

**CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
CITY COMMISSION CHAMBERS, 405 W. 3RD St.
WEDNESDAY, AUGUST 28, 2024**

A. CALL TO ORDER:

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

B. INTRODUCTION:

1. ROLL CALL:

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

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

Also Present: Angie Gonzales, City Manager
Traci Alvarez, Assistant City Manager
Jay Rubin, City Attorney
Angela A. Torres, City Clerk-Treasurer
Arnie Castaneda, Water/Wastewater Director
Luis Tavizon, Chief of Police
Jocelyn Holguin, Finance Director

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

2. SILENT MEDITATION:

Mayor Hechler called for fifteen seconds of silent meditation. He asked that everyone keep the family of Robert Johnston in their thoughts and prayers. He was a retired Border Patrol agent who took care of Sierra County. He will be missed in this community. He also asked that everyone keep the family of Helen Dogie Chavez in their thoughts and prayers. She was a lifelong resident of Sierra County from a long time ranching family. She was a registered nurse who provided comfort to many people in her lifetime.

3. PLEDGE OF ALLEGIANCE:

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

4. APPROVAL OF AGENDA:

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

C. PRESENTATIONS:

1. Cantrell Dam Design and Estimated Cost Estimates.

Stephen Ingles-Garcia, Wilson & Co. gave a presentation regarding the Cantrell Dam Design and Estimated Cost Estimates. (Complete copy attached hereto and made a part hereof).

2. Update Commission on Airport Terminal Apron Project and Funding.

Cheryl Rodriguez, Project Manager, Delta Airport Consultants, Inc. gave a presentation regarding the Airport Terminal Apron Project. (Complete copy attached hereto and made a part hereof).

3. Progress of the Louis Armijo Sports Complex Master Plan to date.

OJ Hechler, Community Services Director presented the progress of the Louis Armijo Sports Complex Master Plan. He also stated that he is partial towards option #2 (Complete copy attached hereto and made a part hereof) because they currently have the three baseball fields at the complex. He also feels that a good start for phase 1 should be where the soccer fields are now. He also mentioned the Recreation Board's concerns regarding parking, shade structures, and the pond. They will have another update presented in the future, and another public meeting will be held on September 12, 2024. They welcome any feedback from the community.

D. PUBLIC COMMENT (3 Minute Rule Applies):

Janice Gray addressed the Commission with comments related to:

- She asked if the Commission had looked into getting funds for another dump. She also asked if they had a chance to look at the cost of what the garbage is costing residents and what income is coming in from that. She has two properties in town. One is in a commercial area and the other is in a residential area. She pays approximately \$69.57 a month, at 402 Main for a dumpster, and she only puts around 6 bags of trash in that dumpster in a month. That works out to \$11.60 per bag for her. We have around 16 businesses on the Southside of Main Street where she lives, and if all of those businesses are all paying \$69.57, that works out to \$1,113.12 a month which adds up to \$13,357.44 a year for that one block alone. That is a significant amount of money just for one block. Her other

property on Veater is costing her \$34.69 a month. That property is a shop building that belongs to her husband, so he might put up to two garbage bags in the polycart.

Steve Green addressed the Commission with comments related to:

- He thanked the mayor and staff for listening to their concerns about Ordinance No. 766 and making some adjustments. He knows that you never get everything in negotiations, but he appreciates what the city has done and how you listened.

He then listed some errors he noticed within the proposed ordinance:

- 11.4: It shall be unlawful for any business... It should say any business(es).
- On the page that is past 11.14.1 which says *organic yard debris*, it should say *large organic debris*, so it is the same as what appears in 11.6.6.
- Under the Exempt Service Collection, where it says *the second bullet point Submit the completed application to the Solid Waste Department (see application for submission options)*. There is no attachment to this document for that application.
- The next page talks about a possible administration fee, which would have to be done by a resolution, so that will be coming back to the public and commission at some later date.
- People who are injured, and people who have physical disabilities might not remember to re-up on July 1, so wouldn't it be easier for the sanitation driver who is handling that person, to have a flyer produced, and in June, they can give it to the customer as a reminder because people forget.
- If you're going to consider an administration fee, does that fee fall under the ADA guidelines. That is something we don't want to get caught in. We don't need that negative publicity if it's against ADA rules to charge another fee for a service for a disabled person.

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

- Last week they had the Arrowhead Center from NMSU come up and do training for local businesses on developing their business models. We had several local businesses take advantage of that. They provide a good network of advisors once a business goes through that training, so that is something that will be ongoing. They will have more sessions in the future, so we will keep getting the word out about that.
- They scheduled our show of hands event for October 10th, and that's where the public will vote on the best of the finalist's proposals and chose the winner of \$5,000 toward their project.
- She called Santa Clause the other day and he has agreed to come to T or C for the Old-Fashioned Christmas on December 13th.

E. REPORTS:

City Manager Gonzales reported the following:

- We have been working very diligently internally on reviewing utility billings. I cant fix waterlines if I don't have revenue coming in. It costs \$115 a ft. for a waterline to be fixed. This room in the Commission Chambers is 38ft. and to fix a waterline, just the width of this building would cost \$4,300, so anybody who owes money better be ready because we are going to go after them.

a. PD Update.

Chief of Police Tavizon reported the following:

Statistics for August 2024:

- Officers responded to 878 calls for service.
- 99 ACO calls for service. We filled those two positions, and they are currently in training.
- 17 motor vehicle accidents.
- 8 SCI (CYFD) calls.
- 3 SRO Reports.
- 3 DWI/DUI.
- We had two Officers that were certified in crisis intervention training this month, which helps with people that are in crisis.
- We had an Officer get certified in narcotics investigations.
- We have two certified Field Training Officers on the patrol side.
- We have two Officers trained in background investigations.
- 183 Traffic Stops.
- 138 Citations/warnings (Including handwritten).

Chief Tavizon addressed a concern that came up at the last meeting about our public restrooms in the parks. The cameras do work at these parks. The problem is that we don't have an attendant at these restrooms and shy of somebody coming forward as soon as they see that damage, there is no way to tell when that damage occurred or who caused the damage. And for prosecution purposes, we have to prove in court without a reasonable doubt that the individual performed that criminal act and conducted that criminal damage to the property. Therefore, you all came to the conclusion that it was expensive to replace the damaged property. It cost \$5,800 to fix the vandalism that happened at Ralph Edwards Park, and the cost of damage at Family Park was \$2,600. That is just one event at each one of those parks. I know there were some concerns about restrooms, but from what I understand, the restrooms have been fixed and they are available to people who rent the park, but they are closed to the public otherwise. We are not the only city that has these parks that are closed. I was in Deming for 8 years and none of the parks there had access to restrooms. You had to understand that when you went to the park, you had to make other arrangements to use the restrooms. In order to get any kind of resolution, without having any cameras in the

restrooms, which I guarantee nobody wants in this country, to have the government spy on their restroom habits, it is very difficult. That is why we tried to push for the community to assist us and report it if they see something. It's great if it works, but they have to be willing to do it, and it takes a lot because they have to go testify in court, and now this individual knows who it is and so it is difficult to get it, and it is very rare that we do. I support your decision in closing the restrooms and only having them open for certain events, but of course it is going to be your discretion in the future if you want to pay this kind of money continuously. I imagine that we would eventually run out of money to fix these parks, and other things will fall shy of being able to be accomplished because we are having to pay to replace the things that have been vandalized.

Mayor Hechler: We kind of identified who the perpetrator was for the main part of the vandalism, or at least we have a good idea of who it was. I believe it was a homeless person, and when you have a homeless person, you can't prosecute, and you can't fine them because they don't have any means to pay back anything, so you are kind of stuck with it. If you leave these bathrooms open all the time, it kind of fosters an atmosphere of where homeless people start gravitating toward that area, because what happens, they sleep in the bathrooms at night, they use the sinks for showers, and they go inside to do the things that they do because nobody can see them so you have to be careful on how and when you open those bathrooms. With all of that, the city decided to open the bathrooms for special events, and on Saturday mornings for the Farmers Market, and when somebody rents that park for a certain area, they will have access to the bathrooms. On the back part of that, we closed the bathrooms and put portable toilets out there for a while, and lo and behold one morning drug paraphernalia found in bathrooms, and if we had exposed one of the kids or someone else to that paraphernalia and we had an overdose, that would have been one heck of a lawsuit for the city, so you have to be pragmatic about these things. You have to think ahead of these things, and after listening to that demeaning and condescending gentlemen that came down last time and talked about it, he doesn't have a clue about what is going on, so that was the reason why we closed the bathrooms and why they remain closed.

School Resource Officer, Ted Ontiveros gave a presentation regarding signage around the schools. (Presentation attached hereto and made a part hereof).

Assistant City Manager Alvarez explained that they have a plan in place to address the problem.

Mayor Pro-Tem advised staff to collaborate with the schools because she is sure that they agree it is needed.

b. Streets Update.

Buster Smith, Streets Manager gave a Streets Department update. Complete copy attached hereto and made a part hereof.

Arnie Castaneda, Water/Wastewater Director update.

Mayor Hechler: I'm really looking for some relief for the elementary school and the hospital. I know that we've had boots on the ground for the last 6 weeks or so while trying to find and turn valves and do some of those things to no avail. It's not because we haven't tried. We even entered into a professional services agreement to help us find those valves and we still weren't able to figure those things out. I am feeling that we are at the level where we have to do something, and I know that you've been planning some of these things, so I'd like to hear what that might be because we have an elementary school that's renting portable toilets and not being able to turn water on in the kitchen and facilities at the same time. We have a hospital that has to put on fire watch because they don't have enough pressure, and we need to get some relief for these two entities which are very important to our community. I am really interested to see what the next plan of action is or what we can do, and what your recommendations are.

Arnie Castaneda, Water/Wastewater Director: I got word about a week or a week and a half ago that the elementary school was doing good with their pressure, so I kind of left it alone. We have been checking pressure and fire hydrants throughout the areas that we think were the problem. We bumped into a valve just north of the golf course that connects a high-pressure line going into the upper zone and connects upper water to the system which the main line would be running through the high school. Our crew found that it was a hydrant valve. It was just a line valve that we opened so got higher pressure in that area. We checked the pressure inside the campus of the elementary school, which was normally 20 psi with this problem, and once we opened that valve, we jumped up to 42 psi. That was the last I heard. I haven't gotten any complaints from the elementary school. The pressure gauge that we have at the hospital was showing around 45 psi and now it is showing 55 psi. I thought the problem was solved. I haven't received any calls from the elementary school or the hospital, so that's where I thought we were at. If they are still having problems, we haven't heard from them.

Mayor Hechler: Well, I'm glad you said that because I've been getting calls. I'm going to ask you to do this. Would you please go back out and check with these people, check with Chad, and then check with the hospital. The hospital said that they're getting an increased pressure, but not enough. They need to have 60 psi. When they built the hospital, they had 60 lbs. of pressure so they built facilities around 60 lbs. of pressure, and for whatever reason we lost pressure and they're not able to run their fire suppressing units right now, so we've got to solve that problem. I got several comments from the Elementary School and the pressure has gone back down to some degree. They are still having to operate the kitchen independently of the other facilities. That's not something that we need to have done, so instead of waiting for them to contact you, would you mind contacting them and just do a weekly follow up with them, and make sure that we stay on top of this thing. I would really be interested in hearing what our solution is going to be. If it is going to be an up and down thing with our valves, and we solve the problem for a week, but it goes back down, that's not going to be something

permanent that we are going to be interested in. We need to come up with a permanent solution so that we can guarantee these folks the pressure that they need.

Arnie Castaneda, Water/Wastewater Director: The city had contracted with Wilson & Company to be more specific and find a problem area. They are continuing to do that, and one of the solutions that they recommended was to do a bypass from the high pressure zone to a zone that is having pressure problems. There are two locations where we might do that. That was the last plan. We have not moved forward again, because I thought that we had solved the problem. I will contact Wilson & Company to get more details to see if we can get that accomplished sooner than later.

City Commission Reports:

Commissioner Hoeppner reported the following:

- A couple of days ago we had another big rain, and luckily enough it didn't come into the downtown stores, but it only rained for 10 minutes, and it flooded completely. The water was around a foot deep on my front door. The water is draining pretty fast so as a temporary solution, when there is a forecast of a flash flooding, maybe one of the officers could close Broadway for the 15 minutes that it is raining. The waves are what bring water into the stores. Not the drainage itself.
- I will be part of the Recycling Committee in the future to represent the city. I am looking forward to this new experience and making a difference for a better future.

Commissioner Mitchell reported the following:

- I went into point out on chief's point about the bathrooms at Ralph Edwards Park. We had an event there on Saturday and it was fairly well attended, and the bathrooms were open, and they were clean. We didn't have any problems with using the facilities during the event. Thank you for allowing us to do that. I think it will continue to keep those areas from being vandalized.
- I was at the elementary school giving a presentation as a city commissioner. I was asked to come talk to a group during class. One of the teachers did ask me about the water issues and I tried to give an explanation. It's going to be here in update, but I do think we need to more communication with the schools. With all of our issues really being ahead of it and proactive as opposed to waiting for complaints.
- MainStreet T or C is going to be putting together a Way Finding Committee.

Mayor Pro-Tem Forrister reported the following:

- I attended the Sierra County Commissioners meeting on Tuesday. I was there as a fair board member, and they are almost 90% done with the design and so we all know how those things go. Hopefully soon they will start breaking ground and we will have nice new facilities over at the fairgrounds. Which makes me to push them more to support our Cantrell Dam situation.

Mayor Hechler reported the following:

- On August 15 myself, the city manager and the assistant city manager met with South Central Council of Governments to talk about a couple of grant opportunities. One of them is a commercial park with dedicated HOV property that could be donated to the city we are working on a grant in that regard. The second thing we are working with them on is to apply for a grant for community planning or metropolitan redevelopment plan or community master plan. The last one we did was obviously October 2014 it's time to revisit that. I'm hoping the grant will be between 4 and 5 hundred thousand dollars so it will be comprehensive, and I will include the entire community. I'm really interested in what we can do with facilities like Lee Belle Johnson Center, the old armory I want all that to encompassed in this planning. We will get some guidance and direction into that, but we are applying for economic development association grant with the federal government in that regard so hopefully I will be able to report somethings to you on that down the road.
- I had several meetings with Mayor Green over the last 6 weeks or so. We have hammered out the sanitation ordinance and talked about that extensively so appreciate your time and effort I know that is a passion of yours.
- I'm working with the city right now trying to figure out what we are going to do with the weeds in the roundabouts. I know we have a couple of bids to spray the roundabouts a couple times a year. One of them would be emergent to take care of the seeds and the other one to take care of the weeds. I know that the longer we wait the more physical work we are going to have to do at the roundabouts so I'm hoping we get that resolved soon. Thank you, guys for your efforts in that regard but let's keep pushing on it so we get those things taken care of.
- I want to thank Ron Pacourek for bringing this to our attention. On August 29th we actually have a meeting with the USBOR and the county emergency personnel regarding the functional training and exercise for an emergency action plan for the dam. It will be at the Richard Copper Training Center. I have already signed up for it. I know the chief has signed up for it. I know that the county emergency planner signed up for it. We will have several folks there that will actually go through the scenario if we have some issues with the dam or even the surrounding arroyos like Mescal and Cuchillo when they receive heavy rain fall and flood the river below the dam it doesn't really do any good to shut off the dam because when you shut it off it takes several hours to do that. That is what happened last time when we almost had a flood was the arroyos to the side filled up our river channel and it caused some issues for the people on Riverside. I'm sure we will be discussing some of that and I'm hoping to have a report for you in that regard down the road.

City Attorney Rubin reported the following:

- I handed the commissioners a copy of the order that was entered District Court in Catron County in a case with Augustin Plains Ranch LLC versus the State Engineers office. A decision here actually directly benefits the city. What happened here was that applicant Augustin Plains Ranch filed an application for a permit with the state engineer's office and the seeking to appropriate

underground water to divert and use the waters from the San Augustine base in Catron County. If you take a look at the second page of the orders paragraph 5 it tells you this again this is the courts findings, the APR application request a new ground water appropriation in the amount of 54,000-acre feet per annum for 37 wells in the Rio Grande Underground Water basin for municipal and commercial sales purposes. Now this case was filed 6 years ago but we were concerned that application could have potential of affecting our own water rights so we joined a protest filed by the Cuchillo valley Community Ditch Association and as I noted this case has actually been pending for 6 years it was in the engineers office it was in district court it went back the engineers office and then back to district court and then we had this ruling from the district court that was entered last week. The order was found in favor of the protesters and against the applicant. I thought it was interesting because the applicant files were really not specific as to where it was coming from and most importantly what the proposed uses of the water would be. If you take a look at paragraph 16 on page 4 again we are talking about the judges findings hear and it is quoted here " Speculators are water rights owners who do not beneficially use the water rights and provide' merely expressions of desire or hope' to use the water rights at an undefined point when it is financially profitable" and if you take a look at paragraph 21 the APR application does not specify the quantity of water to be appropriated except a generalized 54,000 afy. The exact amount to be appropriated will not be determined until Stage 2. There is no specific breakdown of how much water will be used among multiple purposes of use. While the breakdown may be based on demand, the application contains no confirmation of demand. The bottom line is even though this matter was pending for 6 years the application did not have their correct specifics it was needed so their application was denied.

D. ORDINANCES/RESOLUTIONS/ZONING:

- 1. Discussion/Action: Resolution No. 13 24/25 approving submission of an application for financial assistance to Water Trust Board for Cantrell Dam Breach and Watershed Drainage Improvements Project.**

Assistant City Manager Alvarez: You heard the presentation from Wilson and Company on the Cantrell Dam. We would like to submit an application for an 8 million 100-thousand-dollar grant. We would require a 10 local match. The Water Trust Board is also a 90% grant 10% loan so there would be an 810-thousand-dollar loan associated with the 810-thousand-dollar cash match. The local match would be budgeted from our street department or any other funding that we might potentially receive through Sandy Jones if possible. This is just the first step. The Water Trust Board does require that we submit a resolution allowing us to apply for the funds. Once the funds are awarded, we receive a notice of award. It comes back to the commission again with the actual amount they are awarding, and you guys have to accept the notice of award by resolution. Then they give us readiness to proceed items that have to be submitted once those are all submitted it will come back to the commission for a third time with a

grant agreement. At this time, we are requesting approval of the resolution so we can submit the application.

Mayor Pro-Tem Forrister moved to approve Resolution No. 13 24/25 approving submission of an application for financial assistance to Water Trust Board for Cantrell Dam Breach and Watershed Drainage Improvements Project. Commissioner Hoepfner seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

2. Discussion/Action: Publication of Ordinance No. 766 Amending the City of Truth or Consequences Municipal Code of Ordinances, Amending Chapter 11 Pertaining to Solid Waste.

Assistant City Manager Alvarez: This was brought to you previously and the commission has sent it back for some revisions after the public hearing and discussion. We are recommending some of those revisions. There for it will have to go back out to publication in review of the information we heard during public comment. On page 2 11-4 I think the wording shall be unlawful for a business to collect without having a business license within the city. Under 11-14-1 we note in section 2 that they can put in their small bag organic waste.

City Attorney Rubin: You are saying that is consistent. The comments made by Mr. Green I appreciate that. He was referring to the third sentence to the end on paragraph B "only regular household, business or small organic or debris should be deposited. Then we refer here on the other section 11-14-2 only regular household, business bag garbage shall be deposited. There were some questions about whether that was consistent or not.

Assistant City Manager Alvarez: Weather or not we need to add in the reference to large organic debris should not be submitted to waste. We can make those changes if the commission allows before we put it out for publication. If there is anything else that we missed I made notes at our public hearing at the commission meeting that we had.

Mayor Pro-Tem Forrister: I just want to hit on the admin fees again. I think we making it where if they are disabled, we do not charge that admin fee correct? We can charge an admin fee at our discretion if someone doesn't have documentation of them being disabled but they say they still can't take their trash out, but we seem them doing that for misuse of that.

Assistant City Manager Alvarez: For the publication of the ordinance, we added in the word administration fee may apply so that when we come back to the commission for final adoption of this ordinance and then the resolution for the fees the commission can make that determination if they want to implement an administration fee and if they do

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what the provisions of that administrative fee are. This just sets that guideline in case you guys want to do something with in the resolution.

Mayor Hechler: Mr. Rubin if you wouldn't mind researching the ADA issue.

Attorney Rubin. Yes. What you have in your packet you have the red line and yellow line, but we put together the final draft.

Commissioner Mitchell: I think we should take in account Steve Greens changes.

Mayor Hechler: On page 18 paragraph 3 the last line under the red line it says owner of multiple addresses are not allowed to exchange or remove to from their other properties for exchange. There is a word missing there or somebody explain to me what that means.

Assistant City Manager Alvarez: The purpose of this statement is because you might have a customer that owns 2 different properties in 2 areas of town. Each one of those properties is assigned a poly cart. What had been happening in the past is maybe they weren't using the trash at one location, so they were taking their trash container to their other address to fill up both. The problem with that is when our drivers are out there the drivers don't know necessarily that those are paying 2 separate trashes. They see 2 poly carts at one residence, and we know that they are not paying for 2 poly carts. Then maybe the other place is a rental, and somebody moves in as a rental and then they say they don't have a trash container and all of a sudden, we have 3 out there when we should only have 2. The idea is each trash container is address specific and needs to remain at that address.

Mayor Hechler: Is the term receptacle or poly cart is that term missing from that sentence?

Assistant City Manager Alvarez: Can you tell me the section you are in?

Mayor Pro-Tem Forrister: Its 11-14-1 number 3.

Mayor Hechler: It says owners of multiple addresses are not allowed to remove or exchange. Should poly carts or receptacles from other properties for usage.

Assistant City Manager Alvarez: Yes. I'll probably put refuge containers, so I cover it all.

Mayor Hechler: There are only 22 people that are taking exempt services now from what I understand. In June our admin for sanitation should generate a letter to this residence to indicate starting July 1 we will no longer provide this service unless you reapply. I think that should be automatically generated from our admin at the sanitation department every June. We are in a service industry that's service that we should provide. Can we make sure that gets done.

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Assistant City Manager Alvarez: I did forget to reference one section. The section that you have highlighted in green in your packet is because we saw some discrepancy in what was in the solid waste ordinance versus what was in the billing procedure ordinance. That green section is being changed. It's going to give a direct link to the actual process and procedures.

City Attorney Rubin: It says under 11-12 and 11-13 the city here to the provisions of city ordinance 14-51 pass thorough charges and 14-53 declaration of lien and recovery of past due bills.

Assistant City Manager Alvarez: We put that section in your packet as well for you to reference.

City Attorney Rubin: Yes, its section 11-12 and 11-13.

Assistant City Manager Alvarez: That is to make it consistent.

Mayor Hechler: On the top of the page top of the ordinance under definitions. We got paraded pretty heavy by one of our citizens again. So, city means, and it includes the city, its duly authorized agents, contractors, servants, employees, or licensees. When you look up the word servants in this context the word servants means in law a servant is an employee who works for an employer and is subject to their direction and control. This is different from an independent contractor who operates their own business and has more control over how they do their work. So, it's not what it was represented to be last time the citizens that is what the word servant means in this context. Having recognized that servants is an antiquated term part this ordinance was actually written in 1962, so it's been out there for a while. For that reason, since it is an antiquated term, I don't mind if we strike it from the ordinance.

City Attorney Rubin: The word servants?

Mayor Pro-Tem Forrister: I would help people more when they come with positive suggestions.

Mayor Hechler: If a name change from solid waste management is going to be to recycle and waste collection center. That means if is going to be in our name we have to pay attention to it and recycling is an important component of what our city sanitation should do. So, the name change is going to be Recycle and Waste Collection Center let's put an effuses on recycling. Im glad Mr. Hoepner that you joined the committee. We will see what we can do to make it a better program down the road.

Mayor Pro-Tem Forrister moved to approve Publication of Ordinance No. 766 Amending the City of Truth or Consequences Municipal Code of Ordinances, Amending Chapter 11 Pertaining to Solid Waste with the recommended changes. Commissioner Hoepner seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

G. NEW BUSINESS:

1. Discussion/Action: Civility Legislative Actions for 2024/2025.

Kathy Elliot, Civility Government Relations: I was here a couple of months ago, and after the past year we did our initial contract with the City of Truth or Consequences, and we found that it was a successful partnership, and we are working on some new goals this year. I wanted to come and give you an update of everything that I've been doing recently and then discuss what our future goals are as far as what we're going to be advocating for in the legislature. I've had the opportunity to come back in the area for different events. I had some nice interactions with area legislators and getting to know them better because even though it is a fairly large state, there is actually a small group of us that often times travel around in this legislative circle and its easy to get to know each other better that way. Last week, I was in attendance at the Municipal League which is a gathering of all of the different Municipalities, and towns and villages and cities. They came into my neighborhood on the east side, and I had the opportunity to sit in on a water program that was initiated by NMED. There were some points made that was brought up about Truth or Consequences and knowing your needs. When they point out a city like that, I actually stood and said, that we appreciate you bringing that to light because that means that we have done a job of saying there are water needs for drinking water specifically in Truth or Consequences. Also to acknowledge the fact that in the future, they are working on wastewater needs through the Water Trust Board as well. Those are all positive moves for Truth or Consequences and having that relationship with those folks that are in Santa Fe is always strong. Yesterday, I went to a water and natural resources meeting that was in Socorro and I got to see a lot of the Legislators there, and I got to listen to some of the plans that look like they're going to be coming down that pike in session for some Bills and some things that we will discuss in the future as to whether or not you think that is a good or bad move from the state's perspective. As your lobbyist, what we do is not only have those relationships with legislators, and advocate for your priorities, but we actually put in requests for money. You guys are doing a fantastic job. You guys are digging out grants that I'm very impressed with. 1% to come back in for the Airport is incredible. We are going through your ICIP which is your Infrastructure Capital Improvement Plan, and we've had some talk about what could be some of our top request from your legislative money over this next year. The sheets have 30 to 35 different projects that we look forward to in the future, but when we come in and we ask our legislators for money, we prioritize up to 4 or 5, sometimes depending upon the amounts of what we are really looking for. Through some of our discussions, we highlighted a few things that we would like for you guys to consider now, and to actually put a 1-4 number ranking on these, and then we will pass that word along, and then they look through it and we give them the details of it, and we lobby for it and then we see what they can actually afford to give us. Our directive last year was water, so that's what we got. We got some very good funding from our Legislators and our Governor for water projects. As well as the Water Trust Board and other places. We are working on those projects and this year we've gone back into four different things that could elevate the community and are doable for the legislators.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mayor Hechler: What is your intent with these animals?

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

Mayor Hechler: How did you get 6 animals?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Rhonda Spence, Applicant: Yes.

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

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

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

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

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

Rhonda Spence, Applicant: No thank you.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Rhonda Spence, Applicant: No.

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

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

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

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

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

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

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

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

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

Mayor Hechler: So, we are looking at a \$400 plus thousand dollar investment on our end. Its going to take us a lot of years to get that money back from two charging stations for people to spend money and buy food downtown. I don't think it's a business decision that I would make and that's why I think we should leave this type of stuff up to private businesses. The other thing that I would be really concerned about is that there could be a change in administration down the road with a new emphasis on electric vehicles and things of that nature depending on who gets in the office down the road, so we could be investing in something that isn't going to have any return for us or very little return. I don't think we know enough right now to make that decision and jump into it. A private business will have this stuff done if there is enough business out there to get it done. Its not always up to the government to supply these things. Especially at a loss. I think maybe in the future we could look into it, but right now we have bigger dragons to slay.

Mayor Pro-Tem Forrister: I would rather spend that money on our citizens and not people passing through.

Mayor Pro-Tem Forrister made a motion to deny the Charging & Fueling Infrastructure Grant Application. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

- 5. Discussion/Action: ITB 23-24-010 Recommendation to Award a Construction Contract to Morrow Enterprises, Inc. in the amount of \$1,840,000.00 (excluding NM Gross Receipts Tax) and Authorize the City Manager to sign said contract for the Construct Terminal Apron Project at the Truth or Consequences Municipal Airport.**

Mayor Pro-Tem Forrister moved to approve the ITB 23-24-010 Recommendation to Award a Construction the conditional Contract to Morrow Enterprises, Inc. in the amount of \$1,840,000.00 (excluding NM Gross Receipts Tax) and Authorize the City Manager to sign said contract for the Construct Terminal Apron Project at the Truth or Consequences Municipal Airport. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

- 6. Discussion/Action: Approval of FY25 Clean and Beautiful Draft Grant Agreement for staff or mayor to execute.**

OJ Hechler, Community Services Director: The reason we worded it that way to begin with was because it is a DocuSign agreement, so you will see a draft agreement in there. We got it changed over to where it is in the mayor's name to execute. We were awarded \$18,800.60. These are initiatives that consist of two trash cleanups providing

access to proper waste disposal, and prevent littering, painting of trash cans, recycling benches and tables in other efforts to make the community cleaner. Normally the Clean & Beautiful grant requires a 25% match. All of our matches will be in kind services, almost 40% of what the grant agreement was for.

Mayor Hechler: This is the second largest Clean and Beautiful grant that the city has ever received thanks to the hard work of you OJ and Kathy for putting that together. I like Clean and Beautiful grants, but there is an awful lot of work for a little bit of money, and I really appreciate the hard work it takes to get these things done, so thank you guys for being willing to take that on.

Mayor Pro-Tem Forrister moved to approve the FY25 Clean and Beautiful Draft Grant Agreement for staff or mayor to execute. Commissioner Hoeppner seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

7. Discussion/Action: Donation of 10,000 Gallon Fuel Tank to Sierra County for Monticello Fire Dept.

Assistant City Manager Alvarez: There is a 10,000 Gallon Fuel Tank that was previously used by our airport that is sitting out at our airport. There are pictures of it in your agenda packet. This was decommissioned back in the 1990's. It's no longer in use. It's just been sitting there un-used. Our Monticello Fire Department has reached out to request the city to potentially donate that tank, and all of the attached piping for water storage in Cuchillo for firefighting purposes. We have received a letter of support from Sierra County Management as well, so this would be a government to government donation if the Commission approves it, so we wouldn't be violating anything with our anti-donation policy. I think it is a good use of the tank that is just sitting there, because we have no use for it out at the airport.

Commissioner Hoeppner moved to approve the donation of 10,000 Gallon Fuel Tank to Sierra County for Monticello Fire Dept. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

8. Discussion/Action: Review/Accept offers to Purchase Reed Rocket Sculpture.

Assistant City Manager Alvarez: The Reed Rocket was advertised as request and recommended by the Public Arts Board, and requested by the City Commission, and the artist of the Reed Rocket sculpture. It was advertised for 3 weeks. We received 3 offers. I am just requesting further direction on offers received, whether you want to continue to advertise or whether you want to potentially look at accepting an offer.

Mayor Hechler: We have 3 bids. What I'd like to do is for us to do a little bit of research. I don't know if I want to accept the bids right now. I'd like to know what the bidders are going to do with the Reed Rockets before we award the bids.

Assistant City Manager Alvarez: I spoke to 2 of the 3 offers. I followed up with their offer to let them know that they were encouraged to attend the Commission Meeting to answer any questions. The 3rd bid went into my quarantine folder so I actually didn't see it until this morning, so I was un-able to reach out to them.

Mayor Hechler: I know that one of them was going to use it on private property and maybe not even in this community, and that's kind of my concern. Once we sell the Reed Rockets, I'd like to know where they are going to go and how they are going to be displayed.

Assistant City Manager Alvarez: I could potentially advertise it a secondary time before our next meeting, and I can also contact those people and we could put it back on the agenda, and I could request that all bidders must be in attendance if they want their offer considered.

Mayor Hechler made a motion to table to item until the September 11th meeting. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

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

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

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

I. ADJOURNMENT:

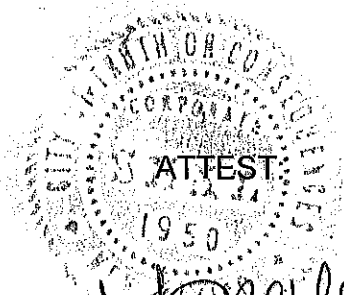
Mayor Hechler adjourned the meeting at 12:12 p.m.

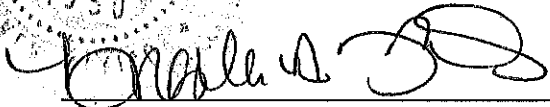
Passed and Approved this 24th day of September, 2024.

CITY COMMISSION AUGUST 28, 2024 REGULAR MEETING MINUTES



Rolf Hechler, Mayor





Angela A. Torres, CMC, City Clerk

TRUTH OR CONSEQUENCES SCHOOLS



BE RESPONSIBLE SLOW DOWN

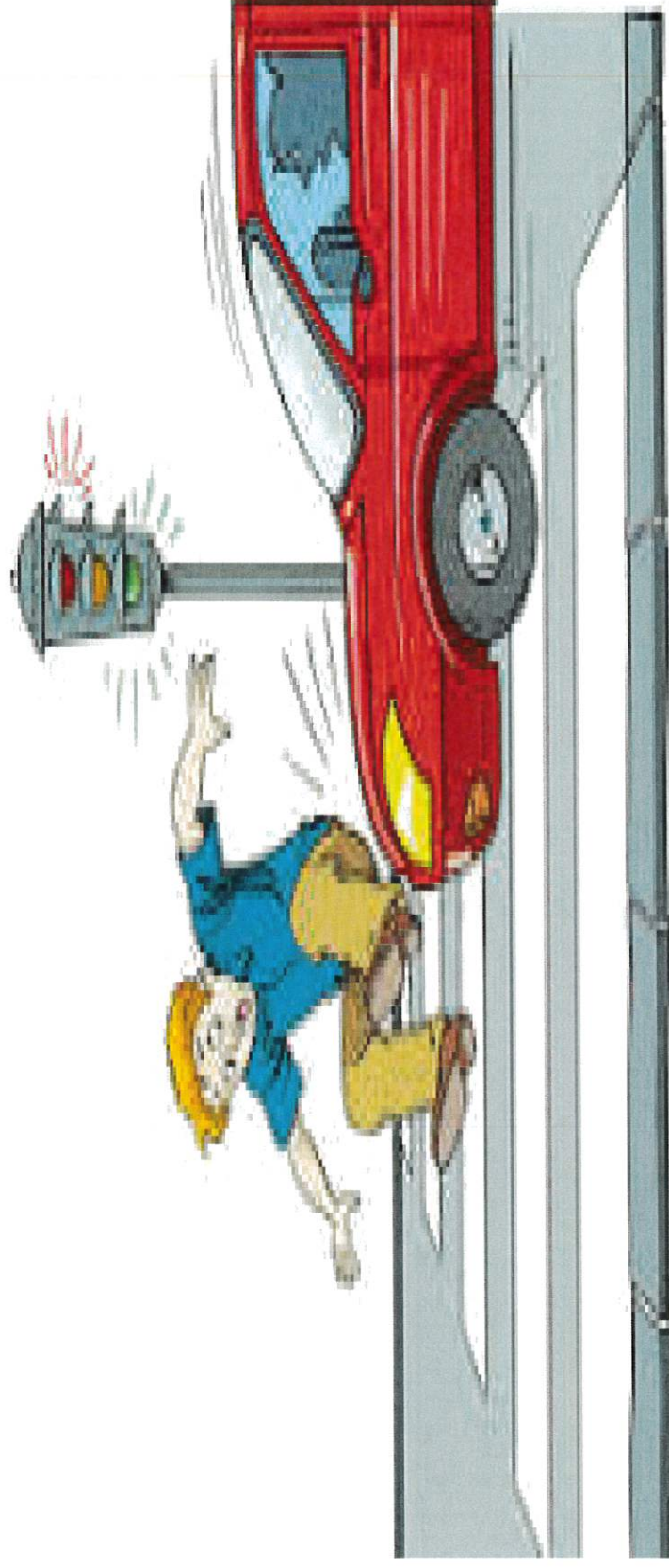
August, 2024

School Resource Officer Ted Ontiveros #201

School safety is a priority, which is why school zones are protected areas.

- School zones are designed to be safe places for children and teenagers. This is because activity is higher in these areas in the morning when children are dropped off and in the afternoon when children are picked up from school. There are reduced speed limits and harsher laws in place in these areas to ensure the safety of the children going to school.
- But what happens if an accident occurs within one of these areas? And what causes these accidents to occur?

**SLOW DOWN FOR OUR STUDENTS
REMEMBER THEY'RE ALL OUR CHILDREN**



CAUSES OF PEDESTRIAN ACCIDENTS IN SCHOOL ZONES

The most common causes of these accidents are reckless driving and distracted driving. Drivers often aren't paying attention to the road and may not see when they are driving in a school zone. This may lead to their driving too fast, potentially injuring someone in the process. Distracted driving can also cause accidents. If someone isn't paying attention, they may fail to stop at stop signs or at crosswalks.

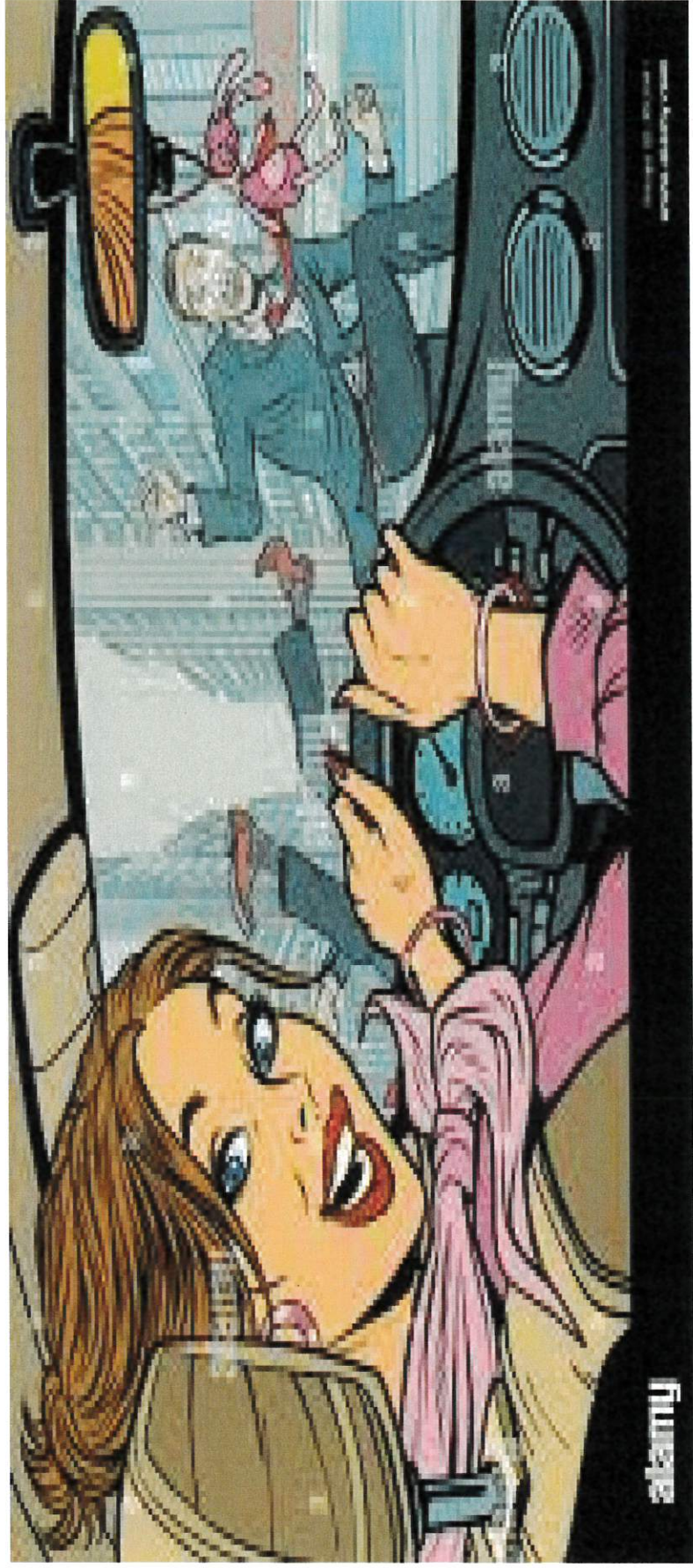
CAUSES OF PEDESTRIAN ACCIDENTS IN SCHOOL ZONES

First and foremost, it's important to recognize that the word "pedestrian" includes more than just people walking. In this case it can also refer to joggers/runners, [cyclists](#), skateboarders, and roller skaters.

These accidents can occur because of:

- rolling stops/failure to stop
- excessive speeding
- reckless driving
- poor intersection design or maintenance
- drunk or distracted driving
- passing a school bus

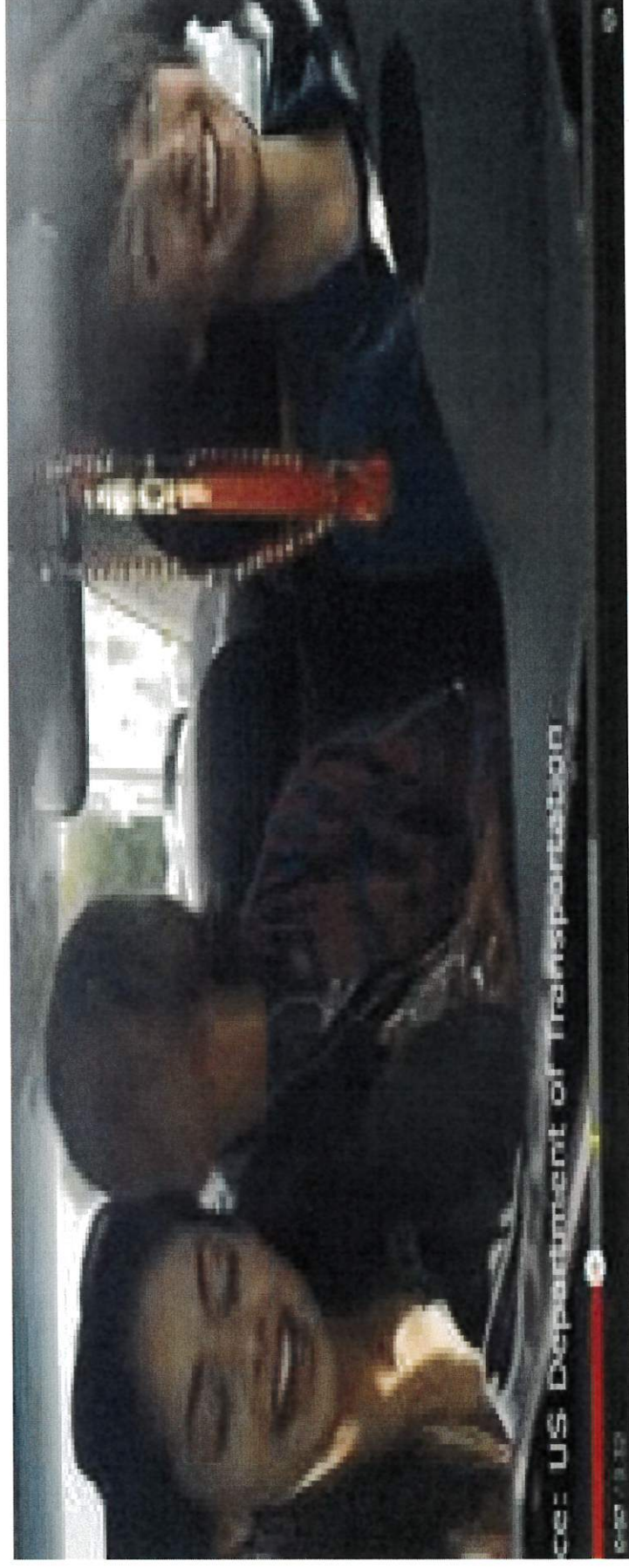
DISTRACTIONS



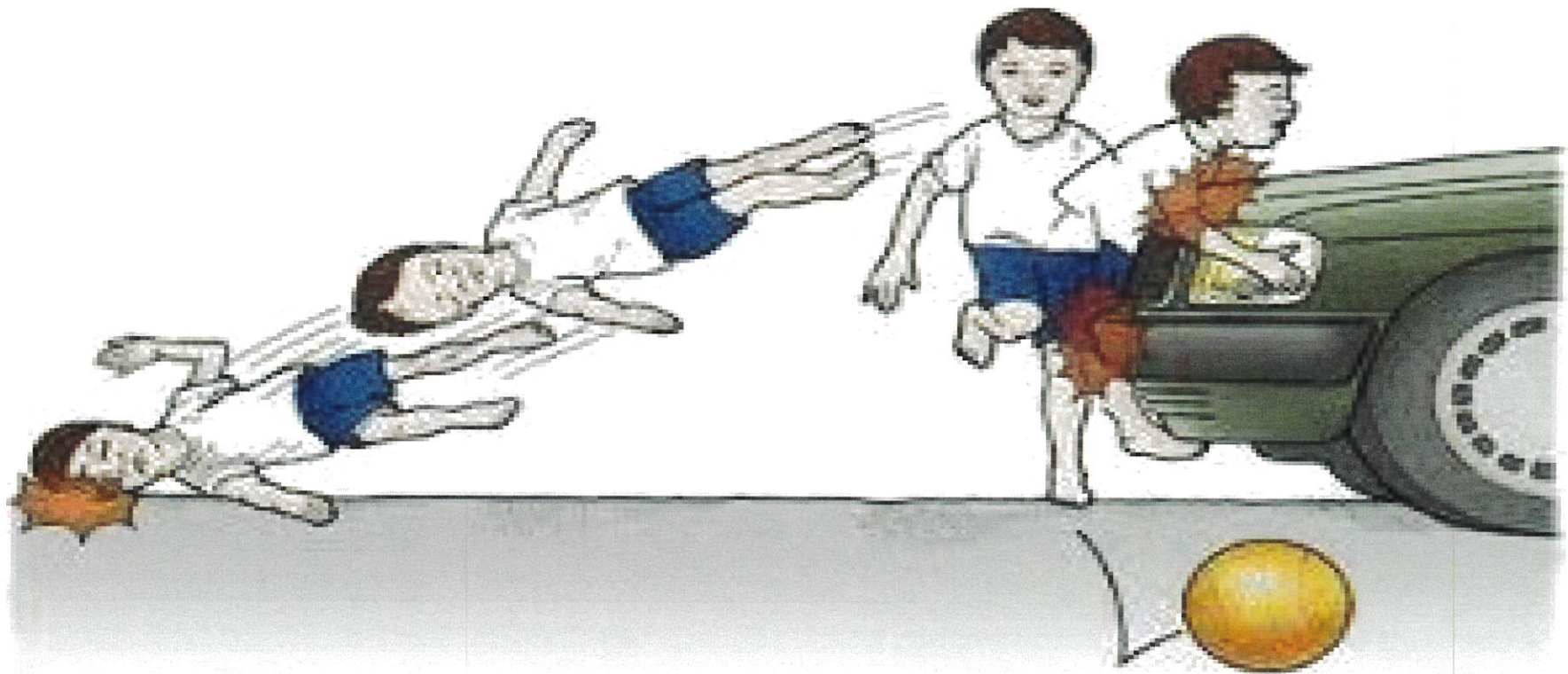
TEXTING AND DRIVING



PASSENGERS/FRIENDS/HORSING AROUND



SCHOOLS ZONES AND RESIDENTIAL STREETS WACTH FOR THEM



INJURIES/PARALYSIS/HOSPITALIZATION/FINANCES/
POTENTIAL DEATH



HOW TO STAY SAFE IN SCHOOL ZONES

- Staying safe in school zones should be easy. Children shouldn't have to worry too hard about avoiding accidents. The road markings and flow of pedestrian traffic should be easy to understand. If necessary, a crossing guard will be present to protect children and direct traffic so things flow more easily.
- It's up to drivers to remain safe in these areas as well. Staying off your phone, following the speed limit and rules of the school zone, and remaining focused while driving will help you avoid an accident. If you or your child is injured in a school zone pedestrian accident, the driver may be liable if they were acting with negligence.

HOW ARE SCHOOL ZONE ACCIDENTS DIFFERENT FROM REGULAR PEDESTRIAN ACCIDENTS?

- Approximately 25,000 children are injured each year in school zone accidents, with about 100 children being killed. Unlike regular pedestrian accidents, school zone accidents are more likely to happen on weekdays as opposed to weekends. These accidents also most often occur during regular daylight hours, with good lighting and good weather conditions. Regular pedestrian accidents often occur in poor lighting and poor weather conditions.
- School zone pedestrian accidents more often occur because of driver negligence. Drivers are given extra signage and a lower speed limit to follow so they're more alert while driving. The lower speed limit allows them to have a greater reaction time so accidents can be more easily avoided. This means that when an accident does occur, it usually means that negligence was involved, usually in the form of speeding or distracted driving.
- In some cases the school or road authority may also be liable for these accidents if proper signage isn't displayed or if school zone rules aren't enforced.

HOUSE BILL 591
51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013
INTRODUCED BY
Thomas A. Anderson and Richard C. Martinez

AN ACT

RELATING TO TRAFFIC CONTROL; CLARIFYING SCHOOL ZONE POSTING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 66-7-301 NMSA 1978 (being Laws 1978, Chapter 35, Section 405, as amended) is amended to read:

"66-7-301. SPEED REGULATION.--

A. No person shall drive a vehicle on a highway or street at a speed greater than:

(1) fifteen miles per hour [~~on all highways~~] when passing a school while children are going to or leaving school and when the school zone is properly posted;

(2) thirty miles per hour in a business or residence district;

(3) seventy-five miles per hour; and

(4) the posted speed limit in construction zones posted as double fine zones or other safety zones posted as double fine zones as designated by the [~~highway and transportation~~] department of transportation; provided that the posted speed limit shall be determined by an engineering study performed by the [~~state highway and transportation~~] department of transportation.

B. The department of transportation shall:

(1) designate sections of every highway or street that is adjacent to schools as school zones;

(2) post signs to identify the beginning and end of each school zone; and

(3) post signs, with or without flashing lights, to alert drivers to the school zone speed limit.

[B.] C. In every event, speed shall be so controlled by the driver as may be necessary:

(1) to avoid colliding with a person, vehicle or other conveyance on or entering the highway;

(2) to comply with legal requirements as may be established by the [~~state highway and transportation~~] department of transportation or the New Mexico state police division of the department of public safety and the duty of all persons to use due care; and

(3) to protect workers in construction zones posted as double fine zones or other safety zones posted as double fine zones as designated by the [~~highway and transportation~~] department of transportation.

[C.] D. The speed limits set forth in Subsection A of this section may be altered as authorized in Section 66-7-303 NMSA 1978."

SECTION 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2014.

BEACON LIGHTING



SPEED RADAR SIGNS



SPEED HUMPS/BUMPS



SPEED HUMPS

- Speed humps, sometimes called road humps or undulations, are used for 10–15 mph speed zones. They're often seen on local streets or connector roads where traffic needs to flow smoothly but excessive speed will endanger pedestrians. Playground and school zones often use these in traffic management.
- A speed hump creates a gentle rocking sensation in a car passing over it at the posted speed limit. If a car is driving at unsafe speed, the hump will jar the vehicle and its contents, causing discomfort to the occupants and disruption to cargo. These obstacles usually span the lane they are placed in. This way, vehicles are encouraged to pass over them with both wheels, [reducing the likelihood of bottoming out.](#)

SPEED HUMPS CONT.

- Speed humps come in a variety of profiles and travel lengths. These factors influence the experience of discomfort created in the speeding vehicle. Travel length varies between 3–20 feet. Any travel length longer than the vehicle creates only one up-and-down motion, whereas a travel length shorter than the vehicle creates two rocking movements as each set of wheels passes over. Speed humps are most often placed in a series, maintaining speed reduction through a long corridor.
- These vertical deflections are not a good choice for arterial roads, emergency routes, or on any street where it is easy for a car to evade the hump by driving on a shoulder. Because of this, they're usually installed in one or two lane local urban settings where there are curbs and closed sewers. If speed humps are installed in areas where there is a shoulder, they are often twinned with bollards or other obstructive measures to prevent cars from leaving the roadway.

SPEED BUMPS

- Speed bumps are more aggressive traffic calming options than speed humps, and so are useful in places where pedestrians and cars share space closely, like parking lots and driveways. A speed bump generally slows traffic to 2–10 mph, giving both people and cars time to react safely to one another. Speed bumps are rarely used on public roads because they require vehicles to come to a near stop to pass over them, and can do damage to cars moving at regular speeds.
- Speed bumps can be two to four inches high, but they have a much shorter travel distance than speed humps. These obstacles are under a vehicle's tire for less than half of a full wheel rotation, with standard widths are between six inches and two feet. The height to travel-distance ratio creates an abrupt bounce in a vehicle, which can shake both occupants and cargo. Since a speed bump is always much smaller than vehicles passing over it, each axle will cross separately, meaning a car moving at excessive speed will receive two substantial jolts.

SPEED BUMPS CONT.

- Speed bumps, like their more sedate siblings, can be placed at intervals to maintain speed reduction. They are often spaced judiciously as they are more uncomfortable to go over at any speed and are used in smaller geographical areas.
- Speed bumps can deliver a shock, which is perhaps why they have developed colorful names around the world. They're known as speed breakers (India), judder bars (NZ), sleeping policemen (UK), and road turtles (Southern US). In French, they're known as "dos-d'âne," or literally, "humpback."

Benefits and cautions

One of the great strengths of speed bumps and humps is that they remain a deterrent no matter how accustomed drivers become to their presence. Flashing signs or intermittent traffic enforcement change behaviors for a while, but drivers often revert to previous behavior. One can disregard a sign, but not the road beneath. A speed hump or a speed bump creates the same discomfort for a driver going too quickly whether it is their first or their hundredth time over it.

A bump in the road is not perfect for every traffic calming scenario. Obstacles work best when the driver knows they're coming and starts slowing down before arriving at their edge. Speed bumps and humps are usually well marked with contrasting colors or reflective surfaces to ensure visibility, but they also need to be installed in places where a driver can see them coming. They are not effective when used in the middle of a long curve, or on streets where the grade is greater than 8%. A steep grade can also change the effective height of a speed hump or bump, and create more of an impact than is intended. Visibility can also be an issue in some winter climates where snowfall is deep and local streets go unplowed.

Benefits and cautions cont.

- Speed humps and bumps are also not recommended for arterial or emergency roads, where they can be a hazard. If unexpected or taken at too high a speed, these obstacles can cause a driver to lose control or damage a vehicle.
- However, when used in the proper setting, these are the most adaptable tools in the traffic management toolbox.

NEW SCHOOL RD. & PERSHING CURRENT SIGNAGE FOR HSHS,TCMS,TC ELEMENTRY & SIERRA COMPLEX

TC ELEMENTRY & SIERRA COMPLEX

SMITH RD.

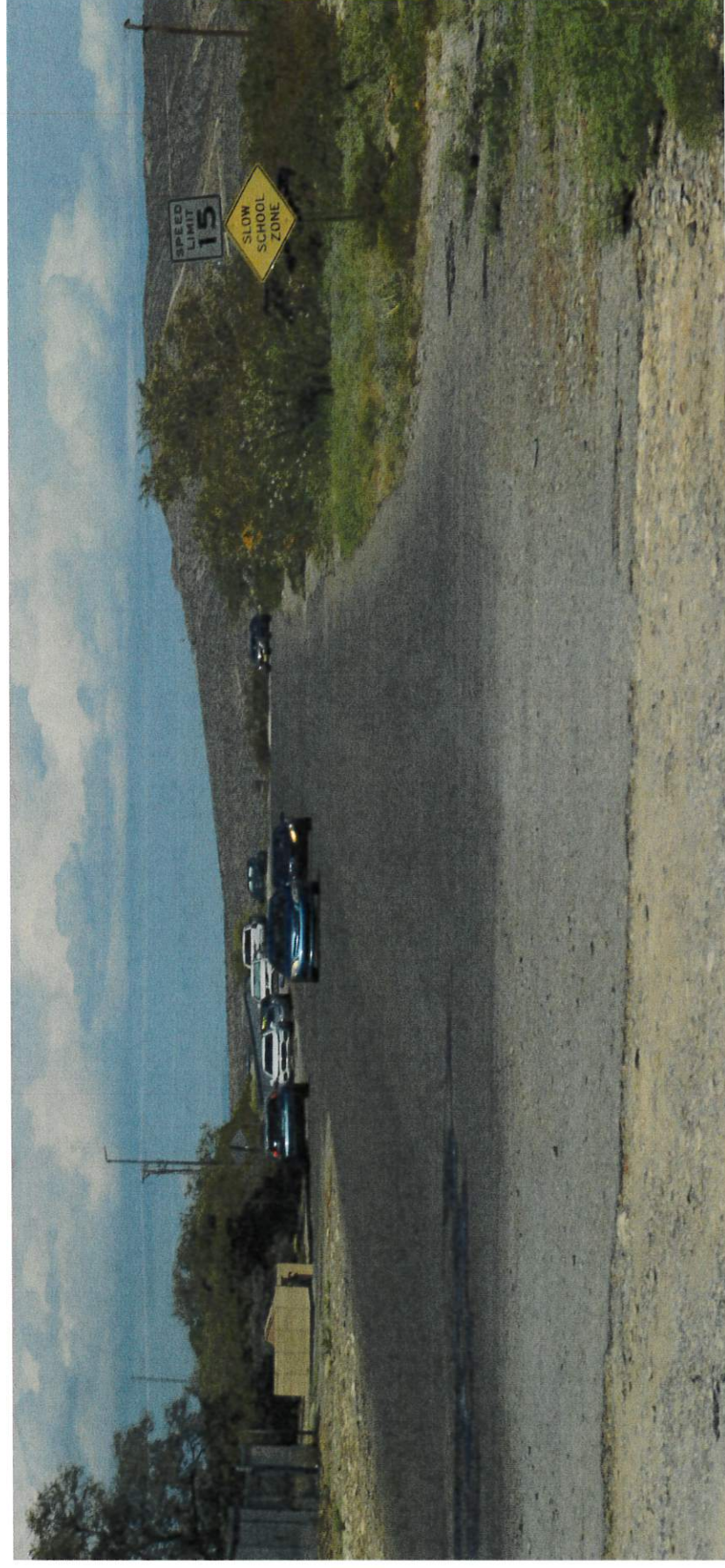
- (2) TWO 15 MPH SIGNS
- (2) TWO CROSSWALK
- (2) TWO SLOW SCHOOL ZONE

HSHS & TMCS

PERSHING ST. & NEW SCHOOL RD.

- (7) SEVEN 15 MPH SIGNS
- (2) TWO CROSS WALK ONE SIGN
- (2) TWO SCHOOL ZONE SIGNS
- SMALL STOP SIGNS COMING OUT OF SCHOOL PARKING LOTS

CONTINUED



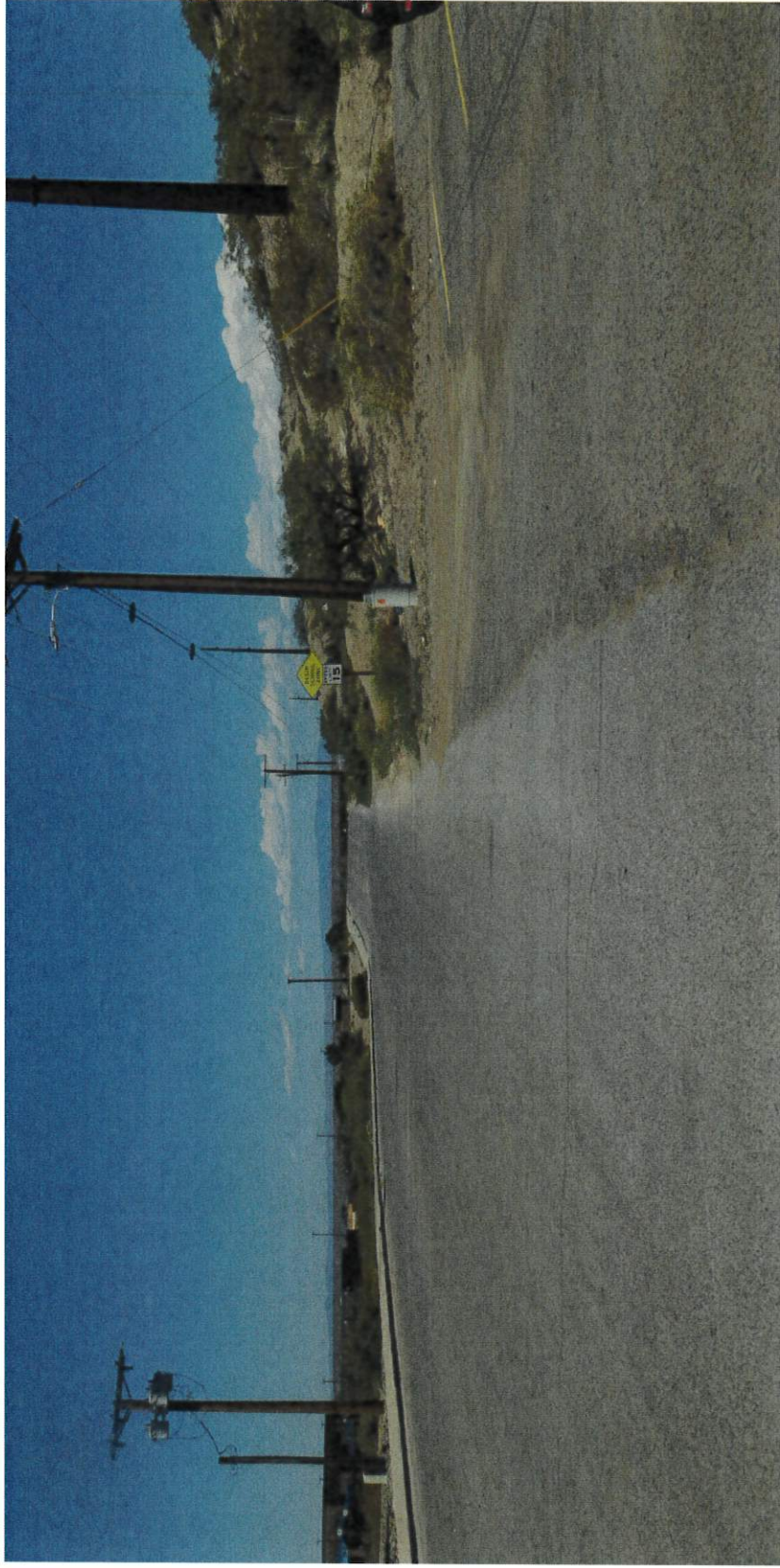
SIERRA COMPLEX & TC ELEMENTRY



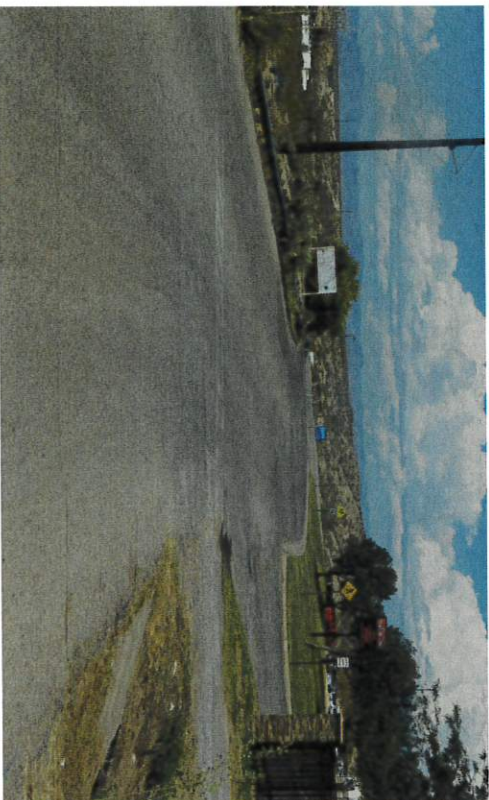
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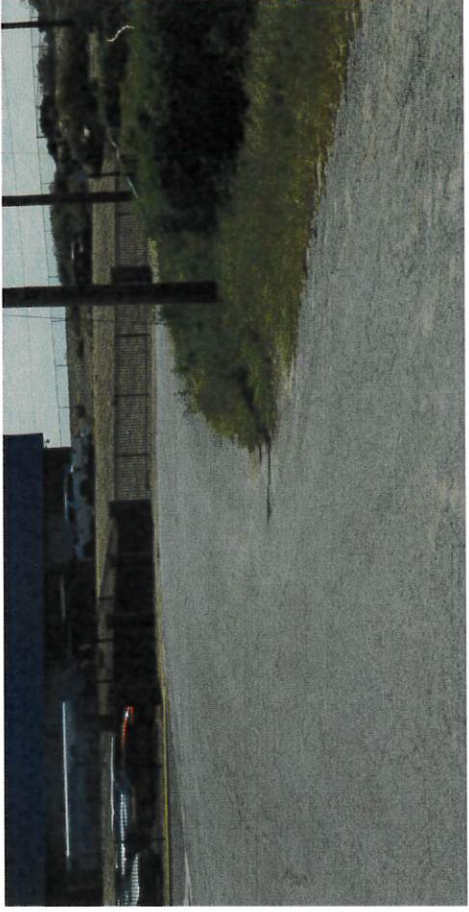
HSHS & TCMS



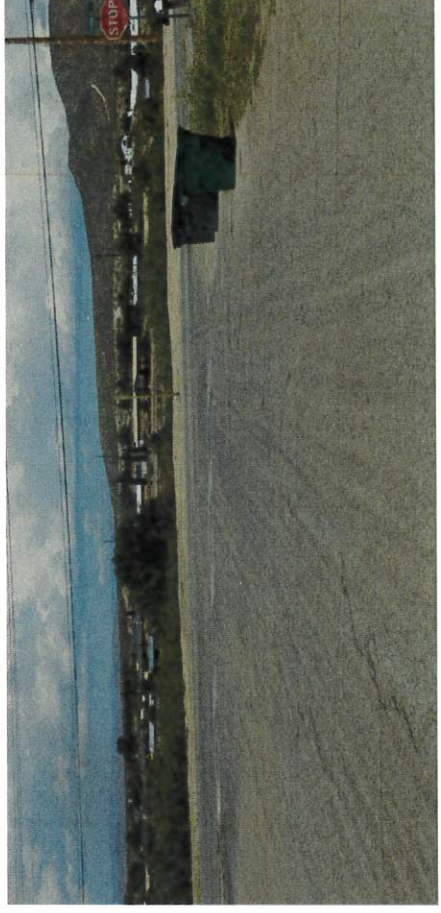
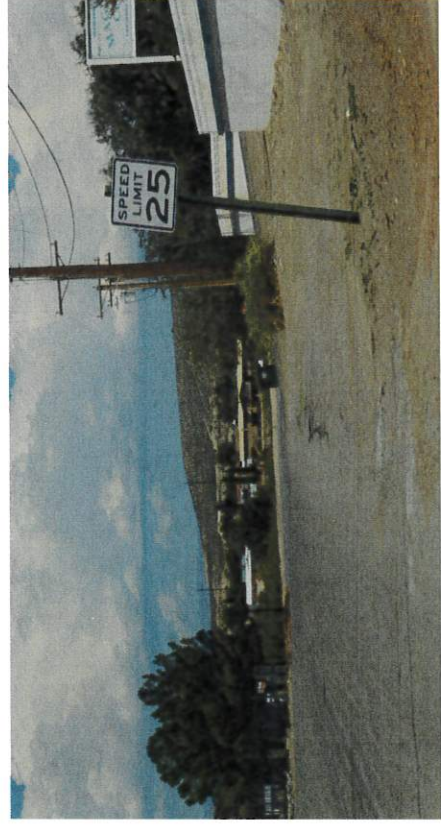
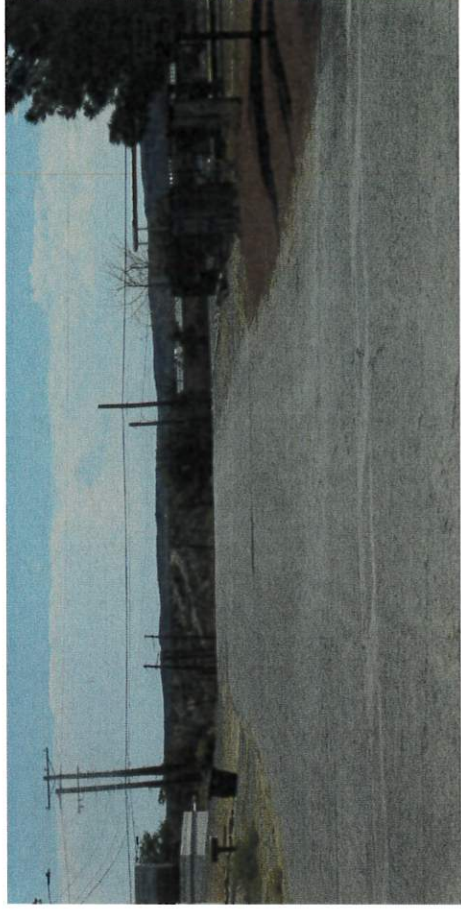
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BARTON & PERSHING ST.



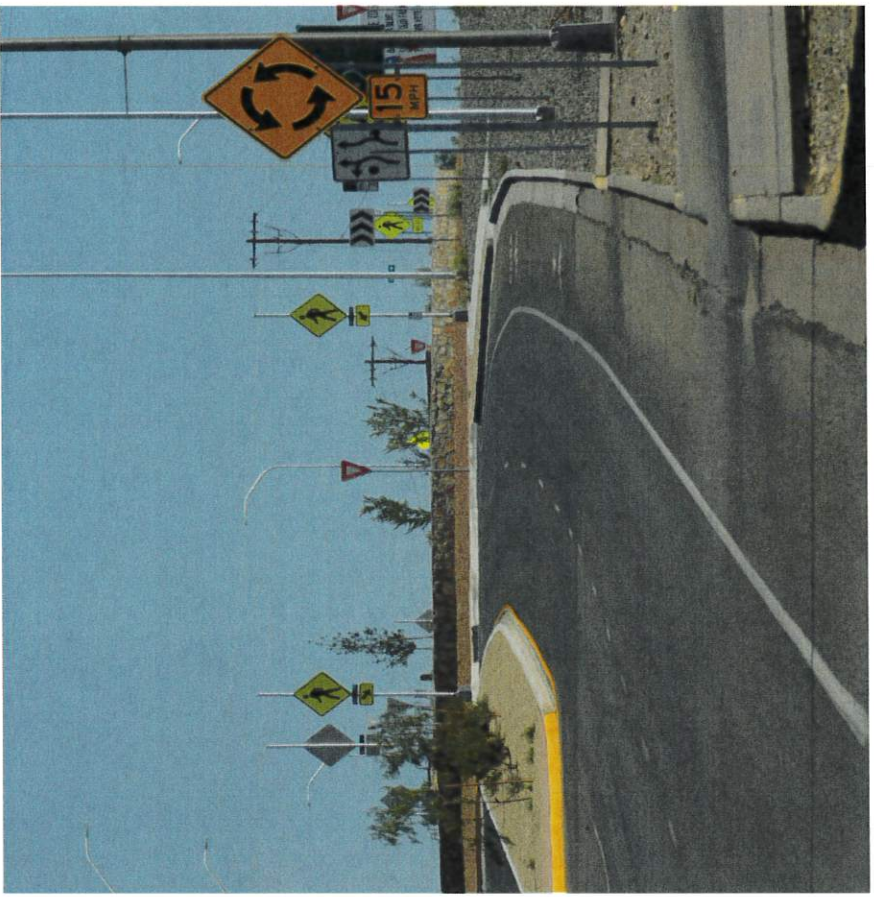
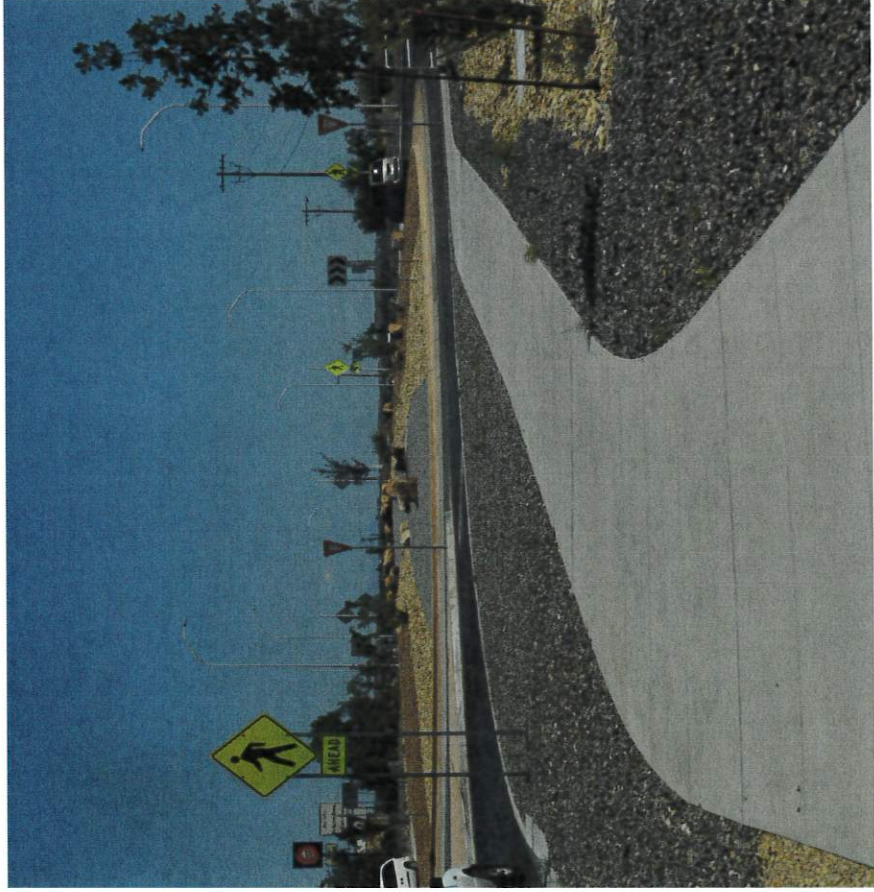
STOP SIGNS IN PARKING LOTS



NEW SIGNAGE ON N. DATE



CONTINUED



Estimated Cost

- (4) FLASHING BEACON LIGHT \$3,160.00 EA. = \$12,640.00
- (12) SCHOOL CROSSING \$86.95 EA. = \$1,043.40
- (4) RADAR SPEED SIGNS (SOLAR) \$3,832.78 EA. = \$15,331.12
- (8) SLOW SCHOOL ZONE \$166.39 EA. = \$1,331.12
- (8) SPEED HUMPS 10' \$335.00 EA. = \$2,680.00
- (8) SPEED HUMPS 15' \$515.00 EA. = \$4,120.00
- (4) SLOW SPEED HUMP AHEAD \$68.05 EA. = \$272.20
- (8) SPEED HUMP EA. 38.25 = \$306.00

TOTAL: \$33,603.84 W/10' SPEED HUMP

TOTAL: \$35,043.84 W/15' SPEED HUMP





We should ask ourselves, are we willing to take a chance, not if and but when it happens are we as a community ready to face the questions and consequences?



Cantrell Dam Inundation Mapping with HEC-RAS 2D

Glen Selover, PE – Wilson & Company

Stephen Ingles-Garcia, PE – Wilson & Company



**TRUTH OR
CONSEQUENCES** NEW MEXICO

**WILSON
& COMPANY**

discipline | intensity | collaboration | shared ownership | solutions



TRUTH OR
CONSEQUENCES

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& COMPANY

HIGHER RELATIONSHIPS

Funding Sources

- Water Trust Board 2021 Application
 - Flood Prevention Project
 - Total Project Award: \$825,000.00 (Loan, Grant, Match)
- Funding Application Scope
 - To plan, design, environmental permitting, right-of-way appraisals and land acquisition, for the reconstruction of Cantrell Dam. The project goal is to provide flood protection for the downtown communities of Truth or Consequences and Village of Williamsburg
- Completion of the Design Analysis Report (DAR)
 - Field Data Collection
 - Modeling and Analysis
 - Evaluation of Alternatives



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HIGHER RELATIONSHIPS

Typical Design Analysis Report Process

- Wilson to work on study, working with staff
- Submission to staff for preliminary review of recommendations
- Revisions to report incorporated
- Presentation to commission
- Final draft incorporating commission comments
- Final draft submitted to commission and/or funding agency
- Incorporation of all comments received
- Commission approval



HERE



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CONSEQUENCES

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& COMPANY**

HIGHER RELATIONSHIPS

Background





TRUTH OR
CONSEQUENCES

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& COMPANY**

HIGHER RELATIONSHIPS

2020 Flooding

- Sunday July 26, 2020
- 3-5 inches of rain
- Cantrell Dam overtopped with ~20 ft depth in dam pool

Sierra County Sentinel • gpkmedia.com

2020 Flood

Cantrell
Dam

July 31, 2020 • **A5**





2020 Flooding





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CONSEQUENCES

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HIGHER RELATIONSHIPS

2020 Flooding

Flooded Home



Fairgrounds



Flooded Street



- Downstream of Cantrell:
 - Albert J. Lyon Event Center
 - Louis Armijo Sports Complex



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CONSEQUENCES

NEW MEXICO

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& COMPANY

HIGHER RELATIONSHIPS

2020 Flooding





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CONSEQUENCES

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HIGHER RELATIONSHIPS

2020 Flooding





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CONSEQUENCES

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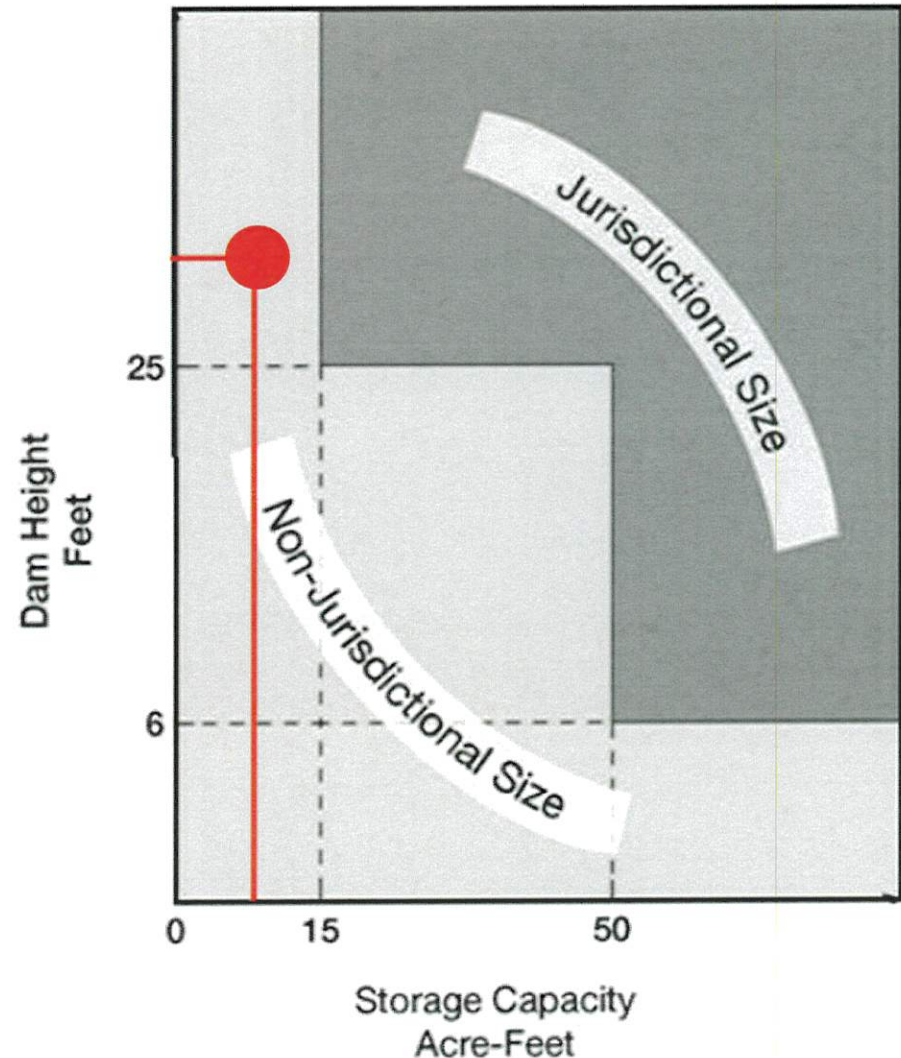
HIGHER RELATIONSHIPS

Cantrell Da



- Located on BLM land
- Jurisdictional Criteria
 - 25 ft or greater in height
 - Impounds 50 AC-FT or m
- Non-jurisdictional (30 ft in height and 6.9 AC-FT of storage)

New Mexico Office of the State Engineer Jurisdictional Dam Size



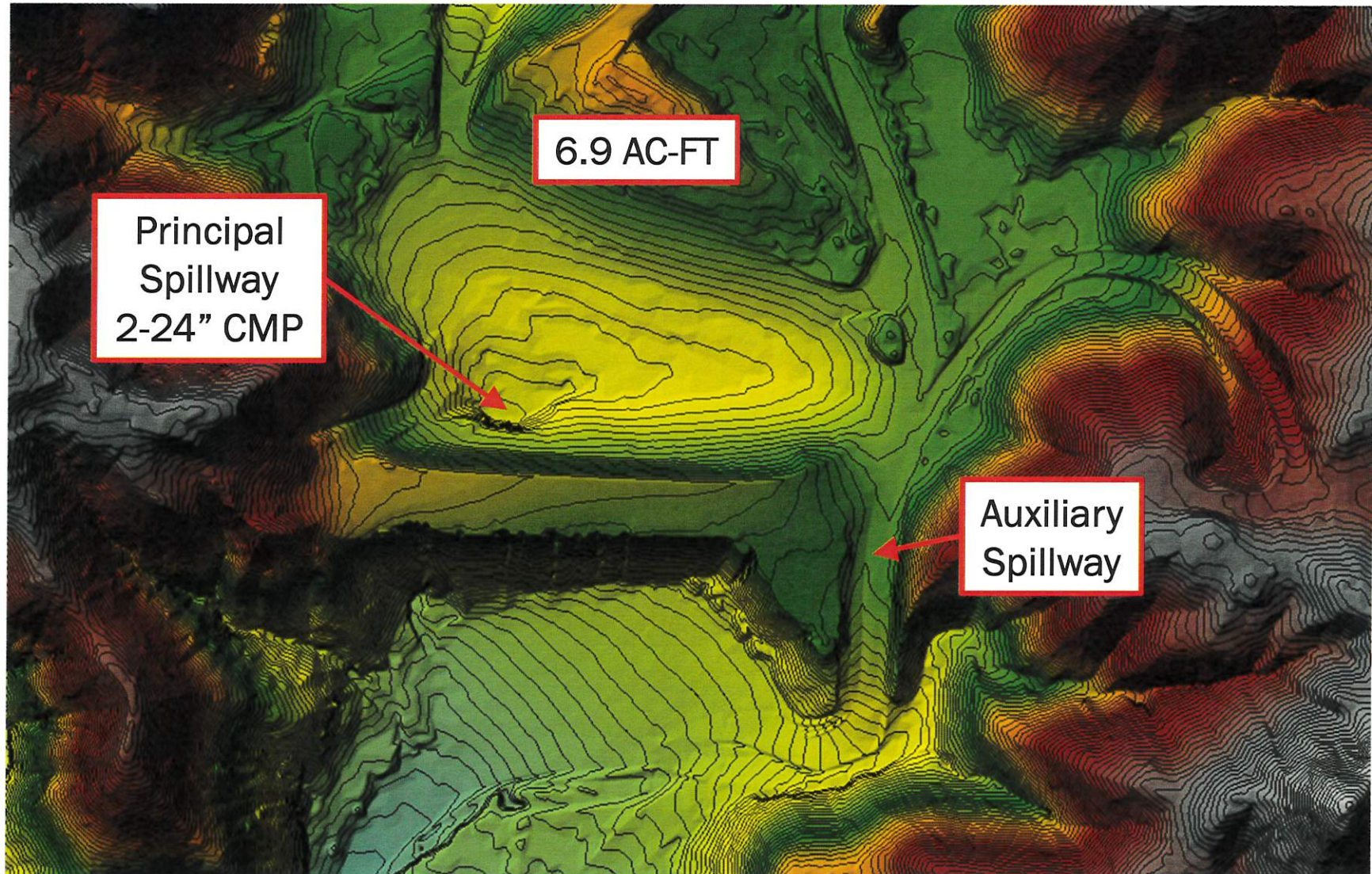


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HIGHER RELATIONSHIPS

Cantrell Dam Characteristics





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HIGHER RELATIONSHIPS

Cantrell Dam Characteristics





Cantrell Dam





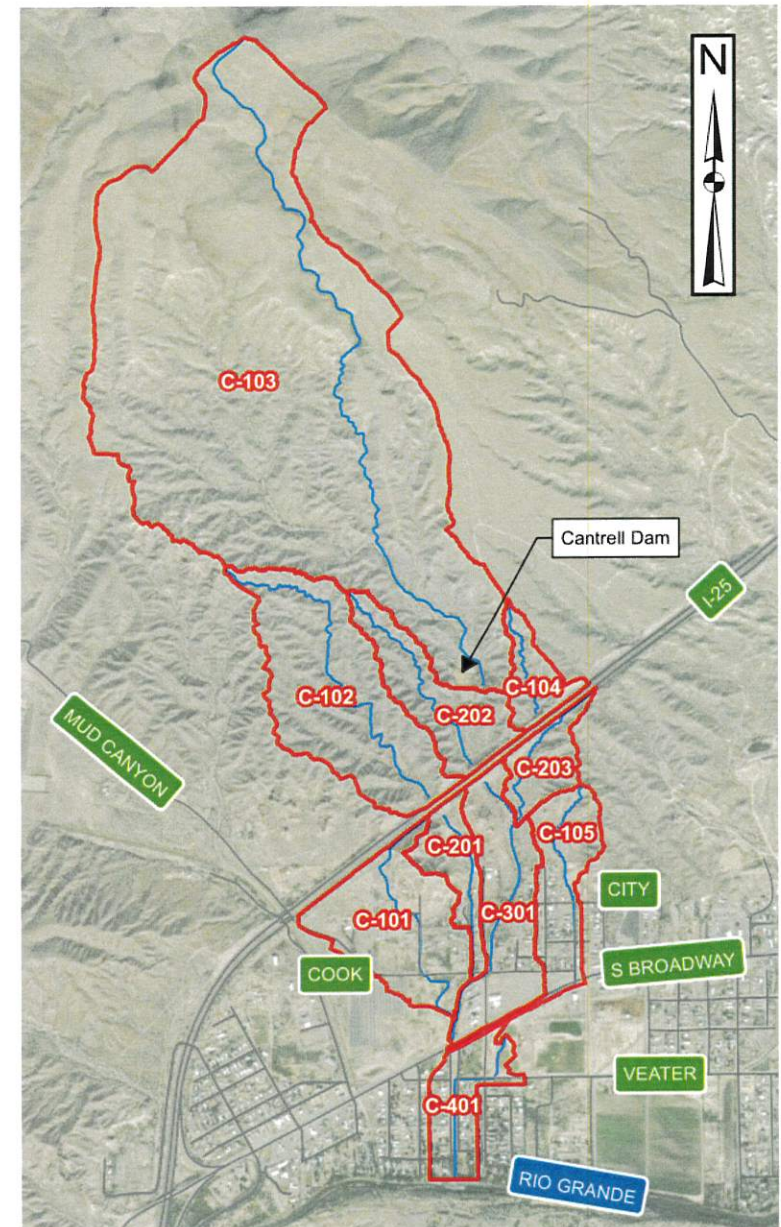
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HIGHER RELATIONSHIPS

Hydrologic Model Methodology – HEC-HMS

- 24 Hour NOAA Precipitation Depths
 - 50-YR: 3.07 inches
 - 100-YR: 3.49 inches
- Time of Concentration
 - NMDOT Drainage Design Manual (SCS/Upland Method)
- CN Selection
 - 2019 NLCD Land Use
 - NRCS Hydrologic Soil Group
- HEC-HMS Modeled Events
 - Two Standpipes
 - Dam Breach



Modeled Events

- Two Standpipes
 - Dam maintained and both standpipes functioning
- Dam Breach
 - New Mexico Administrative Code (NMAC)
 - 19.25.12.11 and 19.25.12.20
 - Designed to safely pass 100-YR, 24-hour discharge without attenuation
 - Bank stabilization
 - Sediment Control

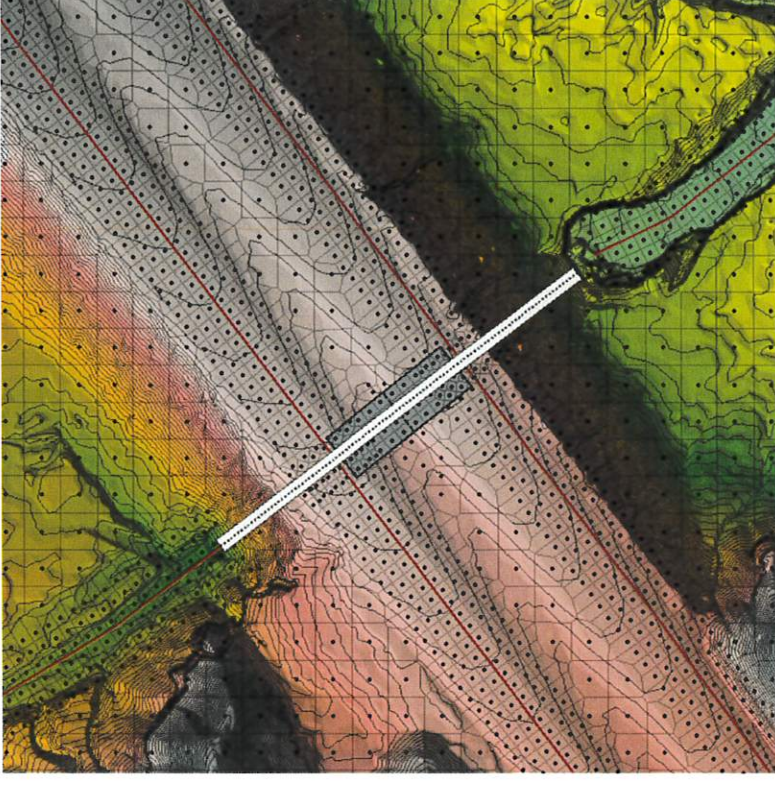
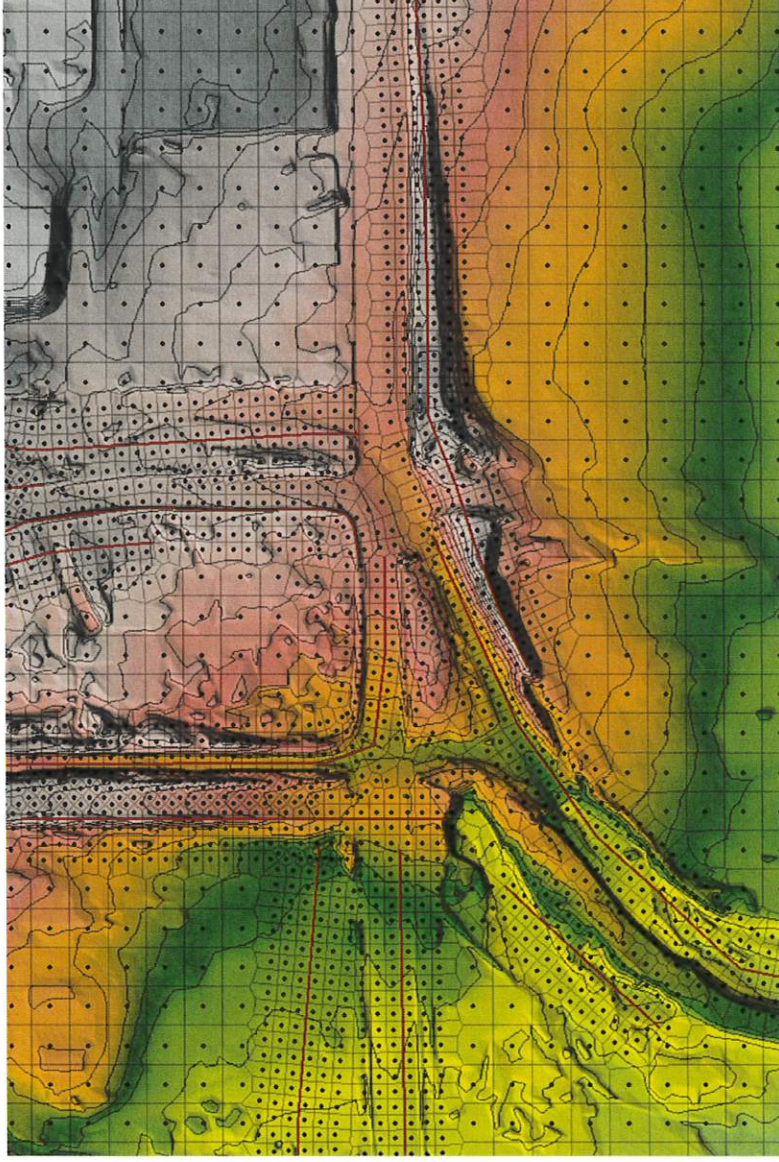


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HIGHER RELATIONSHIPS

Hydraulic Model Methodology – HEC-RAS 2D



- Model Runs
 - Existing and Proposed
 - 50-YR and 100-YR
 - Two Standpipes and Dam Breach

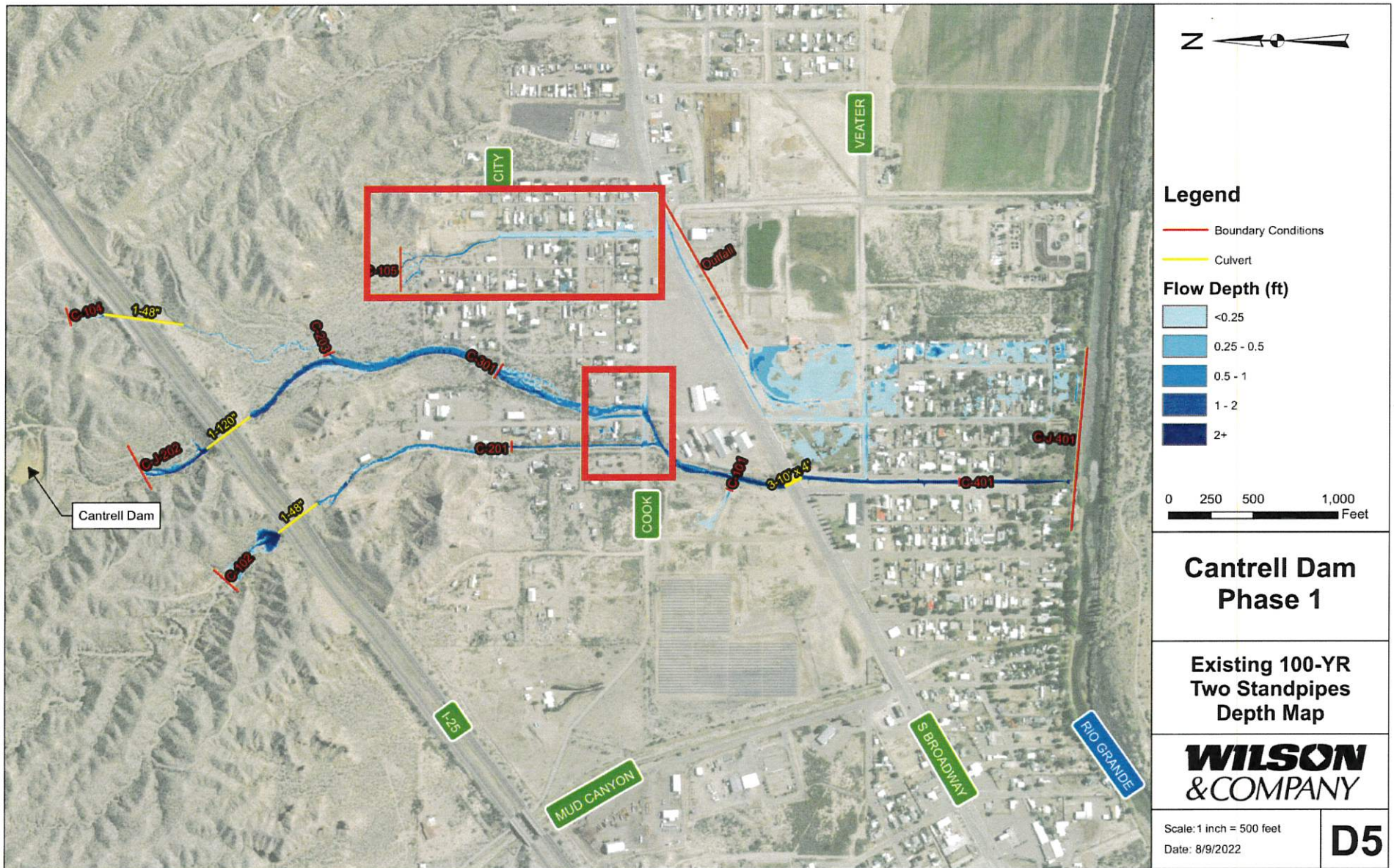


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HIGHER RELATIONSHIPS

Existing HEC-RAS 2D Results – Depth Map





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NEW MEXICO

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HIGHER RELATIONSHIPS

Existing HEC-RAS 2D - Henson St



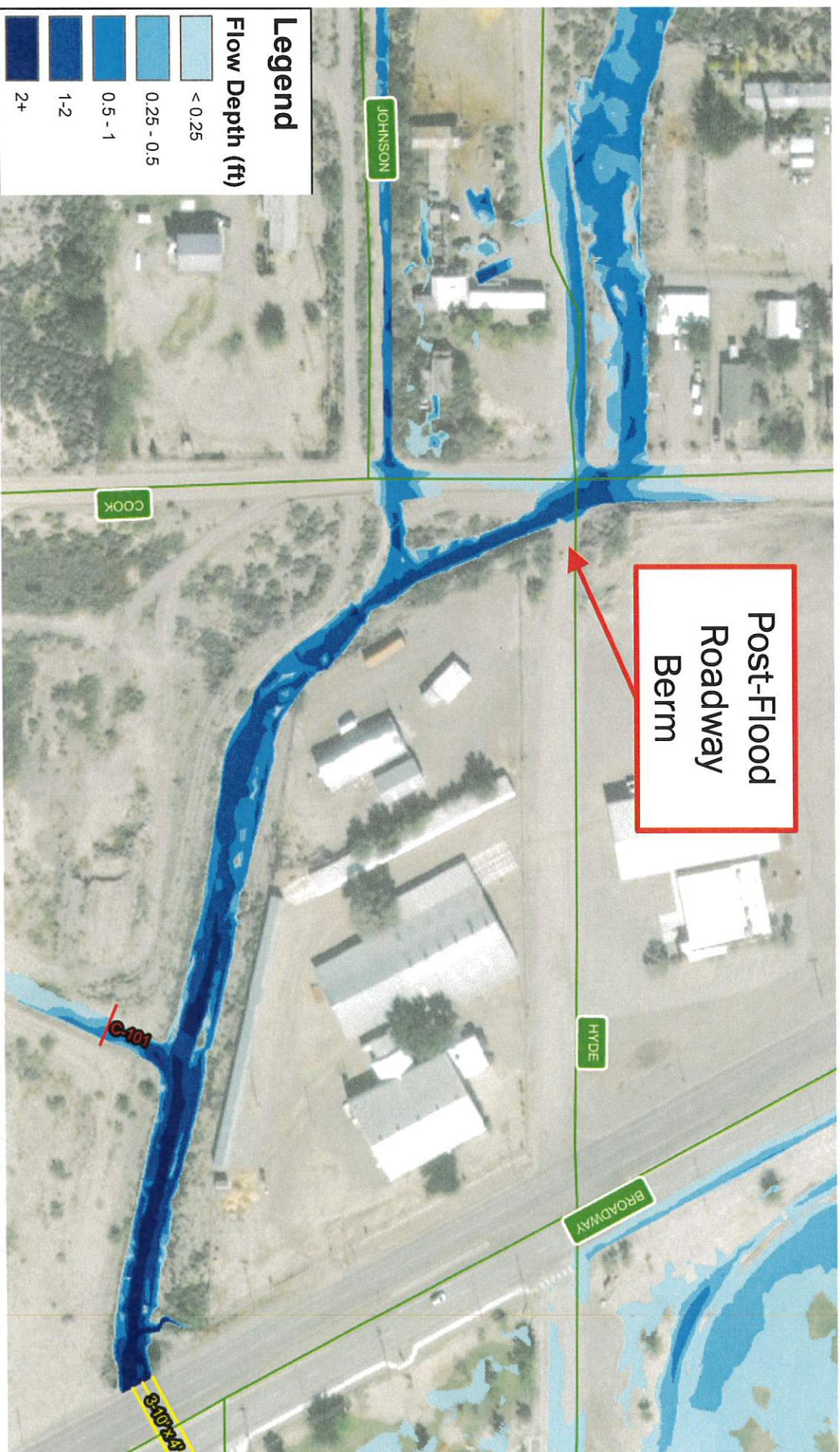


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HIGHER RELATIONSHIPS

Existing HEC-RAS 2D - Cook St





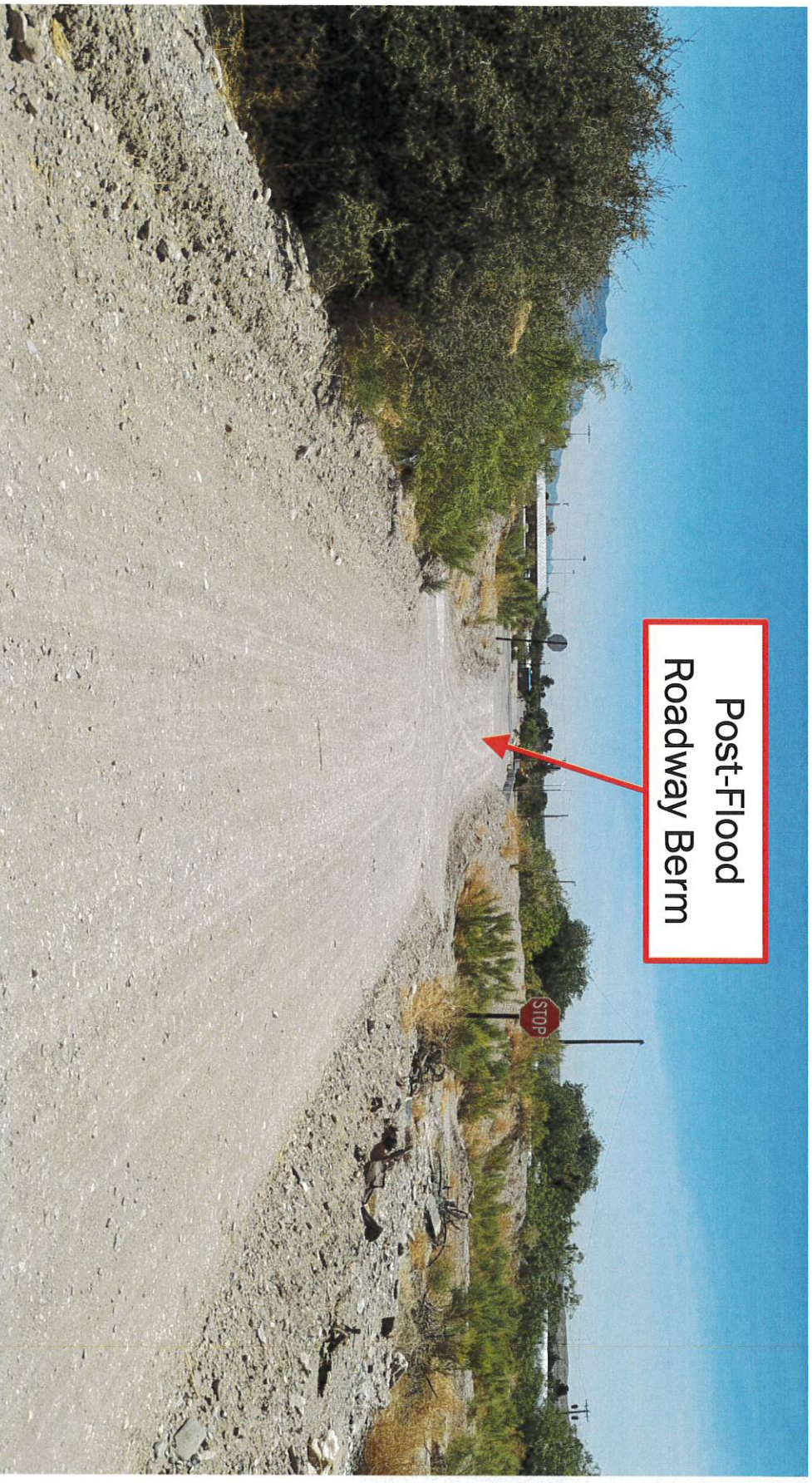
TRUTH OR
CONSEQUENCES

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& COMPANY**

HIGHER RELATIONSHIPS

Cook St – Looking South

Post-Flood
Roadway Berm



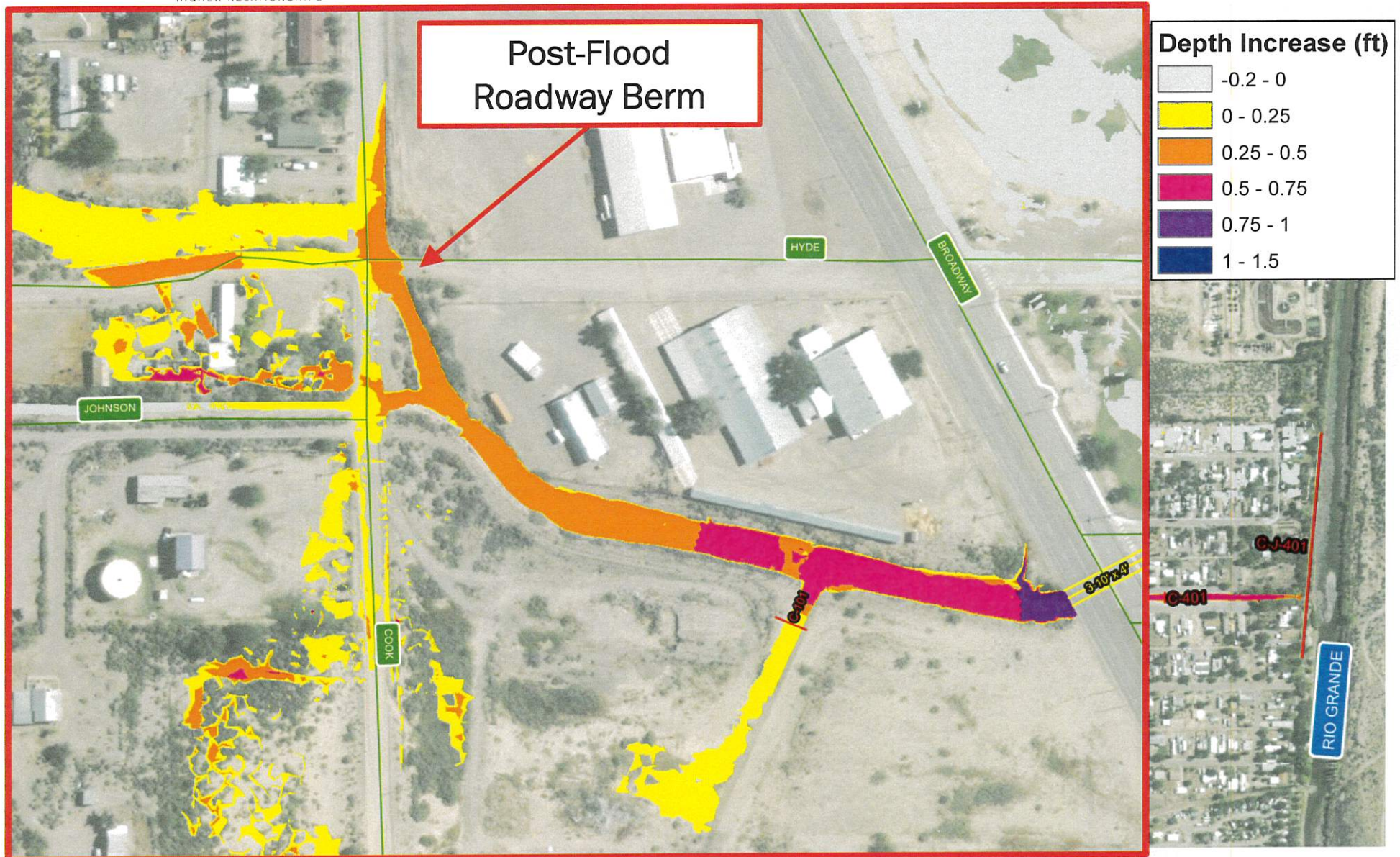


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CONSEQUENCES

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HIGHER RELATIONSHIPS

Existing HEC-RAS 2D – Depth Increase



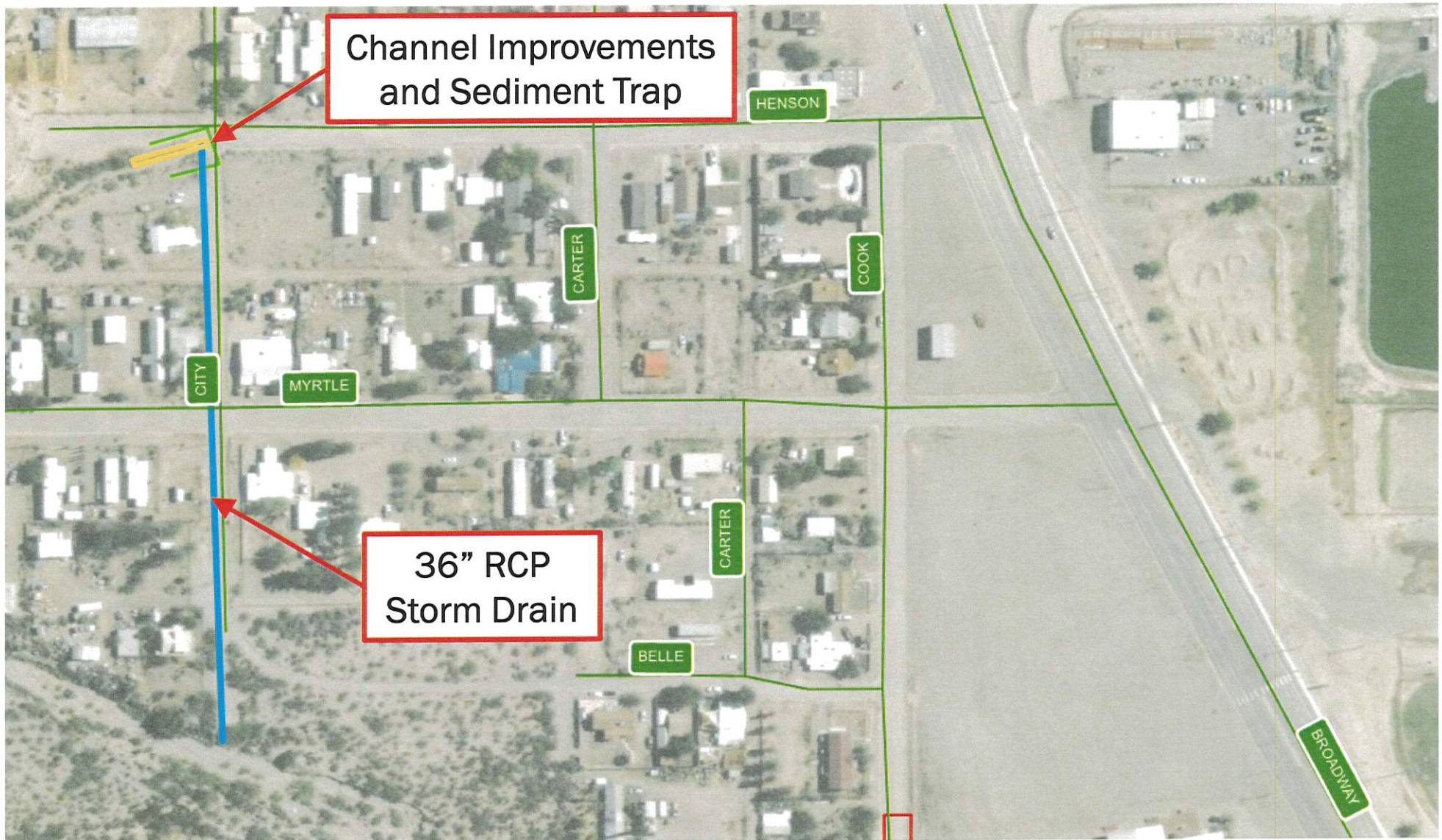


TRUTH OR
CONSEQUENCES

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& COMPANY**

HIGHER RELATIONSHIPS

Proposed Improvements – Henson St



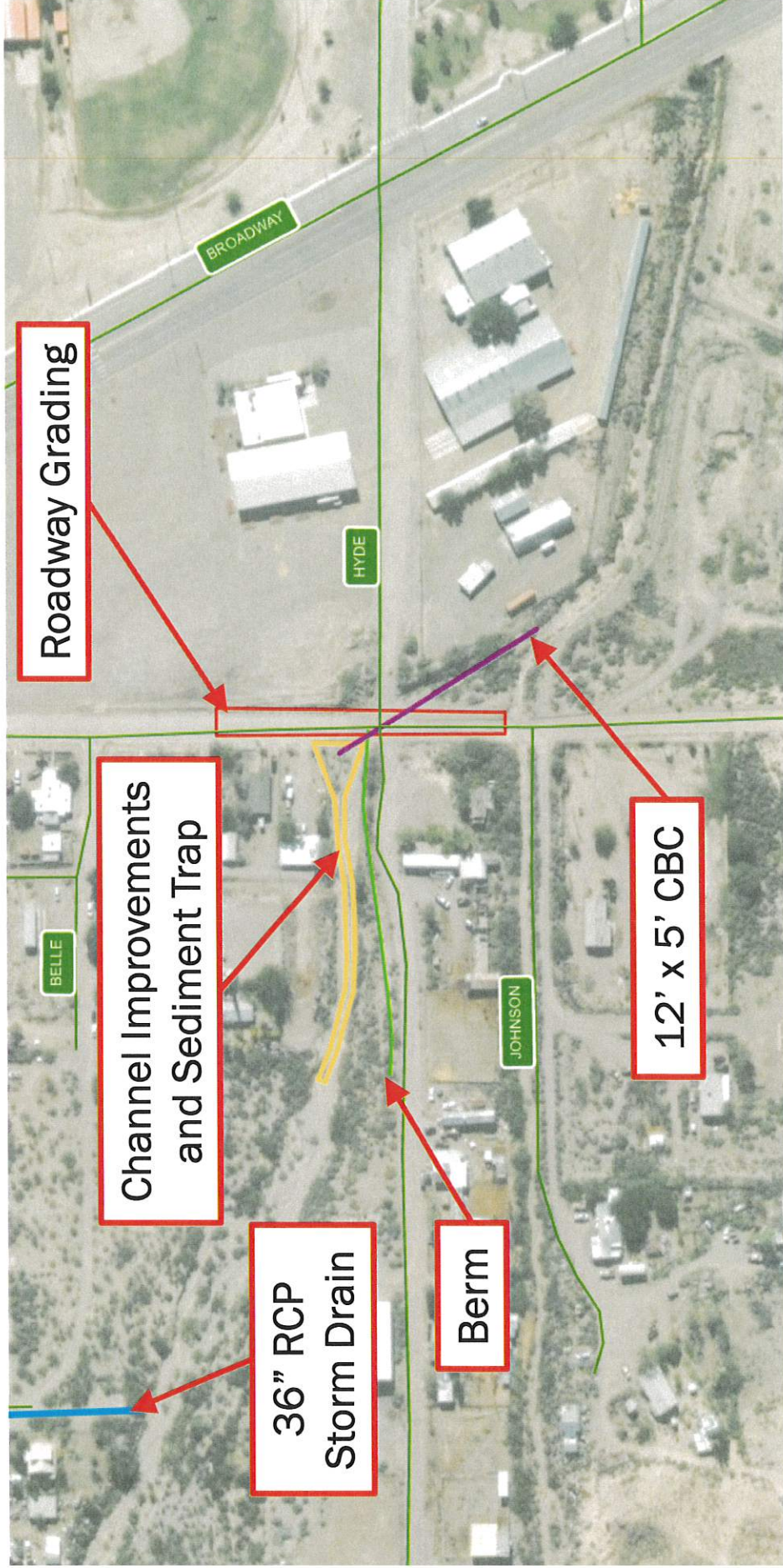


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HIGHER RELATIONSHIPS

Proposed Improvements – Cook St



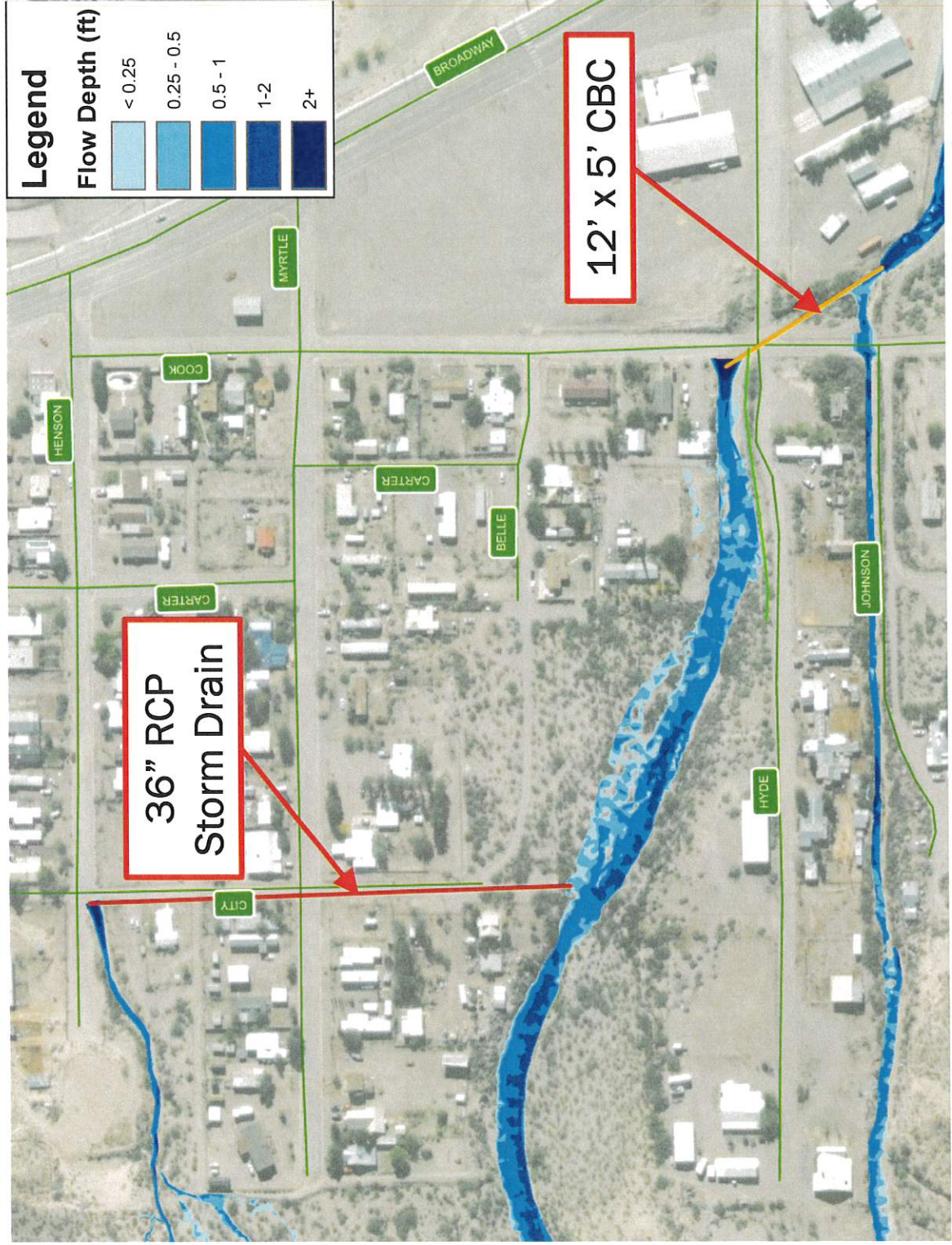


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HIGHER RELATIONSHIPS

Proposed HEC-RAS 2D - Depth Map



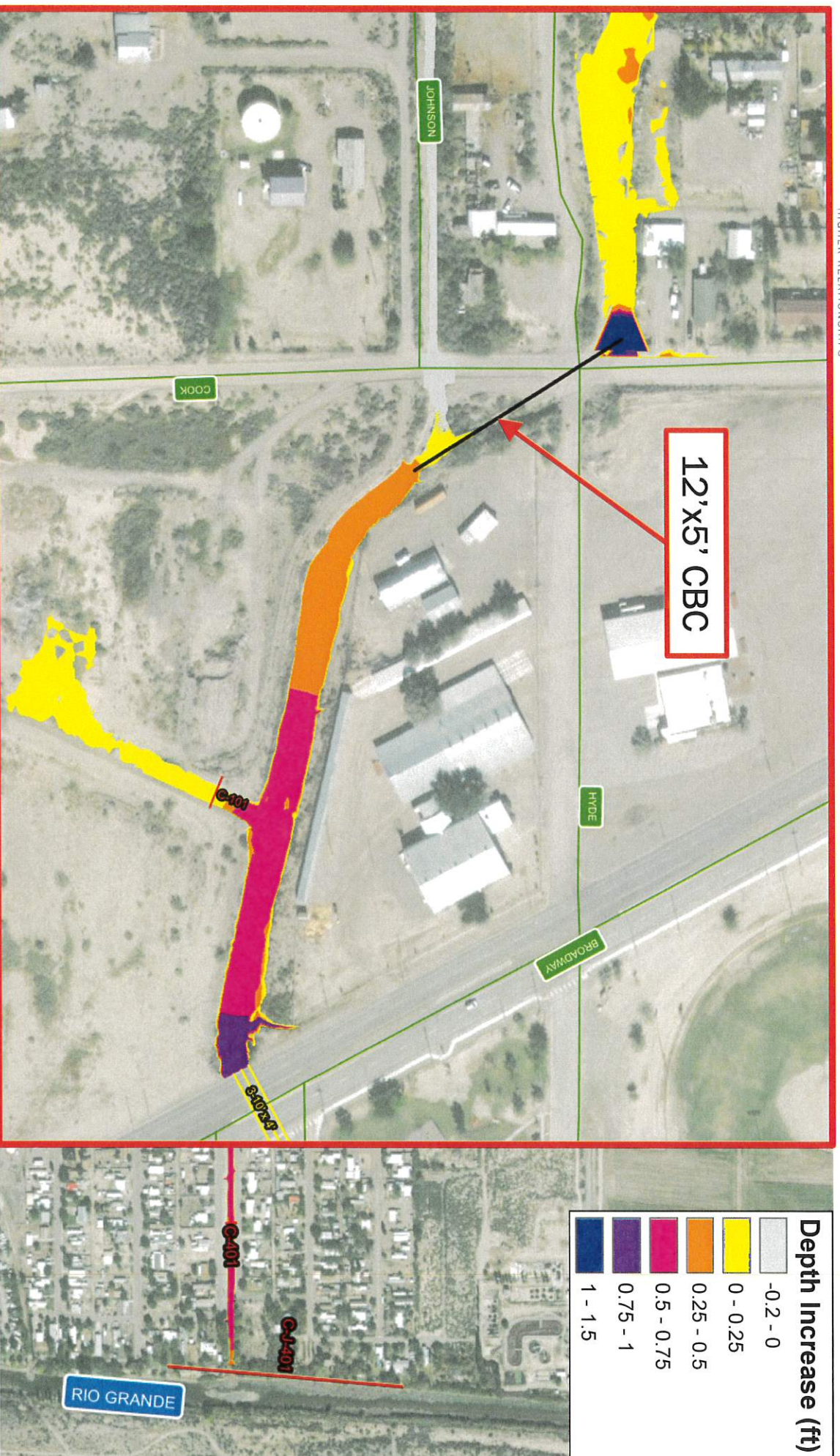


TRUTH OR
CONSEQUENCES

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& COMPANY**

HIGHER RELATIONSHIPS

Proposed HEC-RAS 2D - Depth Increase



BLM Coordination

Email from 2/27/2023

“A records check showed no authorization for this structure was issued by BLM. BLM does not maintain this structure.

If the City is interested in maintaining or reconstructing the structure, a Right-of-Way would be needed.”

- Don McClure
Assistant District Manager
BLM, Las Cruces District Office
dmcclure@blm.gov

Conceptual Construction Cost Estimate

- Dam Reconstruction
 - \$4-6 million
 - Downstream Channel Improvements
 - \$1.5-2 million
 - Dam Breach
 - \$0.5-1 million
-
- Option 1: Reconstruct Dam and Channel Improvements
 - \$5-8 million
 - Option 2: Dam Breach and Channel Improvements
 - \$2-3 million

Summary

- Cantrell Dam was not designed for flood management
 - No documentation or plans to certify design
- A reconstructed dam will be jurisdictional according to OSE
 - Enlargement of dam pool volume
 - Increased design and construction costs
 - Incur more maintenance costs for the city
- Longer process (2-3 years)
 - Right-of-Way from BLM
 - OSE coordination and approval
- Cantrell Dam is only one of the watersheds that contribute to the flooding in this area

Summary

- The city has remaining funds that would cover the design and partial construction costs
- The purpose of channel improvements is to address the flooding issues for the whole community
 - Channel improvements required for existing conditions and proposed alternatives
- Dam breach removes risk of dam failure
 - Increase safety for community

Questions

REHABILITATE TERMINAL APRON

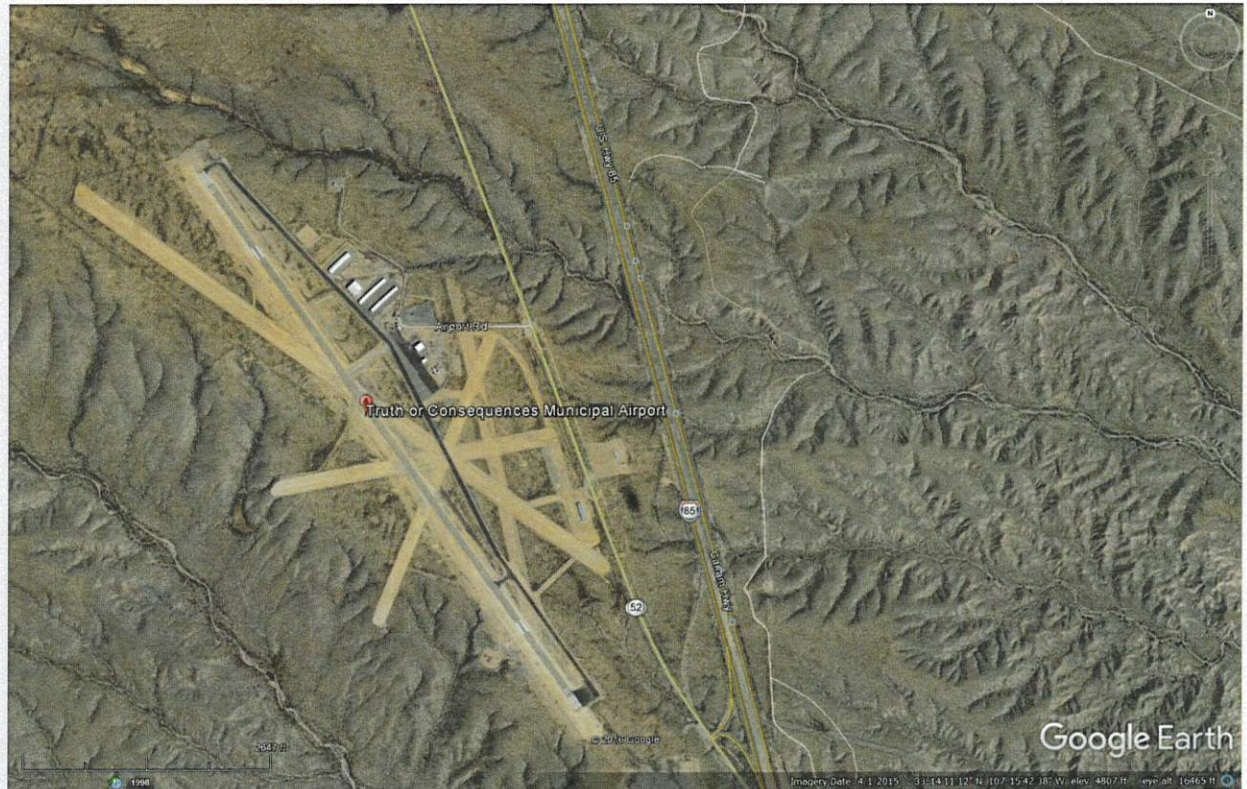
TRUTH OR CONSEQUENCES MUNICIPAL AIRPORT



**DELTA AIRPORT
CONSULTANTS, INC.**

PROJECT LOCATION

Existing Terminal Apron and Existing
Aviation Fuel Facility



**DELTA AIRPORT
CONSULTANTS, INC.**

DELTA'S ROLE

- Provide Design Services
- Provide Bidding Phase Services to support City Procurement
- Provide Construction Administration Services
- Provide full-time Resident Project Representative throughout construction



Design and Bidding Phase Services



Construction Administration Services



**DELTA AIRPORT
CONSULTANTS, INC.**

PROJECT SCOPE

- Existing asphalt pavement in front of Terminal Building contains longitudinal/transverse cracks and is unraveling
- North end of apron is old pavement covered in pea gravel
- Together these pavements are generating debris known as FOD (Foreign Object Debris) and can cause damage to operating aircraft
- Existing 500-gallon AvGas 100LL tank with a POS system located on terminal apron
- Relocate the POS system and dispensing equipment to the Aviation Fuel Facility to improve circulation of aircraft on terminal apron



Rehabilitate Pavement on the Existing Terminal Apron



Relocate Existing Self-Fuel Tank, POS System, & Dispensing Equipment to the Aviation Fuel Facility



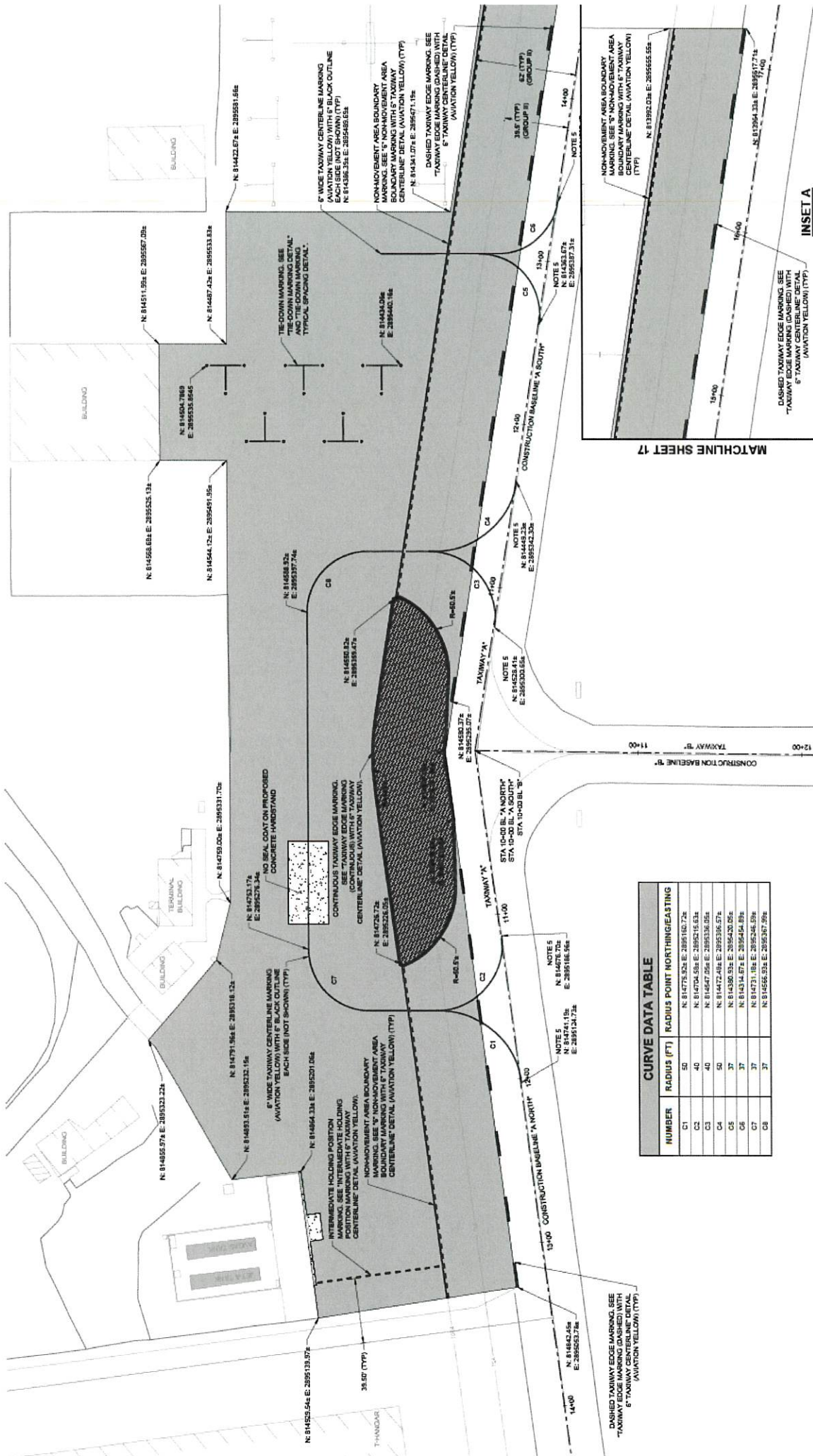
**DELTA AIRPORT
CONSULTANTS, INC.**

PROJECT SCOPE



PROJECT SCOPE





CURVE DATA TABLE		
NUMBER	RADIUS (FT)	RADIUS POINT NORTHING/EASTING
C1	50	N: 814775.925 E: 2895162.724
C2	40	N: 814704.554 E: 2895215.634
C3	40	N: 814547.054 E: 2895336.054
C4	50	N: 814472.414 E: 2895336.074
C5	37	N: 814300.934 E: 2895420.025
C6	37	N: 814314.674 E: 2895454.895
C7	37	N: 814731.184 E: 2895246.594
C8	37	N: 814556.934 E: 2895367.594

MATCHLINE SHEET 17

INSET A

BIDDING RECAP

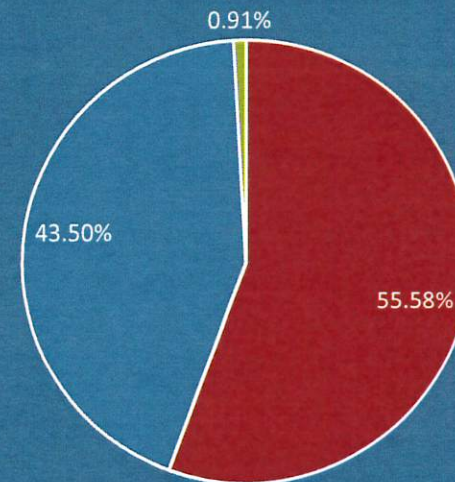
- Project originally bid in May 2023
- Bid opening extended two times
- No bids received
- Extensive coordination with FAA and NMDOT-AD to change asphalt specifications to use NMDOT Asphalt Mix
- Project Re-Bid in June 2024
- One (1) bid received – Morrow Enterprises, Inc. for \$1,840,000 (excluding NM GRT)
 - Engineer's Estimate: \$1,199,850 (excluding NM GRT)

PROJECT FUNDING

DESCRIPTION	BUDGET AMOUNT (includes NM GRT)
Administration	\$1,000
Engineering Fees	\$311,400
Construction Administration/Project Inspection	\$360,000
Construction Improvement	\$1,963,050
TOTAL	\$2,635,450

Funding Sources:

FAA AIP: \$1,128,883
 FAA AIG: \$336,000
 NMDOT-AD: \$1,146,488
 Local: \$24,079



■ FAA AIG
 ■ NMDOT-AD
 ■ Local

RECOMMENDED ACTION

Approve Contingent Upon Receipt and Execution of the Federal Aviation Administration FY 2024 Airport Improvement Grant, the Federal Aviation Administration FY 2024 Bipartisan Infrastructure Law – Airport Improvement Grant, and the New Mexico Department of Transportation – Aviation Division FY 2025 Grant

PROJECT NEXT STEPS

- Receive and Execute FAA and NMDOT-AD Grants
- Execute Contract with Morrow Enterprises, Inc.
- Coordinate Construction Start Date
 - Tentative: October 2024 (subject to Contractor's proposed schedule)