Discussion/Action: Summary Plat Amendment at 1075 E. Riverside.

Assistant City Manager Alvarez: The property owner owns both parcels and they are requesting to combine both parcels into one for tax purposes. There are pictures provided in the packet and the Planning & Zoning Board recommended approval.

Commissioner Fahl moved to approve the Summary Plat Amendment at 1075 E. Riverside. Mayor Pro-Tem Hechler seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

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

City Manager Gonzales reviewed the Purchase Requisitions over \$20,000 provided in the packet.

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

6. Discussion/Action: Award RFP #23-24-004 to Smithco. Construction Inc. for On Call Repair Services.

Assistant City Manager Alvarez: We went out to RFP for on call services for contractors, similar to what we have done for our engineering processes. If we have a waterline that our water department can't fix, and we would have to procure services, we have some local contractors that we reached out to for quotes. If it is anything estimated over \$20,000 per our procurement policy, we have to get 3 quotes. If it is an emergency, but does not qualify as an emergency per procurement, the typical process has been to procure Smithco. or CES services, then we don't have to have quotes. However, that costs us a 1.5% additional fee, so by going out for on call services, the hope was that we would have locals put in their RFP, which we did have two that put in, and then we can award them contracts and our departments can reach out to them when they need something, and request a task proposal, and we can procure them directly based on their cost at the time.

Unfortunately, we only had two put in an RFP, so we are requesting to award both of them, but we hope to potentially amend our RFP process. City Manager Gonzales is working on amending some of our RFP processes to maybe not make it so cumbersome for our locals to put in a bid.

Commissioner Fahl moved to approve the award of RFP #23-24-004 to Smithco. Construction Inc. for On Call Repair Services. Mayor Pro-Tem Hechler seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

7. Discussion/Action: Award RFP #23-24-004 to Global Maven Enterprises, LLC for On Call Repair Services.

Mayor Pro-Tem Hechler moved to approve the award of RFP #23-24-004 to Global Maven Enterprises, LLC for On Call Repair Services. Commissioner Harrelson and seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

8. Discussion/Action: Tech 45 Airport Management Contract Modification.

Item was moved after item D2.

9. Discussion/Action: State of New Mexico Department of Finance and Administration Local Government Division Community Development Block Grant Program Grant Agreement.

Assistant City Manager Alvarez: The city received planning grant funds from CDBG in the amount of \$50,000 with a cash match of \$5,000. This will go towards the update of our comprehensive plan in order to apply for future CDBG funds, it is a requirement that we update our comprehensive plan. We have been working on this for 3 years. They haven't had any planning grant money until now. We will be required to go out to RFP for engineering services. I anticipate the update to be more than \$55,000 so we will have to have some skin in the game locally as well. I will keep the Commission updated.

Commissioner Fahl moved to approve the State of New Mexico Department of Finance and Administration Local Government Division Community Development Block Grant Program Grant Agreement. Commissioner Harrelson and seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

10. Discussion/Action: FY24 State Grants-in-Aid to Public Library Grant Agreement.

Assistant City Manager Alvarez: This is the annual State Grants-in-Aid to Public Library Grant to supplement and encourage local efforts in providing local library service. The amount of the FY23 Grant allocation is \$15,528.57 that includes shares for the eligible library branch. We received this one really quick and it required signature prior to the meeting so we sent it off for Mayor Forrister to sign letting them know that it would not be officially approved until this meeting and they were fine with that.

Commissioner Fahl moved to approve the FY24 State Grants-in-Aid to Public Library Grant Agreement. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

11. Discussion/Action: Approval of City Attorney Contract Renewal for Jaime F. Rubin, LLC.

City Manager Gonzales: This is year three of a possible four-year contract. The only thing we changed is the date.

Mayor Pro-Tem Hechler moved to City Attorney Contract Renewal for Jaime F. Rubin, LLC. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

12. Discussion/Action: Review, Approve and/or Allocate Funds to SCRAGS.

Tammy Gardner, Executive Assistant reviewed the SCRAGS Lodgers Tax Application provided in the packet, and stated that the requested amount was \$18,840.00, but only \$15,190.00 was approved by the Lodgers Tax Advisory Board. This application is for the 2024 Truth or Consequences Rock & Gem Show.

Mayor Pro-Tem Hechler made a motion to allocate \$15,190.00 to SCRAGS for the 2024 Truth or Consequences Rock & Gem Show. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer.

13. Discussion/Update: Acknowledgment of November 7, 2023 Election Results and Official Canvass.

City Clerk Torres: After every election, we bring the Election Canvass to the Commission so it can become part of the minutes, and public record. In the past, each candidate would run for the positions that were open. However, this year they changed it to where everyone runs at large, and the candidates who receive the highest number of votes are elected. In this case we had 3 open seats, so the candidates who received the 3 highest votes were elected. For the Municipalities who have "positions" for their commissioners, such as T or C, a position will now be assigned to each Commissioner after each election. Since Amanda and Rolf are already in Office, and hold a position, they kept their assigned position number. Ingo Hoeppner was assigned to the remaining seat.

14. Discussion/Action: Selection of alternative date for the 1st Commission meeting in January 2024.

City Clerk Torres: Since the governing body will be in training on January 10th, we are requesting that you select an alternative date for the 1st meeting in January 2024.

Mayor Pro-Tem Hechler moved a motion to have their 1st meeting in January on January 3, 2024. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

K. EXECUTIVE SESSION

- 1. Limited Personnel Matters (Wastewater Dept.) Pursuant to 10-15-1(H.2).**

This item was moved after item

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

- 1. Limited Personnel Matters (Wastewater Dept.) Pursuant to 10-15-1(H.2).**

M. ADJOURNMENT:

Mayor Forrister adjourned the meeting at 2:59 p.m.

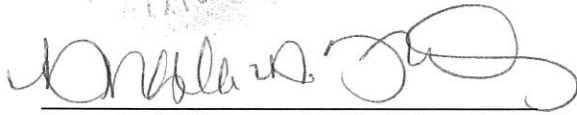
Passed and Approved this 3rd day of January, 2024.

CITY COMMISSION DECEMBER 13, 2023 REGULAR MEETING MINUTES



Rolf Hechler, Mayor

ATTEST:



Angela A. Torres, CMC, City Clerk

Airport Update

12/13/2023

Presented by: Chad Rosacker
Tech 45 Airport Management



Airport Lounge Remodel:

Paint, all new furniture, new decorations, tables window treatments, and a 70" TV.... And many happy customers to come!

... A F T E R



Airport Maintenance Hangar Lighting upgrade and more...



Aircraft Maintenance team has been built!

- Truth or Consequences is quickly becoming a perfect place to have your aircraft maintenance needs addressed!
 - We have 4 aircraft mechanics and 2 Inspection authorization personnel who are on Tech 45's list of on-call personnel to take care of any scheduled or unscheduled maintenance needs of aircraft operating out of the airport 24/7!
 - These individuals are from Las Cruces and Santa Fe, and include one individual who will be keeping their maintenance vehicle complete with everything they need at the airport. We even have a mechanic who can fly in on their own aircraft to take care of emergency needs!
 - This is a vast improvement over past years, where finding maintainers at the airport had been difficult.
 - Tech-45 is available for calls 24/7 to dispatch emergency maintenance personnel for the airports patrons!

Dirt runway upgrade...

- We have configured our equipment to utilize a very large roller that is improving the quality of our already fantastic dirt runways!
- Next step with this is to get the runways tested for hardness and other aspects that may allow for large transport category military aircraft to land at the airport and bring a significant business increase to KTCS. More to come!



Grant Request In work...

- **Airport maintenance hangar** – we are putting together a comprehensive grant request to deliver to the state DOT aviation division, as well as the FAA for the erection of a large maintenance hangar to house all of our beautiful equipment and inventory items at the airport. This will allow for the pippen hangar to be used as an income source for the airport moving forward and create yet another feature that attracts patrons to our area.

Airport master plan updates

- Starting in January, Tech 45 will be looking at the current airport master plan, and work with City management to move forward creating a plan that brings the future of the airport into clear view and makes it a lasting, and impactful part of the New Mexico aviation community, and the communities of the T or C area. This will be a months long endeavor which will culminate in the approval of the plan through engineering and city government.

Truth or Consequences Fly in Date Chosen!

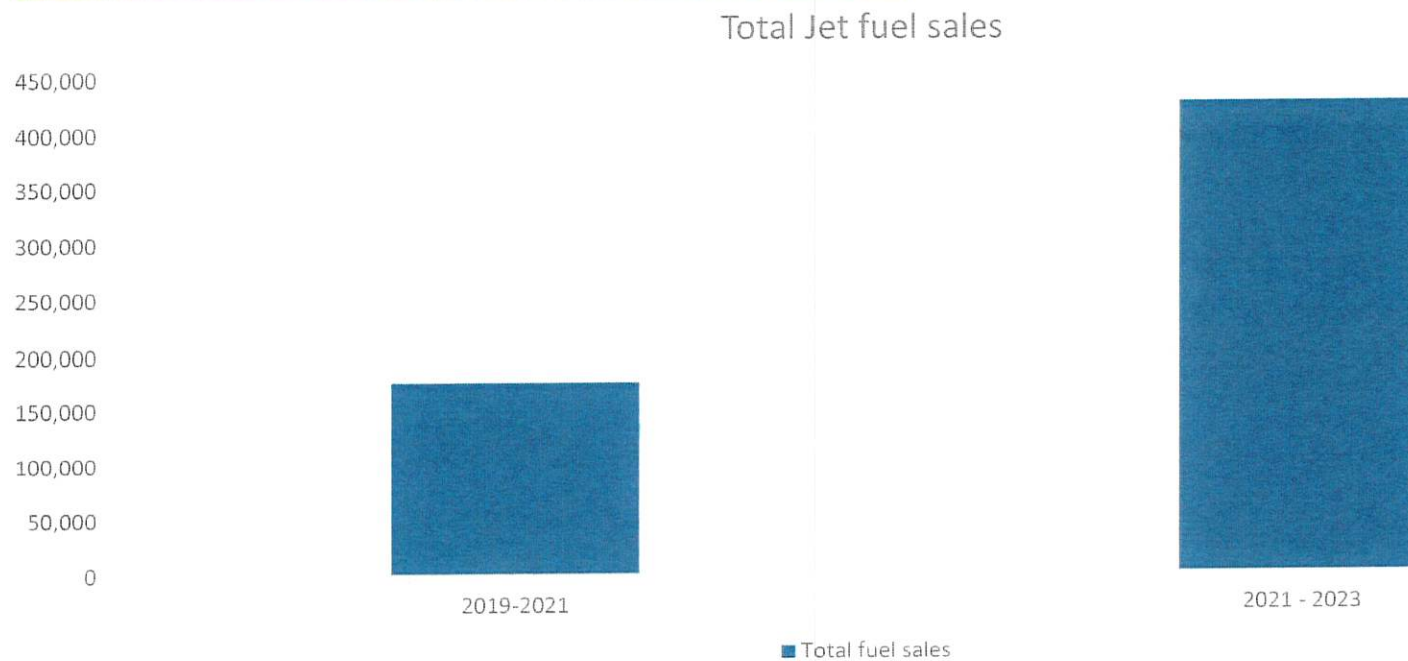
- For the consideration of the commission we would like to get approval to hold the first annual T or C fly in at the airport on 4/13/2024!!
 - Participants will fly their aircraft in on Friday and Saturday morning.
 - We will have the airport open to the public all day on Saturday where they will be able to participate in many activities and visit our vendors and food trucks. As well, we hope to have some flying demonstrations and a spot landing competition.
 - We will have a “peoples choice” award for a number of categories for the show. Much like a car show, Visitors will be able to vote for their favorite plane at the fly in.
 - Tech 45 will be the primary sponsor of the events, which include an indoor paper airplane flying competition with trophies for the furthest distance and time aloft!
 - All aspects of the fly in will be planned and managed by Tech 45 Airport Management.

Fuel sales plan outline...

- Tech 45, working with the City of T or C, will continue to monitor and adjust our fuel prices to be competitive and continue to gain momentum in fuel sales quantity, with a focus on selling Jet-A fuel to larger customer aircraft.
- Textron Aviation (Cessna) has started using our airport for flight testing and plans to continue that relationship. We will be searching out other customers to utilize the airport a well, including our local military installations. We are completing the last steps for our airport to be 100% prepared for this, to include manpower increases. The preparations at the airport over the last 12 months especially have allowed us to get to this point. Stop by, our airport is beautiful!

Fuel Sales comparison: 2 years prior to Tech 45 and 2 years since....

243% increase in fuel sales



Questions?

AD Comments – dec 13, 2023

From: ARIEL DOUGHERTY

3rd Hearing **Ordinance No. 761** An Amending Section 14-45 of the Code Pertaining to Electrical Rates

One :

Public Hearings are important ways in which you Commissioners can hear from the public and get their input. Please do not bury them in a long agenda. This is disrespectful of your citizens & our time.

Members of the public who have considered and important contributions to make on public matters thereby have sit through often times a long agenda. I have been in these meeting when a manager report went on for over 45 minutes.

As structured today – the hearings are dated – but no specific time is given. I urge you in the future to hold all public hearings at a specified time.

Two:

By City staff and the City attorney there was a great deal of confusion these past weeks on actually how many citizens of Truth or Consequences voted in the November election. Logic and common sense did not prevail. Problems from the Secretary of State office lead the City to believe that almost twice as many people voted in November than have voted in TorC historically. While I expect better accuracy from the SOS office, I equally expect better common sense from our local staff.

I bring this up in regard to the non-sensical and punitive Opt Out charge for non AMI customers. Here is a chart of many states or communities charges. TorC's rate is more than twice any other community. I urge on Ordinance 761 a vast reduction of this fee especially for a community such as ours with a 27% poverty rate and a very high percentage of seniors on fixed incomes. \$15 would be reasonable.

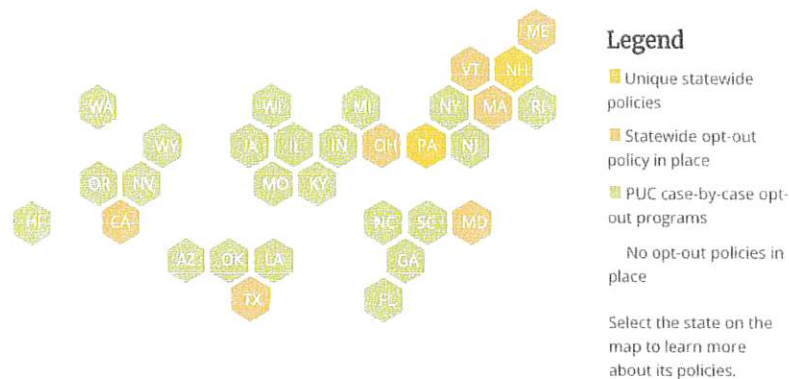
I can not stay for the hearings, and I hope you will consider this issue in discussion of Ordinance 761.

OPT OUT Smart Meter Fees per Jurisdiction

Table with 1st annual and ten year projections
created by Ariel Doughertybased on data at: <https://www.ncsl.org/research/energy/smart-meter-opt-out-policies.aspx>

National Conference of State Legislatures

Interactive Map: Smart Meter Opt-Out Policies



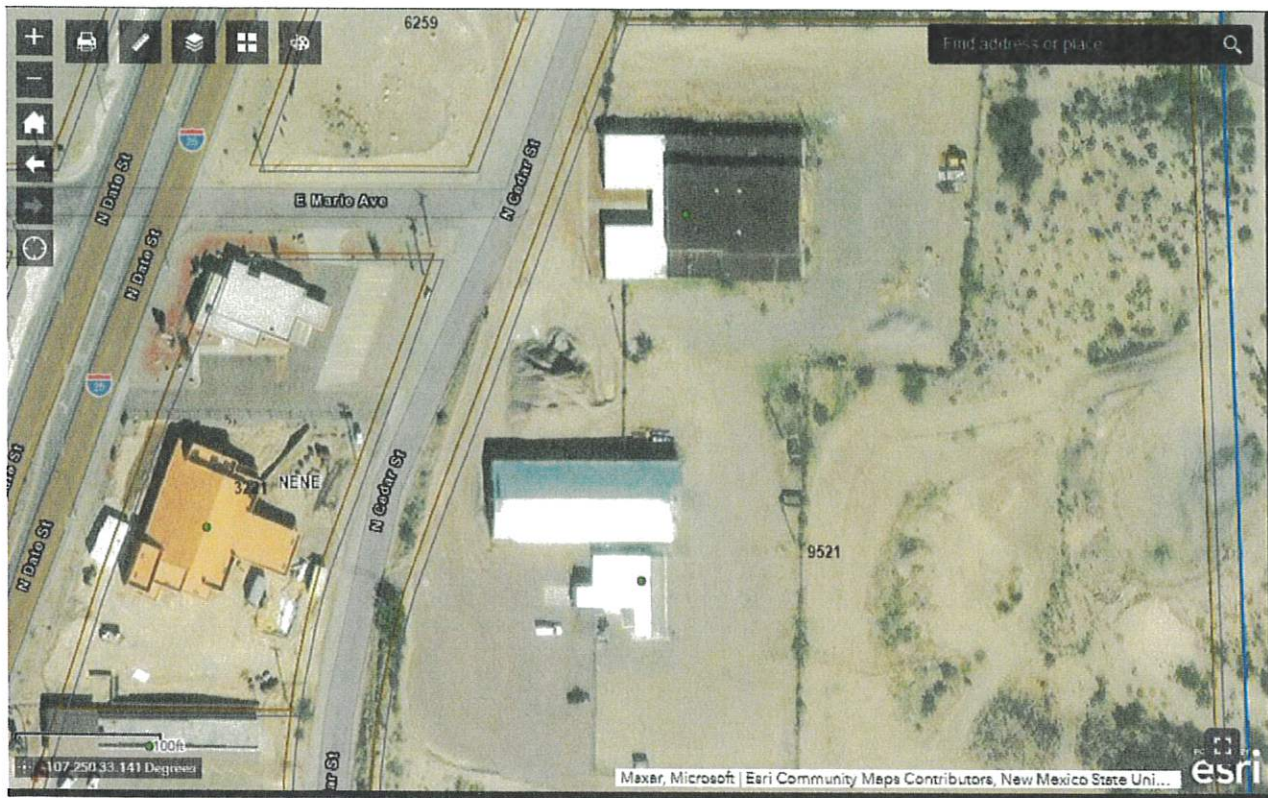
JURISDICTION	NOTES	One time Fee	Monthly Fee	1 st Annual Costs	Ten Yr Costs
TRUTH OR CONSEQUENCES	Policy enacted after blanket installation on smart meters on most customers with no prior notification. Now highest penalty fee in the US.	None	\$50	\$600	\$6,000
New Hampshire	Requires written consent from customers to allow installation	No opt out fees			
Vermont	State wide	No opt out fees			
New Mexico	Public Regulation Commission ¹ denied smart metering to PNM, due to “uncertainty of savings for ratepayers”				

¹ Truth or Consequences electric system, municipally run, is not regulated by NM PRC (nor federal FERC) But it must still follow enacted NM state law.

Resubmitted to TorC Commission – Dec 13, 2023

Rhode Island	A utility charges a one-time fee	\$27.00	Range \$9 to \$32	Range \$135 to \$555	Range \$1,107 to \$4,011
Texas	A utility charges a one time fee	\$171.00			
California	State policy	\$75.00	\$10.00	\$195.00	\$1,275.00
California	State policy income-qualified	\$10.00	\$5.00	\$70.00	\$610.00
Kansas	Public commission left decisions to utilities				
Kentucky	Public commission opposed to opt outs but allows exceptions				
Idaho, Wisconsin	Public Commissions denied request for opt out				
Pennsylvania	By statute no opt out process				

Armory Property



The ~13,000 sq ft Armory is only part of the Sierra County Assessors Parcel number 3022078033068 property assessment, along with the large Storage building and Animal Shelter.

The expenditure of \$4,500,000 (\$6,200,000 with interest would not raise the full value of the property by that amount and would merely increase the Exempt Tax value which does nothing for the community. Per County Assessor.

A potentially favorable use of the building(s) would be to sell to a commercial entity for Tax Revenue producing purposes rather than Tax Consuming use as proposed. The "engineering assessment" stating that renovation would be less than new construction is deceptively designed to corroborate a factious need.

A new construction would not require 13,000 sq ft to improve the perceived needs of a new Chief of Police as a replacement for the current 5,000 sq ft building, in use for the past 17 years in a community that has seen a population drop from 2000's 7,400 to today's 5,977¹, when TCPD operated for years from a 2,500 sq ft building now the Admin Annex building.²

¹ <https://www.census.gov/quickfacts/fact/table/truthorconsequencescitynewmexico/PST045222>

² Research and Report by Ron Fenn

ALTERNATE PROPOSAL



This location, the former Sierra County Annex building at 855 Van Patten St. was proposed as an alternative to the costly renovation of the Armory building by a former City Commissioner and retired professional businessman and prominent member of the T or C community.

The Building recently, vacated by the County for its new location on Date Street has approximately 7,500 sq ft of office and meeting space and is in excellent very likely move-in condition.

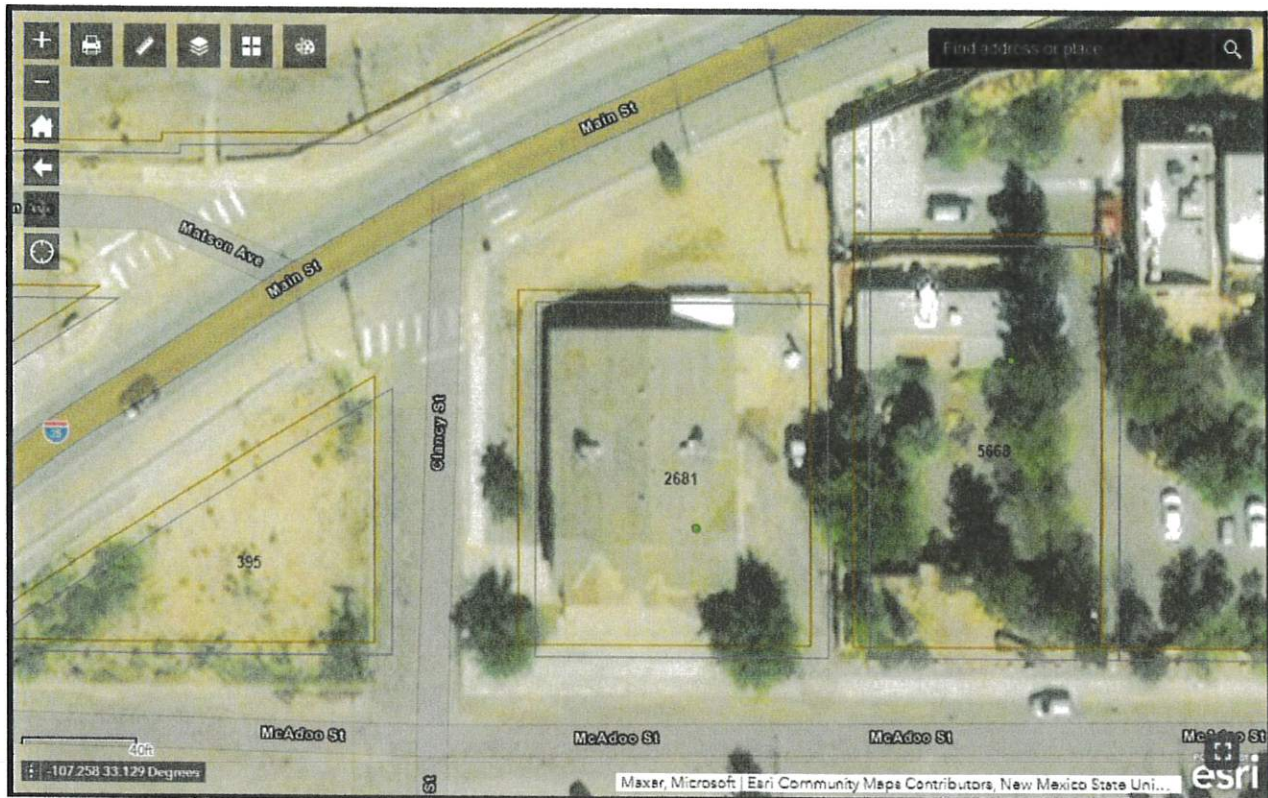
The building is very secure with limited access points and no windows. The property has an extensive parking area that could be fenced and divided for other use.

Any required or desired modifications could be done on a need and funding basis while in occupied and operated as a police station. Location is close to the downtown and on a major access route.

This building has a significantly lower Property Tax Exemption which is good for the community and lower operating cost than a building nearly twice the size.

Please consider and contact the County for acquisition negotiation.

TCPD BUILDING



The current Police Station at 507 McAdoo has served the T or C community well for the past 17 years and though criticized for its origin and possible shortcomings could well continue to serve the community for years to come without the expenditure of over 6 million dollars while the City suffers from real water, sewer, electric and street problems associated with long-term neglect and lack of planning for upgrade and replacement.

Though it might be sold, due to its modifications as a police station its privately appraised value in 2017 was only about \$250,000. That amount could offset the cost of the 855 Van Patten property significantly more than the proposed Armory renovation. Under the "Best Use" principle concerning the public monies it is a no-brainer.

Given the proposed Resolution 21 23/24 declaring an emergency and disaster it would seem inconceivable to move ahead with this expenditure notwithstanding the probable rejection by the voters in a Special Election.

Please consider rescinding Ordinance 756 before its execution date and possibly avoid the prospect of its defeat by the voters. Thank you.



Search by [Owner #](#) [Owner Name](#) [Mailing Zip Code](#) [Property Code](#) [Physical Address](#) [Subdivision](#) [Metes](#) [Assessor Map Lookup](#)

Owner Information

Owner # 2681 District 6 IN
CITY OF TRUTH OR CONSEQUENCES

505 SIMS ST
T OR C NM 87901

Estimated Taxes for Owner

Estimated Tax	Estimated Year used
\$0.00	2023

Recap Value Information

Central Full Value	0	Full Value	332304
Land Full Value	49440	Taxable Value	110768
Improvements Full value	282864	Exempt Value	110768
Personal Property Full Value	0	Net Value	0
Manufactured Home Full Value	0		
Livestock Full Value	0		

Property Information

Property Code 3022078300488
Book 106 Page 1255 Reception# 0
Physical Address 507 MCADOO
Bldg Apt
Subdivision PALOMAS, HOT SPRINGS TOWNSITE
BLOCK 3 LOT
BLOCK 3 LOT
LOTS 31,32,33
25'X 120' ADJ LOT 33
POLICE DEPARTMENT

Property Value Information

008 Non-Residential Other Exemptions 0.00 110768

Search by Owner # Owner Name Mailing Zip Code Property Code Physical Address Subdivision Notes Assessor Map Lookup

-Owner Information-

Owner # 8392 District 6 IN
COUNTY OF SIERRA
ATTN ADMINISTRATIVE OFFICE SUITE D
1712 N DATE ST
T OR C NM 87901

-Estimated Taxes for Owner

Estimated Tax	Estimated Year used
\$0.00	2023

Recap Value Information

Central Full Value	0	Full Value	475887
Land Full Value	61362	Taxable Value	158629
Improvements Full value	414525	Exempt Value	158629
Personal Property Full Value	0	Net Value	0
Manufactured Home Full Value	0		
Livestock Full Value	0		

Property Information

Property Code 3022079418085
Book 114 Page 200 Reception# 200901448
Physical Address 855 VAN PATTEN
Bldg Apt
Subdivision PALOMAS, HOT SPRINGS TOWNSITE
BLOCK 17 LOT
LOTS 1 THRU 6, S2 OF LOT 7 LESS
HYW W50' OF LOTS 17 THRU 20
2761.5 SQ FT IN VACATED ALLEY

-Property Value Information-

008 Non-Residential Other Exemptions 0.00 158629



Search by [Owner #](#) [Owner Name](#) [Mailing Zip Code](#) [Property Code](#) [Physical Address](#) [Subdivision](#) [Metes](#) [Assessor Map Lookup](#)

Owner Information

Owner # 9521 District 6 IN
CITY OF T OR C

505 SIMS ST
T OR C NM 87901

Estimated Taxes for Owner

Estimated Tax	Estimated Year used
\$0.00	2023

Recap Value Information

Central Full Value	0	Full Value	1160070
Land Full Value	345360	Taxable Value	386690
Improvements Full value	814710	Exempt Value	386690
Personal Property Full Value	0	Net Value	0
Manufactured Home Full Value	0		
Livestock Full Value	0		

Property Information

Property Code 3022078033068
Book 125 Page 969 Reception# 201501254
Physical Address
Bldg Apt
Subdivision COUNTRY CLUB HEIGHTS
BLOCK 13 LOT
BLOCK 13 LOT
LOTS 1,2,3,10,11,12
COUNTRY CLUB HEIGHTS
BLOCK 14
LOTS 1,2
COUNTRY CLUB HEIGHTS
BLOCK 15
LOTS 1,2, VACATED MARIE ST
COUNTRY CLUB HEIGHTS
BLK 16
LOTS 1,2,3, VACATED MARIE ST
COUNTRY CLUB HEIGHTS
BLOCK 19
LOT 7, VACATED MARIE ST
(OLD NAT'L GUARD ARMORY)

Property Value Information

008 Non-Residential Other Exemptions 0.00 386690

