

*Steven Green
Mayor*

*Sandra Whitehead
Mayor Pro-Tem*

*Kathy Clark
Commissioner*



*Rolf Hechler
Commissioner*

*Paul Baca
Commissioner*

*Juan A. Fuentes
City Manager*

*505 Sims St.
Truth or Consequences, New Mexico 87901
P: 575-894-6673 ♦ F: 575-894-0363
www.torcnm.org*

REGULAR MEETING

THE REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO, IS TO BE HELD IN THE COMMISSION CHAMBERS, 405 W. 3RD ST., ON WEDNESDAY, MAY 23, 2018; TO START AT 9:00 A.M.

A. CALL TO ORDER

B. INTRODUCTION

1. ROLL CALL

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

2. SILENT MEDITATION

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF AGENDA

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

D. RESPONSE TO PUBLIC COMMENTS

E. CONSENT CALENDAR

1. City Commission Regular Minutes, April 25, 2018

F. ORDINANCES/RESOLUTIONS/ZONING

1. Discussion/Action: Ordinance No. 696 for publication adding Section 4-226 to the Municipal Code related to the Property Maintenance Code. Jay Rubin, City Attorney
2. Discussion/Action: Resolution No. 33 2017/2018 Approving the FY 2018/2019 Preliminary Budget. Melissa Torres, Finance Director
3. Discussion/Action: Resolution No. 34 2017/2018 setting fees for Animal Shelter. Sabrina Day, Animal Shelter Manager and Lt. Erica Baker.

G. UNFINISHED BUSINESS

1. Discussion/Update: Mud Mountain Recreational Park. Mark Bleth, Airport Manager

H. NEW BUSINESS

1. Discussion/Action: IFB 17-18-003 - Cielo Vista Subdivision Medium - Voltage Distribution Renovation Re-Bid Award Recommendation. Pat Wood, CPO
2. Discussion/Action: Lodger's Tax Funding Allocations. Juan Fuentes, City Manager
3. Discussion/Action: Sierra Joint Office on Aging request to create an outdoor memory wall on the East Side of the Commission Chambers. Carol Tavis, SJOA Executive Director
4. Discussion/Action: Consideration to propose an ordinance to authorize the operation of Recreational Off-Highway Vehicles on maintained streets owned by the City. Paul Baca, Commissioner

I. REPORTS

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

j. EXECUTIVE SESSION

1. Sale or Disposition of Real Property (613 Gold & all future sales) *Pursuant to 10-15-1(H.8)*

K. ACTION ON ITEMS DISCUSSED DURING EXECUTIVE SESSION, if any.

L. ADJOURNMENT

NEXT CITY COMMISSION MEETING JUNE 13, 2018



E.1

CITY OF TRUTH OR CONSEQUENCES
COMMISSION ACTION FORM

ITEM:

Approve the minutes of the City Commission Regular Meeting for April 25, 2018.

BACKGROUND:

None.

STAFF RECOMMENDATION:

Approve the minutes.

Submitted by: Renee Cantin, City Clerk-Treasurer

Meeting date: 05/23/2018

CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
CITY COMMISSION CHAMBERS, 405 W. 3RD St.
WEDNESDAY, APRIL 25, 2018

A. CALL TO ORDER

The meeting was called to order by Mayor Steve Green at 9:01 a.m., who presided and Angela Torres, Deputy Clerk acted as Secretary of the meeting.

B. INTRODUCTION

1. ROLL CALL

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

Hon. Steve Green
Hon. Sandra Whitehead
Hon. Kathy Clark, Commissioner
Hon. Rolf Hechler, Commissioner
Hon. Paul Baca, Commissioner

Also Present: Juan Fuentes, City Manager
Angela Torres, Deputy Clerk

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

2. SILENT MEDITATION

Mayor Green called for fifteen seconds of Silent Meditation and asked us to keep our veterans in our thoughts and prayers.

3. PLEDGE OF ALLEGIANCE

Mayor Green lead the Pledge of Allegiance.

4. APPROVAL OF AGENDA

Mayor Pro-Tem Whitehead moved to approve the agenda. Commissioner Hechler seconded the motion. Motion carried unanimously.

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

Mayor Green called for Public Comment, noting those wishing to comment would get three minutes, may only approach the podium once, and any material for the Commission was to be left in the black box by the podium.

Audon Trujillo addressed the Commission related to:

- 1) Comprehensive Plan – it should be reviewed and updated every five years, and should be reviewed annually. The city should be looking at what we are going to be doing about Global Warming. Certain trees should be planted. The Arizona Sycamore Tree should be planted and can help with Global Warming.
- 2) City Golf Contract – Had concerns about Golf Course contract that has ended. Once is over, you cannot resuscitate it. It's like a dead person. It ended in January of 2017 and you continue to fund it. He checked with the State Auditor's office and he doesn't understand it. He doesn't understand why when someone tells them ordinances are not being followed and why they are not acting on things and do nothing.

Tom Pestak, Kopra St. addressed the Commission related to:

- 1) Acting as the unofficial spokesman for the effected people of the decision to reactivate the old race track on Kopra St. to bring in professional racing. He read part of the article. It eluded to the group contacting all of the property owners and he said not one of them on Kopra St. were contacted. They have concerns about noise, dust, traffic, and the fact that none of the residents were notified. Steve Zeskhe notified him he did a poll of the residents and about 90% of them were against the proposal. 100% of the few residents he spoke to were in favor of it. None of them were opposed to economic development or raising money for the city, but they are opposed to the race track operating 1,500 ft from their homes. He was informed by City Manager Fuentes that this was a one-time use agreement with them and has been finalized and cannot change. He also let him know if there are going to be future events there would be hearings where the public could comment. He added the City Police would be directed to put up road blocks on Kopra and at the far end of Kopra rerouting them by the Cemetery. In closing, the residents in his area are all opposed to future events and other communities that approve the events have their track 5 miles away from residential areas. He thanked the Commission for their time.

Cary Jagger Gustin, Arts Council President addressed the Commission related to:

- 1) Arts Council celebrated 20 years and invited Commission and public to go see the Santa Fe Opera on Saturday the 28th at 6:00 p.m. It's totally free. They have widely publicized the event and have obtained special hotel rooms. They thank the city for the use of the Civic Center and for the tuning of the Grand Piano for their use. He also thanked them for their support of the printing for the Artists Directory Guide which has been a great tool.

Sharon Eastvold addressed the Commission related to:

- 1) Supports Arts Council and everything they are doing and Ordinance 694 regarding negligent use of weapons. With the rural area they are using for the conservancy, that's a concern for them.

Hans Townsend addressed the Commission related to:

- 1) We need a basic Local Economic Development Act program available to the public or those bringing in a new business. He got a copy of the ordinance, but they need

something that shows the basics of the program that our city could offer to bring in new businesses and publish on our website.

Ike Eastvold addressed the Commission related to:

1) He wished them a belated Happy Earth Day. Next year, he hopes we have a big celebration for Earth Day and this one if it's done well can bring people in and is a popular event. He was nominated by Barbara Bush to be on her Environmental Team. President Bush also signed the Petroglyph National Monument Establishment Act which his wife and he led the effort to create. He also gave him one of the two pens used to sign the bill. And he hopes they will consider to use his expertise. When he spoke to one of the Elders of the Sandia Pueblo, they mentioned every day is Earth Day to them.

Kendall Watnik addressed the Commission related to:

1) Concerns regarding Animal Shelter not allowing volunteers. She thinks it's important to note that not all volunteers require physical contact with the animals. They can make use of posting pictures of animals to help get them adopted. These kind of efforts reduce costs and help save lives. They hope the shelter employees will do as much as they can to get the word out about the shelter pets. Another way to rehome animals is using rescue transport to get them to more populated areas to assist with adoptions. She's helped Socorro with this in the past. When putting something like this into place, it creates a win/win for the Animal Shelter and for the Animals. Once an Animal is surrendered to a Rescue Group, Shelter liability is resolved. There is a wide network of volunteer transporters who can assist at no cost to our city. Of course, it would help immensely if these animals could be assessed and socialized prior to transport rescue, and that is something volunteers were allowed to do so.

2) City Swimming Pool, those of them using the pool look forward to transparency from the city in keeping all of them informed of the progress concerning the pool opening.

Stanley Rickert 1705 Carrie St. addressed the Commission related to:

1) Here to refute the non-enforcement actions about the property at 1715 Carrie St. the rules in city ordinances apply to more than weeds, cleaning up, or declarations of nuisance. The City Code of Ordinances for non-conforming uses, buildings, and lots, applies to Residential property for more than the benefit of maintaining appearances. He maintains that 1715 Carrie St. does not conform to this ordinance which he submitted on two complaint intake forms on April 2nd to Chief Apodaca. The response from the complaint forms was a letter by the City Attorney who made a decisional judgment based on information provided to him that proved to be of insufficient data to make such a decision for advising the city not to take any enforcement action. This statement is based on the copies of the forms provided to him that the city Attorney reviewed. Thus the use of said property is not in compliance according to the research he has done. He acknowledged the land listing of said property as residential and not as commercial from 1973 to 2006. He acknowledged the land annexed into the city in 1988, includes said property. Obviously additional research on the city's part is warranted. Therefore, he requests, the city to reevaluate the decision for non-enforcement action by way of a more appropriate decision that can be made and acted on. The facts are available, the choice is evident, and the right action is for the good of the community,

Diane Lombardo addressed the Commission related to:

1) Concerns about the Animal Shelter not allowing volunteers. Her problem is first of all they are ignoring other groups that were formed specifically to help the Shelter. For example SCARS (Sierra County Animal Rescue Society) Concerned that animal organizations and community was not invited to or thanked at the ribbon cutting. They want to sit down to talk to see if there is something they can work out to help. They had no response, no return phone call. The animal community has effectively been cut off from the shelter. SCARS had money they want to provide for liability or whatever, but nobody will even talk to them or return a phone call. That makes her angry. They are not recognized and neither is the board. The Police Department answers to City Manager Fuentes who answers to the Council. And guess who you all answer to? Her. Think about it.

Cathy Rosenquist addressed the Commission related to:

1) She had concerns about the animal shelter not allowing volunteers. Unless the object of that shelter is to totally get rid of those dogs. They are supposed to be human and have compassion. The volunteers will make sure those animals are ok. For some reason the city is not listening to the people in this town. We gave a race track going in next to a residential area; we have a Golf Course with no contract; we have a shelter; we have a phenomenal swimming pool that's being shuffed off. This town is losing population, not gaining. We need people within the city that are going to do something to help the community,

Alice Hudgens addressed the Commission related to:

1) Thanked Commission for working with the Friends of the Pool to resurface it. And her Mom always said, "Don't let the urgent, cross out the important". And she thinks a lot of the things people are talking about here like the Animal Shelter, Parks, and Swimming Pool, they're important things and not urgent things like drug arrests and breaking pipelines. The important things that build the quality of life and make people proud of where they live. The Pool needs to have Lifeguards and that's important, but she would like to see that as a forefront for this quality of life issue.

Carole Wheeler addressed the Commission related to:

1) Without volunteers there would be no Dog Park. They have built our community Dog Park. They are helpful and she could not have gotten where the city is today without the volunteers.

Collie Sue Lawson, 701 Poplar addressed the Commission related to:

1) Wanted to back a lot of them with the issue of the Swimming Pool. They are trying to find out what time frame of when the pool will be open. She knows it has been filled since January, but she's wondering if there could be a contact person they could talk with periodically. All they are getting is when they go to Parks & Recreation once a month and that's it. They also don't know where they go to get an application. She also knows someone who went to apply and does not have a CPO until June 1st – 4th. She understood

there would be a grand opening at the middle of April and we are past that. She would like to know they could have someone they could talk with if they have any questions.

Randall Lawson addressed the Commission related to:

1) to all of the people who have been up here. Commission doesn't care about the animals, the pool, or some of the other things people have to say because there is no communication whatsoever. He said we need to start with this administration right now and City Manager Fuentes needs to be the first one to leave this town. Then each and every one of the Commissioners who doesn't want to make something of this town, need to be the next ones to go.

Sara Frothingham, 608 Pine St. addressed the Commission related to:

1) She's not seeing any transparency about the pool from the Commission or City, except for Mr. Baca. She has concerns about the pool opening being postponed from April 15th and now they are being told it's going to be the end of June. She was told the lifeguard training was going to be at the end of this month. She's concerned about the children of this town and herself. It's important to have transparency, especially now.

D. RESPONSE TO PUBLIC COMMENTS

City Manager Fuentes addressed comments regarding the pool. Some of the things he heard, he doesn't believe are coming from the city. He had a meeting with the Public Works Director, Tracy Johnson, and with the Chair of the Friends of the Pool. He also believes Mr. and Mrs. Lawson and some others attending are members of that group. So they had a very good meeting where they gave an update. When you talk about the city not hearing, we do. We listened when the suggestion was brought to close the pool to get it resurfaced. And we have done that and we are in the process of rehiring the Lifeguard which has been the biggest challenge. We have to hire Lifeguards for year around and have identified some young kids who are in school. And they are in the process of getting their certifications. He commended the Facility and Public Works Department for the work they have done. He thanked Ms. Quentin for meeting with them, it was a very good meeting and there were no threats. So he takes exception to Mr. Lawson's threat and he here's what he is saying but there is a process and it needs to be followed. We do have a Certified Pool Operator who is the Interim Manager, but until the lifeguards are in place, they will not have an opening date. As far as, contacts, he encouraged them to contact Ms. Gardner or Ms. Johnson. If there is another group outside of the Friends of the Pool, please send them over so we can let them know where we are at.

City Manager Fuentes addressed Concerns regarding volunteers at the Animal Shelter. He never said we are not going to use volunteers at all. He did say, right now we have a new operation we are getting ready for. We have the New Shelter Manager and Lt. Baker who are working to get established. Ms. Lombardo, you may not agree with that process, but they have identified some issues they need to resolve. One person with the Manager and Lt. Baker have been out there and it's not enough. They need to have staff running that facility and need to give them the flexibility to work in the volunteers when they are

ready. He supports his staff and the direction they want to go, but he had never said they would never have volunteers. He apologized for the organizations that he missed during the grand opening. There is a lot of misinformation that needs to be cleared up.

Commissioner Hechler – addressed concerns regarding the race track. He wants to be sure, we have a debrief following the race to discuss it and plan for any future events we may have.

Commissioner Clark agreed with Commissioner Hechler. He also remembers it will be a onetime event and they should be watering down the area so there is not so much dirt.

Mayor Green also suggested we get some past history during the debrief to see how they handled things as well. We might want to consider putting a plaque on the Animal Shelter for all of those organizations who helped. He also added since Mr. Townsend brought this to his attention, he spoke with Clerk-Treasurer Cantin. We did have a Tiny Home group that was looking at moving here and to the best of his knowledge the LEDA was not tailor made for the Brewery. It's on our website and should be made more accessible and he will make sure that happens.

E. PRESENTATIONS

1. Proclamation for PetSafe National Dog Park Day on May 5th, 2018.

Mayor Green presented the Proclamation to Carole Wheeler and any of her volunteers who have helped.

2. Presentation: Chihuahuan Desert Conservancy. Ike Eastvold, Presenter

Ike and Sharon Eastvold made the presentation. Mr. Eastvold began by saying they are surrounded by Chihuahuan Desert owned by Buhler, Luchini, and Trujillo. It's a beautiful piece of desert and is continuous with the parcel they bought and someday they would love to add it to the Conservancy property. They have seen 40 different species of birds since they have been there. They hope their 209 Acres will be an anchor to other areas and to connect to hiking and bicycle trails. Hiking and Trails also help with Economic Development.

He began by showing an overview of the property area. It's all within the city limits. Any city would be proud to have that amount of open space in the city limits, and you have it, and they intend to preserve it. The views from this property are fantastic and really lay everything out teaching and bringing school groups for education. He announced there are five major ATV Climbs that have developed. He wanted to draw their attention to the Elementary School, Middle School, and High School are all within walking distance for education. Tourists will have easy access for information and it can be an important area for birders who can learn about the species in the area. Mrs. Eastvold said they would like to begin the Teachers using the common core standards for scientific evaluation and

have the students develop the questions and they can go into the conservancy to test their questions and report to their classes. All would be according to their age range.

Mr. Eastvold said they are confronting the challenges they have encountered with the signs they have posted which have been run over by ATV's. He would like to reach those individuals through education. The Police and Conservancy people cannot be out on this property all of the time. Another problem is Gangs, the Officer showed about six needles that were found in the area. They are going to install gates at all access roads, which they are hoping with help. We are also in the Central flyway where the birds fly south to Mexico and that fosters an excellent opportunity for bird watcher. They gave amounts that are spent on Bird Watching and on Earth Day is the time of year the swallows frequent the Rio Grande in our area. He gave other examples including the Lesser Night Hawk, the White Pelican, and the Prairie Falcon. We have a tremendous variety and we need to help them preserve their home.

Mayor Green said it's a sheer joy and a pleasure to have a couple come in with such passion and enthusiasm. Hopefully this project will gather momentum and he wishes them the best of luck on this project.

3. Presentation related to Code Enforcement. Michael Apodaca, Interim Police Chief and Ray Chavez, Code Enforcement

Lt. Erica Baker and Code Enforcement Officer Chaves made the presentation. The Presentation is part of the agenda packet. They gave an overview of how the Code Enforcement Works so the citizens would understand the process involved.

F. CONSENT CALENDAR

1. City Commission Regular Minutes, March 28, 2018
2. City Commission Special/Work Session Minutes, April 10, 2018
3. Public Utility Advisory Board Minutes, March 19, 2018
4. Public Arts Advisory Board Regular Minutes, March 20, 2018
5. Fire Protection Fund Application
6. JPA for Animal Control Services between the City of Truth or Consequences and Sierra County

Mayor Pro-Tem Whitehead moved to approve the Consent Calendar as noted. Commissioner Clark seconded the motion. Motion carried unanimously.

G. PUBLIC HEARINGS

1. Public Hearing: Final Adoption of Ordinance No. 694 amending Section 8-39 of the Municipal Code for Negligent use of a deadly weapon. Jay Rubin, City Attorney and Mike Apodaca, Police Chief

We had one proponent, Marjorie Rickert who is no longer in attendance.

City Attorney Jay Rubin has been working on bringing our ordinances more up to date with State Statute, he presented the changes that have been proposed for the ordinance. You will see it's almost identical to state statute. The part left out is under another section of our code. He also left the option to get permission from the City Manager in there.

Mayor Green closed that public hearing.

2. Public Hearing: USDA Rural Development Community Facilities Grant Application for financial assistance for various equipment needs. Traci Burnette, Grant/Projects Coordinator

Traci Burnette presented the information on the Grant for various equipment needs. This is the same grant we applied for funds and received the Street Sweeper in 2015, we also received 4 Police Cars and the Loader in 2016, and Electric Reel Trailer for the Electric Department in 2017. Mayor Green assumes we have a list of equipment. Grants Projects Coordinator Burnette said she is working with the Parks Department for a loader and the Wastewater Department for a possible dump truck. There is a cap now for \$35,000 so it's a 55% grant and the remainder is a cash match. So they are trying to keep the amounts down. It's a competitive grant so she can submit multiple grants but they would compete against each other.

Commissioner Clark said we are going into budget season, how long does he have to sit on the match amount before we can release it. Grants Projects Coordinator Burnette said they can sit on it as far as October or November. She explained how if they have money left over, they will be contacted to apply.

Commissioner Clark asked if we budget that money in advance. City Manager Fuentes said during the budget process they will be looking at including any match they may need for any project that's awarded.

Mayor Green closed the public hearing.

H. ORDINANCES, RESOLUTION, & ZONING

1. Discussion/Action: Final Adoption of Ordinance No. 694 amending Section 8-39 of the Municipal Code for Negligent use of a deadly weapon. Jay Rubin, City Attorney and Mike Apodaca, Police Chief

City Attorney Rubin added he is really trying to stay as close to state statute as he can and he recommends that they pass this. Mayor Green wanted to clarify the hunting within city limits. Lt. Baker said there is law within NM Game & Fish as to where you can hunt and it's something they can enforce. Mayor Pro-Tem Whitehead added she believes those things are covered in the hunting safety before a permit is issued.

Mayor Pro-Tem Whitehead moved to approve the Final Adoption of Ordinance No. 694 amending Section 8-39 of the Municipal Code for Negligent use of a deadly

weapon. Commissioner Hechler seconded the motion. Roll call vote was taken by the Deputy Clerk. Motion carried unanimously.

I. NEW BUSINESS

1. Discussion/Action: USDA Rural Development Community Facilities Grant Application for financial assistance for various equipment needs. Traci Burnette, Grant/Projects Coordinator

Mayor Pro-Tem Whitehead moved to approve USDA Rural Development Community Facilities Grant Application for financial assistance for various equipment needs. Commissioner Baca seconded the motion. Motion carried unanimously.

2. Discussion/Action: Recommendation by the Public Arts Advisory Board to proceed with the Art Park Clean & Beautiful Grant. Traci Burnette, Grants/Project Coordinator

Grants Projects Coordinator Burnette said in May, we received a Grant from New Mexico Clean & Beautiful. This grant is set to expire in June and needs to be completed as soon as possible. The Landscape Designer they procured has also fallen through at this time. She is asking the Commission to allow her to take over the project and she plans to keep them all informed as to the progress. City Manager Fuentes added this will also include the Reed Rocket project that was included.

Commissioner Clark asked how much would go to the architect and how much for actual landscaping.

Grants Projects Coordinator Burnette responded we were awarded \$3,000 which goes to the survey, dirt work, site preparation, and irrigation system; \$7,000 is for landscape and architectural design services; \$6,000 towards art sculptures, trees shrubs and trash receptacles. Because of the sculpture they started on before this funding went into place, we are not allowed to use these funds on the Reed Rockets at all.

Commissioner Clark asked if the Reed Rockets were already paid for. City Manager Fuentes responded the Sierra Arts Council already paid the artist and they have a balance they can't pay until the completion of the project. Mayor Green asked if she feels comfortable in getting the project completed. Grants Projects Coordinator Burnette agreed the purchase of those items need to be done by the 10th of June.

Mayor Green moved to approve to have city take control of the Clean & Beautiful Grant and to proceed with posthaste with the Art Park in expending all of the money allocated by the dates we are governed by. Commissioner Clark seconded the motion. Motion carried unanimously.

3. Discussion/Action: Adoption of the 2018 Town Hall & Commission Retreat Results. Rolf Hechler, City Commissioner

On April 2nd we had a Town Hall meeting and listened to the community and what they wanted the city to focus on. In gathering those notes and also some ideas from the Commissioners and what they would like to see happen in the next few years, they took those to the Planning Retreat on April 10th at the Black Range Lodge. They used the notes, put them on post it notes and at the end they came up with a good plan to give some guidance to our City Manager to use for the next months and years.

It's more of a guide than a strategic plan that we can use or add to as we need to. One of the main topics was the Golf Course. Some things they recommend are improving the water system and ponds at the Golf Course; the cart paths, posts along Marie St.; cash register for better tracking of revenues; drainage pond by Hole #1; hosting tournaments; make sure the events coordinator helps with marketing; work more closely with the Advisory Board; and use the on-site residence possibly for security. It will hopefully be an agenda item on May 9th.

Some other issues included the drainage issues and to include the Brewery Area. City Hall needs some attention and a new Utility Drive-Through and upgrade the offices for a functional area. Stay focused on documents destruction. In general, Streets and Sidewalks need to be tended to. Street signs need to be updated and replaced. The safety issue is the 911 and addressing for emergencies. Upgrade the tourism signs. Resurface Gold St. for access to Sierra Vista Hospital. They want to develop a multi-year plan for streets. Would like a recommendation on a five year plan.

They agreed they would like to go to some kind of automated meter reading system. City Manager Fuentes will bring a presentation to a future meeting so they can move forward. Other items were the Civic Center parking lot clean up. Clean up of City Offices. Department Heads who have an Office should some kind of order so it's welcoming when someone comes to visit with you. They also want to support the Gas Tax for the 2019 Legislative Session for road improvements.

Economic Development:

- Attract more car shows and motorcycle runs.
- Attract and keep more Winter visitors.
- Support the ESRA at the Spaceport. We have 120 Teams signed up this year.
- Develop, find, and recruit manufacturing jobs.
- Improve Tourism related events.
- Address the loss of population.

Parks & Recreation:

- One mentioned the stickers at Ralph Edwards Park and those need to be eradicated. Over the years they unfortunately take over.
- Trash dumping problems.
- New fencing at the Louis Armijo Park.
- Modernize the water system at the major Parks and Facilities. Manual operation of these takes a lot of time.
- ADA problems at the Vista Memory Gardens Cemetery.

Code Enforcement: They have made great strides and want to see if there is any way to improve or expedite the cases.

Continue to improve the communication with the public.

Address the vehicles with flat tires or without license plates on city streets.

Administration:

Review staffing levels in all departments.

Standardized uniform process.

Employee Recognition Program

Fill Special Events Coordinator Position.

Implement process for small purchases. Look into Open P.O.'s or petty cash.

Improve Safety Program.

Update website regularly. It's not very welcoming.

Semiannual information from Department heads.

Hold additional Town Hall Meetings.

Better response to public questions and/or concerns.

City Manager will meet with Department Heads and report to Commission.

Have a bi-annual report to the Commission to include items that need to be taken care of or items that need to be removed.

Mayor Green thanked Commissioner Hechler for the time he put into this and for stepping up to lead us in a very productive and meaningful meeting and time spent. He thanked one and all for participating.

Mayor Pro-Tem Whitehead moved to approve the adoption of the 2018 Town Hall and Retreat results. Commissioner Clark seconded the motion. Motion carried unanimously.

4. Discussion/Action: New Mexico Tourism Rural Pathway Grant Application.
Steve Green, Mayor and Juan Fuentes, City Manager

Mayor Green said there is an opportunity to apply for the grant for tourism. How do you make yourself a better tourism destination? He named some important local players who attended. One thing brought out is our signage is almost non-existent. Improvements to the physical outside structure of the Lee Belle Johnson and money to be set aside for hospitality training. If you wanted a \$100,000 project, the city would put up \$50,000 and the state would put in \$50,000. It would probably have to come out of Lodger's Tax. They are talking about Exit 75 to Exit 79 and we have a very strong Art community. The money would have to be spent by June 30 of next year. We have been encouraged to apply for this. He brought to Commission to see if it's something they would feel comfortable in authorizing staff to do the research and bring the application back to the Commission.

City Manager Fuentes added they are still trying to figure out the exact details, but the support from the Commission will help them get there. There will be a match amount.

Mayor Green said one of the requirements is 20 hours of training, and he has signed up for that. We have been hearing signage and we've got to do everything in our power.

Commissioner Clark reiterated some of the other grants we have agreed to find the money for, and also the Golf Course needs and some other needs. She knows it's a good idea to have some signs for safety issues. But we have to give some flexibility to our Department Heads and City Manager because we have a strenuous budget. We also don't want to close the door to an opportunity. She doesn't feel comfortable putting a dollar amount to this, but would leave it open to the City Manager.

Mayor Green thinks they should just give us the money, but they won't allow in-kind either. But the state doesn't operate that way, there is a process.

Commissioner Clark moved to approve keeping the grant opportunity open with no monetary amount to be applied by June 1st. Mayor Pro-Tem Whitehead seconded the motion. Motion carried unanimously.

I. REPORTS

1. City Manager – Budget Hearing Next Thursday afternoon 1pm; and the Rural Service Road Show will be in T or C tomorrow at the Civic Center. He will be participating in the Panel Session during the lunch hour. It's a good opportunity to see what is out there for funding. If the Commission has a specific date for budget hearings, please let him know so they can start working on that. Commissioner Clark will be gone all week. They will try to aim for Thursday afternoon at 1:00 p.m.

2. City Attorney

Mentioned during our last two public comments. Mr. Rickert referenced his letter. He is happy to reach out to him as to why he made that recommendation.

Mayor Green asked about the issue of not allowing weapons. City Attorney Rubin reported the article that was provided by Chief Gallagher in Las Cruces. Where you cannot pass an ordinance to prohibit the open carry of a weapon in a public building.

3. City Commission

Mayor Pro-Tem Whitehead thanked Fire Departments involved in last week's Fire. She was there and saw the wind blowing drastically. They were very on top of things, she thanked all of the Departments involved. They did a great job.

Commissioner Clark was in the bank last week. Two people who lost their homes were at the bank. She is not sure if there are any efforts being done for those families and if she does here of something please let her know.

Mayor Green heard from the Eastvolds about Earth Day. And the Recycling Committee and Bountiful Alliance have had a Swap-a-rama for the last two years for Earth Day. He thanked Grants Projects Coordinator Burnette and Mr. Alvarez for helping set up and tear down.

Commissioner Hechler. No comments

Commissioner Baca. No comments

K. ADJOURNMENT

**Mayor Pro-Tem Whitehead moved to adjourn at 11:42 a.m.
Mayor Green seconded the motion. Motion carried unanimously.**

Passed and Approved this ____ day of _____, 2018.

Steven Green, Mayor

ATTEST:

Reneé L. Cantin, CMC, City Clerk

F.1



**CITY OF TRUTH OR CONSEQUENCES
COMMISSION ACTION FORM**

ITEM:

Ordinance No. 696 for publication for Property Maintenance Code.

BACKGROUND:

The International Property Maintenance Code is being utilized by a number of municipalities. It was promulgated in 2012, and covers numerous issues, including condemnation of dangerous buildings.

STAFF RECOMMENDATION:

Staff recommends that we proceed to publication on this Ordinance which would adopt the code by reference.

SUPPORT INFORMATION:

Proposed ordinance.

Submitted by:	Department:	Meeting date:
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ORDINANCE NO. 696

AN ORDINANCE OF THE CITY OF TRUTH OR CONSEQUENCES, ADOPTING THE CURRENT EDITION AND ALL AMENDMENTS THERTO OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES; BY PROVIDING THE STANDARDS FOR SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS ESSENTIAL TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPATION AND USE; AND THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE, AND THE DEMOLITION OF SUCH EXISTING STRUCTURES IN THE CITY OF TRUTH OR CONSEQUENCES; THEREFORE REPEALING ORDINANCES 4-226 THROUGH 4-235, AND ALSO PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES.

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

Section 1. That Ordinances 4-226 through 4-235 are hereby repealed.

Section 2. That this ordinance is hereby added to the Code of Ordinances of the City of Truth or Consequences, and such section shall read as follows:

SECTION 4-226 PROPERTY MAINTENANCE CODE

A. That a certain document, three (3) copies of which are on file in the office of the Community Development Department, of the City of Truth or Consequences, being marked and designated as the International Property Maintenance Code, current edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the City of Truth or Consequences, in the state of New Mexico, for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided ; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the City Clerk are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation.

B. All amendments to the International Property Maintenance code shall be automatically adopted by reference.

Section 3. That if any section, subsection, sentence, clause or phrase of this legislation is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City of Truth or Consequences hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 4. This Ordinance shall take effect on the ___ day of _____, 2018.

PASSED, APPROVED, and ADOPTED by the CITY COMMISSION of the CITY OF TRUTH OR CONSEQUENCES this ___day of _____, 2018.

Steve Green, Mayor

ATTEST:

Renee L. Cantin, City Clerk

F.2



CITY OF TRUTH OR CONSEQUENCES
COMMISSION ACTION FORM

ITEM:

Discussion/Action: Resolution No. 33 17/18 Adopting the Preliminary Budget for FY 2018-2019.

BACKGROUND:

Departments have presented information regarding FY 19 operating revenues, expenditures and capital wish list items. Before you is the summary of preliminary data from meetings held with department managers along with summary information from FY 18 to FY 19 changes. Adoption is needed to be in compliance with DFA requirements.

RECOMMENDATION:

Approve Resolution No. 33 18/19 Adopting the FY 2018-2109 Preliminary Budget

SUPPORT INFORMATION:

-

Name of Presenter: Melissa Torres	Department: : Finance Director	Mtg: 5/23/18
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RESOLUTION NO. 33 2017/2018

A RESOLUTION ADOPTING THE PRELIMINARY FISCAL YEAR 2018-2019 REVENUE AND EXPENDITURE BUDGET FOR THE CITY OF TRUTH OR CONSEQUENCES.

WHEREAS, the City Commission of the City of Truth or Consequences, New Mexico, has developed a budget for Fiscal Year 2018-2019; and

WHEREAS, said budget was developed on the basis of need and through cooperation between Elected officials, City Manager and staff; and

WHEREAS, the official meeting for the review of the budget was advertised in compliance with the State Open Meetings Act; and

WHEREAS, it is the majority opinion of this Commission that the proposed budget meets the requirements as currently determined for the Fiscal Year 2018-2019.

NOW THEREFORE, BE IT RESOLVED BY THE COMMISSIONER'S OF THE CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO:

1. The accompanying budget will be the approved Preliminary Budget for the Fiscal Year 2018-2019 for the City of Truth or Consequences and respectfully request approval by the New Mexico Department of Finance and Administration, Local Government Division.

PASSED, ADOPTED AND APPROVED this 23rd day of May, 2018.

Steve Green, Mayor

ATTEST:

Reneé L. Cantin, City Clerk-Treasurer

F.3



**CITY OF TRUTH OR CONSEQUENCES
COMMISSION ACTION FORM**

ITEM:

Resolution No. 34 2017/2018 setting fees for Animal Shelter.

BACKGROUND:

To present to City Commission and City Manager the Animal Shelter fee schedule.

STAFF RECOMMENDATION:

Approve the resolution.

SUPPORT INFORMATION:

The Truth or Consequences Animal Shelter Resolution and fee schedule.

Name of Drafter: Erica Baker	Department: Police	Meeting date: May 23, 2018
Email: ebaker@torcnm.org	Phone: 894-1204 Ext. 422	



CITY OF TRUTH OR CONSEQUENCES

RESOLUTION NO. 34 17/18

A RESOLUTION ESTABLISHING FEES FOR THE NEW ANIMAL SHELTER.

WHEREAS, the new Truth or Consequences Animal Shelter was opened in April 2018;
and

WHEREAS, the City operates the Animal Shelter; and

WHEREAS, the City staff has reviewed rates charged by other area animal shelters and determined the proposed fees set forth on Exhibit A are reasonable to other shelter fees.

NOW THEREFORE, BE IT RESOLVED by the governing body of the City of Truth or Consequences:

1. The Animal Shelter Fees as set forth in Exhibit 'A', attached hereto and incorporated herein by this reference, will be effective immediately upon adoption.
2. The City Commission may review the fees set forth in Exhibit A annually.
3. The City Manager or his/her designee at his/her discretion may waive or reduce fee(s) on existing verbal or written agreements in effect upon adoption of this resolution.

PASSED, APPROVED AND ADOPTED this _____ day of May, 2018.

Steve Green, Mayor

ATTEST:

Renee L. Cantin, City Clerk-Treasurer

Exhibit A

Fee Schedule

Impound Fee	\$30.00	
Boarding Fee	\$15.00	
Quarantine Fee	\$30.00	
Adoption Price	\$55.00 dog/puppies w/o tax	
Adoption Price	\$75.00 cat/kitten w/o tax	
Adoption Fee	\$25.00 PCT	\$10.00
Felv Test	\$20.00	
Parvo	\$10.00	
Microchip	\$10.00	
Bordetella	\$10.00	

- The adoption price for dogs/puppies includes the Adoption fee, Parvo, Microchip, Bordetella.
- The adoption price for cats/kittens includes the Adoption fee, first Pct, Felv-test, Microchip, Bordetella

G.1



CITY OF TRUTH OR CONSEQUENCES
COMMISSION ACTION FORM

ITEM:

Discussion/Update: Mud Mountain Recreational Park.

BACKGROUND:

Mark Bleth, Airport Manager will present this item.

STAFF RECOMMENDATION:

None. Update only.

SUPPORTING DOCUMENTATION:

None.

Submitted by: Renee Cantin, City Clerk-Treasurer		Meeting date: 05/23/2018
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H.1

**CITY OF TRUTH OR CONSEQUENCES
COMMISSION ACTION FORM**

ITEM:

Discussion/Action: IFB: 17-18-003 - Cielo Vista Subdivision Medium - Voltage Distribution Renovation Re-Bid Award Recommendation.

BACKGROUND:

Bid Opening was held on Thursday, May 3, 2018 at 2:00 p.m. We received 5 bids for this project.

STAFF RECOMMENDATION: Bohannan Huston (see attached) is recommending to award bid to Bixby Electric, Inc. in the amount of \$ 339,483.00 excluding NMGRT.

SUPPORT INFORMATION: Bohannan Huston's Award letter of recommendation and Bid Tabulation.

Name of Presenter: Pat Wood, CPO	Department: Finance	Meeting date: 05/23/18
E-mail: pat@torcnm.org	Phone: 575-894-6673 ext. 312	

Bohannon Huston

425 S. Telshor Blvd.
Suite C-103
Las Cruces, NM
88011-8237

www.bhinc.com

May 8, 2018

voice: 575.532.8670
facsimile: 575.532.8680

Pat Wood, Procurement Officer
City of Truth or Consequences
505 Sims
Truth or Consequences, NM 87901

Re: Cielo Vista Subdivision Medium – Voltage Distribution Renovation Re-Bid Award
Recommendation
IFB: 17-18-003
BHI Project No. 20180215

Dear Ms. Wood,

Bids were opened for the above-referenced project on Thursday, May 3, 2018 at 2:00 p.m. The project consists of replacing electrical distribution system transformers, primary distribution cable and conduit.

The project was bid on a lump sum and unit price schedule. Five bids were received before the scheduled bid opening. The bid documents were to include Resident Contractor Certification and Resident Veteran Contractor Certification. Those contractors that qualify for a discounted preference, by providing the pertinent certification documentation, are indicated in the bid tabulation form attached to this letter. The project award amount would be the total base bid of the project.

The bid received from the apparent second low-bidder Bixby Electric didn't change the quantities on the bid form item #7 and item #9 in accordance to addendum #2. Bixby Electric did acknowledge addendum #1 and addendum #2 as received. The correction of the bid quantities makes Bixby Electric the project low-bidder. A tabulation of the bids and the engineer's estimate of probable cost are attached. A summary of the three lowest bids is shown below:

Bidder	Total Base Bid
Great Western Electrical, Inc. Albuquerque, New Mexico	\$342,274.00
Bixby Electric, Inc. Albuquerque, New Mexico	\$339,483.00
Lynco Electric Company Inc. Las Cruces, New Mexico	\$390,288.00
Engineer Estimate	\$302,715.00

These figures DO NOT include City of Truth or Consequences Gross Receipts Tax at a rate of 8.500%.

Engineering ▲

Spatial Data ▲

Advanced Technologies ▲

Pat Wood, Procurement Officer
City of Truth or Consequences
May 8, 2018
Page 2

The low bidder is:

Bixby Electric, Inc.
521 Wheeler Ave SE
Albuquerque, NM 87102
505.842.5384

NM Contractor License No. 28568
Expires: July 31, 2020

The low bidder's license has been verified with NM Licensing Services, are valid for the type of work to be accomplished, and is in active status. We have worked with Bixby Electric Inc. on previous projects as an electrical subcontractor on low-voltage only projects with satisfactory results. We have contacted the only medium voltage projects reference of T&D Services, and have discovered that project just initiated. None of the other references are for medium voltage distribution projects.

The contract documents require that bidders hold the bid prices for a period of sixty (60) days after the bid opening to allow the owner to evaluate the bid proposals. It is our understanding that City of Truth or Consequences currently has funding for the entire project. On the basis of the above, I recommend that the City of Truth or Consequences award the total base bid to Bixby Electric Inc. for a total amount of \$339,483.00.

The City of Truth or Consequences is required to take action (in the form of a vote) to accept or revise this recommendation in accordance with the City's objectives for award of the construction contract. It is my understanding that consideration of the award will take place at the May 23, 2018 City Commissioners meeting. Please do not hesitate to contact me if you have any questions or need further assistance with this prior to that time.

Sincerely,



Matthew R. Thompson,
P.E. Senior Vice President

MRT/dg

Enclosure(s)


cc: Great Western Electrical, Inc.
Bixby Electric, Inc.

TRUTH OR CONSEQUENCES
CIELO VISTA SUBDIVISION MEDIUM - VOLTAGE DISTRIBUTION RENOVATION RE-BID
IFB: 17-18-003
BID REVIEW CERTIFICATION
Bid Opening: May 3, 2018

Bid Item	Description	Unit	Qty	Engineers Estimate		Great Western Electrical, Inc.		Blxby Electric Inc.		Lynco Electric Company Inc.		Whitefish Energy Holdings LLC		RCI Power & Lighting Inc.	
				Unit Price	Extension	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension
1	Mobilization and Demobilization	LS	1	\$28,515.00	\$ 28,515.00	\$ 24,405.00	\$ 24,405.00	\$ 36,790.00	\$ 36,790.00	\$ 15,000.00	\$ 15,000.00	\$ 40,161.09	\$ 40,161.09	\$ 105,250.00	\$ 105,250.00
2	15 kV Sectionalizer Cabinet	LS	1	\$9,000.00	\$ 9,000.00	\$ 9,100.00	\$ 9,100.00	\$ 14,200.00	\$ 14,200.00	\$ 4,200.00	\$ 4,200.00	\$ 8,798.99	\$ 8,798.99	\$ 6,637.00	\$ 6,637.00
3	25 kVA Transformer	LS	1	\$6,000.00	\$ 6,000.00	\$ 6,252.00	\$ 6,252.00	\$ 4,830.00	\$ 4,930.00	\$ 2,940.00	\$ 2,940.00	\$ 6,278.63	\$ 6,278.63	\$ 5,403.00	\$ 5,403.00
4	50 kVA Transformer	LS	4	\$7,000.00	\$ 28,000.00	\$ 6,384.00	\$ 25,536.00	\$ 6,370.00	\$ 25,480.00	\$ 5,897.00	\$ 23,588.00	\$ 6,927.69	\$ 27,710.76	\$ 6,394.00	\$ 25,576.00
5	75 kVA Transformer	LS	5	\$8,000.00	\$ 40,000.00	\$ 7,329.00	\$ 36,645.00	\$ 7,900.00	\$ 39,500.00	\$ 6,200.00	\$ 31,000.00	\$ 6,692.28	\$ 33,461.40	\$ 6,917.00	\$ 34,585.00
6	15 KVA Conductors	LF	3,000	\$12.00	\$ 36,000.00	\$ 19.75	\$ 59,250.00	\$ 9.00	\$ 27,000.00	\$ 4.82	\$ 14,760.00	\$ 5.61	\$ 16,830.00	\$ 16.40	\$ 49,200.00
7	Single Duct Bank, Concrete Encased	LF	150	\$80.00	\$ 9,000.00	\$ 77.00	\$ 11,550.00	\$ 68.00	\$ 10,200.00	\$ 175.00	\$ 26,250.00	\$ 127.78	\$ 19,167.00	\$ 130.48	\$ 19,572.00
8	Single Duct Bank	LF	1,600	\$50.00	\$ 80,000.00	\$ 52.00	\$ 83,200.00	\$ 52.00	\$ 83,200.00	\$ 101.00	\$ 161,600.00	\$ 127.78	\$ 204,448.00	\$ 126.68	\$ 202,688.00
9	Dual Duct Bank, Concrete Encased	LF	130	\$65.00	\$ 8,450.00	\$ 113.00	\$ 14,690.00	\$ 85.00	\$ 11,050.00	\$ 180.00	\$ 23,400.00	\$ 131.32	\$ 17,071.60	\$ 135.19	\$ 17,574.70
10	Dual Duct Bank, Concrete Encased	LF	450	\$55.00	\$ 24,750.00	\$ 69.00	\$ 31,050.00	\$ 66.00	\$ 29,700.00	\$ 109.00	\$ 49,050.00	\$ 131.32	\$ 59,094.00	\$ 128.47	\$ 57,811.50
11	44"x100" Traffic Rated Pull Box and Junction	LS	1	\$4,000.00	\$ 4,000.00	\$ 6,990.00	\$ 6,990.00	\$ 7,540.00	\$ 7,540.00	\$ 3,000.00	\$ 3,000.00	\$ 20,669.45	\$ 20,669.45	\$ 8,087.00	\$ 8,087.00
12	4"x4" Traffic Rated Polymer Concrete Pullbox	LS	1	\$3,500.00	\$ 3,500.00	\$ 4,256.00	\$ 4,256.00	\$ 4,093.00	\$ 4,093.00	\$ 3,000.00	\$ 3,000.00	\$ 4,712.96	\$ 4,712.96	\$ 3,144.00	\$ 3,144.00
13	Rock Excavation	LF	350	\$30.00	\$ 10,500.00	\$ 41.00	\$ 14,350.00	\$ 88.00	\$ 30,800.00	\$ 50.00	\$ 17,500.00	\$ 124.22	\$ 43,477.00	\$ 36.00	\$ 12,600.00
14	Land Scaping Restoration Allowance	ALW	1	\$10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00
15	Materials Testing Allowance	ALW	1	\$5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00
TOTAL BASE BID (Items 1 thru 5)				\$	302,715.00	\$	342,274.00	\$	339,483.00	\$	390,288.00	\$	516,880.68	\$	563,126.20

Resident Contractor Preference		Yes	Yes	Yes	No	Yes
Veteran Contractor Preference		No	No	No	No	No
Amount of Preference (Max (10%))	N/A	5%	5%	5%	0%	5%
Application of Preference		\$ 325,160.30	\$ 322,508.85	\$ 370,773.60	\$ 516,880.88	\$ 534,971.79

*highlighted areas contain corrected values


 Matthew R. Thompson, P.E. Date 5/8/18



H-2

CITY OF TRUTH OR CONSEQUENCES COMMISSION ACTION FORM

ITEM:

Lodgers Tax Applications for FY 2018/19

BACKGROUND:

The deadline for applications for FY 2018/19 was April 20, 2018. A total of 9 applications were submitted (Veteran's Memorial was a late submission, received 05/10/18) for a sum of \$66,842.89 for regular Lodgers Tax funding and \$30,895.00 for State Co-Op Grant participants for a total of \$97,737.89. The Lodgers Tax Advisory Board met on Thursday, May 10, 2018, for the purpose of reviewing the Lodgers Tax applications and met on May 14, 2018, for the purpose of making a recommendation for the distribution of the Lodgers Tax funds. The City Commission has been provided with a copy of the applications and an allocation summary sheet per the Lodgers Tax Advisory Board recommendations. The Lodgers Tax Board has also recommended the organizations consider using more digital advertising as they feel this would be more effective.

The NM off Road Hwy Vehicle Alliance will need to submit an amended budget to the Lodgers Tax Advisory Board as their request was originally for the purchase of T-Shirts and only 20% of the allotment is allowed for purchase of T-shirts. The rest must go to advertising.

STAFF RECOMMENDATION:

Review, approve and/or allocate funds.

SUPPORT INFORMATION:

*Applications
Evaluation Forms
Recap Sheet
Allocation Worksheet*

Submitted by: Kristin Saavedra

Department: City Manager's Office

Meeting date: 5/23/2018

LODGERS TAX APPLICANTS

FY 2018/2019

(Deadline for Applications 4/20/18)

(Lodgers Tax Advisory Board Meeting 5/10/18)

(City Commission Meeting 5/23/18)

- 1) Chamber of Commerce of T or C & Sierra County 04/20/18
Request: \$14,650.00
- 2) Geronimo Springs Museum 04/06/18
Request: \$12,000.00
- 3) MainStreet Truth or Consequences 04/12/18
Request:
**Estimated Expense: \$15,000.00 (this amount is the total of the Estimated Expense section on pg. 2, Mainstreet did not list an "amount requested")*
- 4) New Mexico Off Highway Vehicle Alliance 04/20/18
Request: \$2,625.00
- 5) Sierra County Arts Council 04/20/18
Request: \$6,467.89
- 6) T or C Fiesta 04/19/18
Request: \$8,000.00

REQUESTED: \$66,292.89

COOP GRANT

- 7) Geronimo Trail Scenic Byway 04/03/18
Request: \$8,000.00
- 8) Sierra County Recreation & Tourism Advisory BD 04/19/18
Request: \$22,895.00

REQUESTED: \$30,895.00

TOTAL REQUESTED: \$97,187.89

- 9) * *Veterans Memorial Park 05/10/18*
Request: \$7,600 – This application is 20 days late.

2018/19 LODGERS TAX ALLOCATION RECOMMENDATIONS

From the Lodgers Tax Advisory Board

May 14, 2018

BUDGET: \$46,843

ORGANIZATION	FUNDS ALLOCATED FYE 18	FUNDS REQUESTED FYE 19	LODGER'S TAX BD RECOMMEND'N FOR FYE 2019
<i>ELIGIBLE</i>			
Chamber of Commerce of T or C & S.C.	\$11,000.00	\$14,650.00	\$10,000.00
Friends of Elephant Butte LK ST PK	\$700.00	N/A - did not submit	
Geronimo Springs Museum	\$10,000.00	\$12,000.00	\$10,000.00
MainStreet Truth or Consequences	\$12,000.00	\$15,500.00	\$14,000.00
NM Off Road Hwy Vehicle Alliance <small>(1st Time App.)</small>	N/A	\$2,625.00	\$1,500.00
NMSRDA/Sierra Twirlers of T or C	\$2,000.00	N/A - did not submit	
Sierra Arts Council (Noncompliant in Past)	\$3,000.00	\$6,467.89	\$3,000.00
T or C Fiesta	\$4,000.00	\$8,000.00	\$4,000.00
Veterans Memorial Park & Museum <small>(late submission)</small>	\$3,300.00	\$7,600.00	\$2,500.00
<i>INELIGIBLE</i>			
TOTALS			
	\$46,000.00	\$66,842.89	\$45,000.00
BUDGET BALANCE			
	\$46,000.00	\$37,474.40	\$1,843.00
			\$ 46,843.00
<i>COOP GRANT PARTICIPANTS</i>			
Geronimo Trail Scenic Byway	\$6,000.00	\$8,000.00	
S.C. Recreation & Tourism Advisory BD	\$16,000.00	\$22,895.00	
TOTALS	\$22,000.00	\$30,895.00	
COMBINED TOTALS			
	\$68,000.00	\$97,187.89	

2018/2019 LODGERS TAX ALLOCATIONS
City Commission Meeting, May 23, 2018

BUDGET: \$46,843

ELIGIBLE	Recommended By LODGERS TAX BD	Mayor Green	MPT Whitehead	Comm. Clark	Comm. Hechler	Comm. Baca	COMMISSION ALLOCATION
Chamber of Commerce of T or C & S.C.	\$10,000.00						
Geronimo Springs Museum	\$10,000.00						
MainStreet Truth or Consequences	\$14,000.00						
NM Off Hwy Vehicle Alliance	\$1,500.00						
Sierra County Arts Council	\$3,000.00						
T or C Fiesta	\$4,000.00						
Veterans Memorial Park & Museum (late submission)	\$2,500.00						
TOTALS	\$45,000.00						

COOP GRANT PARTICIPANTS

Geronimo Trail Scenic Byway							
S.C. Recreation & Tourism Advisory BD							
TOTALS		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
						Budget Balance:	

	FYE-18 Allocations	FYE-19 Requests	
Chamber of Commerce of T or C & Sierra County	\$11,000.00	\$14,650.00	
Friends of Elephant Butte State Park	\$700.00	N/A - did not submit	
Geronimo Springs Museum	\$10,000.00	\$12,000.00	
MainStreet Truth or Consequences	\$12,000.00	\$15,500.00	
New Mexico Off Hwy Vehicle Alliance	N/A	\$2,625.00	
NMSRDA/Sierra Twirlers of T or C	\$2,000.00	N/A - did not submit	
Sierra County Arts Council	\$3,000.00	\$6,467.89	
T or C Fiesta	\$4,000.00	\$8,000.00	
Veterans Memorial Pk/Museum Trust BD	\$3,300.00	\$7,600.00	
TOTALS	\$46,000.00	\$66,842.89	

COOP GRANT PARTICIPANTS

Geronimo Trail Scenic Byway	\$6,000.00	\$8,000.00
S.C. Recreation & Tourism Advisory BD	\$16,000.00	\$22,895.00
TOTALS	\$22,000.00	\$30,895.00
COMBINED TOTALS	\$68,000.00	\$97,187.89

\$ 46,843.00

H.3



CITY OF TRUTH OR CONSEQUENCES
COMMISSION ACTION FORM

ITEM:

Sierra Joint Office on Aging request to create an outdoor memory wall on the East Side of the Commission Chambers.

BACKGROUND:

Carol Tavis, SJOA Executive Director will present this item.

STAFF RECOMMENDATION:

None.

SUPPORTING DOCUMENTATION:

Request for agenda item.

Submitted by: Renee Cantin, City Clerk-Treasurer		Meeting date: 05/23/2018
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Sierra Joint Office on Aging

360 W 4th Avenue, Truth or Consequences, NM 87901
575-894-6641

PROPOSAL

City of Truth or Consequences
505 Sims Street
Truth or Consequences, NM 87901

May 11, 2018

City Commission Members,

SJOA would like to create an outdoor memory wall on the east side of the Commission Chambers. At the top of the wall, we will have painted "Always Remember..." by a local artist, along with a few names beneath it, those who have made an impact on our center. Those names will include Ken James, Patty Lester and Jane Greene. From there we would like to allow seniors and families to add names of those of us who have passed. There will be a fee for the artist and the upkeep of the wall.

We will procure a scaffolding system to ensure safety for the local artist. We will apply paint sealer to protect each name and the building.

Thank you for your consideration,

Carol Tavis
Executive Director
Sierra Joint Office on Aging



H.4

CITY OF TRUTH OR CONSEQUENCES
COMMISSION ACTION FORM

ITEM:

Consideration to propose an ordinance to authorize the operation of Recreational Off-Highway Vehicles on maintained streets owned by the City.

BACKGROUND:

Commissioner Baca will present this item.

STAFF RECOMMENDATION:

None.

SUPPORTING DOCUMENTATION:

Sierra County Draft Ordinance.

Submitted by: Renee Cantin, City Clerk-Treasurer		Meeting date: 05/23/2018
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ORDINANCE NO: 18-015

ORDINANCE AUTHORIZING THE OPERATION OF RECREATIONAL OFF-HIGHWAY VEHICLES AND ALL-TERRAIN VEHICLES ON MAINTAINED STREETS OR ROADS OWNED AND CONTROLLED BY THE COUNTY OF SIERRA AS SET FORTH IN THIS ORDINANCE.

WHEREAS, the New Mexico Legislature amended Section 66-3-1011 NMSA 1978 to allow the operation of recreational off-highway and all-terrain vehicles on maintained streets or roads owned and controlled by the authorizing entity, subject to certain conditions;

WHEREAS, the Governing Body of the County of Sierra has adopted by reference the 2016 Compilation of the New Mexico Uniform Traffic Ordinance, which allows the operation of recreational off-highway and all-terrain vehicles on maintained streets or roads owned and controlled by the authorizing authority, subject to certain conditions;

WHEREAS, the Governing Body of the County of Sierra now deems it desirable to allow the operation of recreational off-highway and all-terrain vehicles on maintained streets or roads owned and controlled by the County of Sierra, subject to certain conditions;

NOW THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF THE COUNTY OF SIERRA, NEW MEXICO:

SECTION 1. PURPOSE. The purpose of this Ordinance is to allow the operation of recreational off-highway and all-terrain vehicles on maintained streets roads, or highway owned and controlled by the County of Sierra, as authorized in this Ordinance.

SECTION 2. DEFINITIONS. As used in this Ordinance:

- A. "All-Terrain Vehicle" is a type of off-highway motor. An all-terrain vehicle means a vehicle fifty inches or less in width, having an unladen dry weight of one thousand pounds or less, traveling on three or more low-pressure tires and having

a seat designed to be straddled by the operator and handlebar-type steering control, or as otherwise defined in Section 66-3-1001.1(E)(1) of the Off-Highway Motor Vehicle Act.

B. "Recreational Off-Highway Vehicle" is a type of off-highway motor vehicle. A recreational off-highway vehicle means:

- (1) A recreational off-highway vehicle is a motor vehicle designed for travel on four or more non-highway tires, for recreational use by one or more persons, and having:
 - (a) a steering wheel for steering control;
 - (b) non-straddle seating;
 - (c) maximum speed capability greater than thirty-five miles per hour;
 - (d) gross vehicle weight rating no greater than one thousand seven hundred fifty pounds;
 - (e) less than eighty inches in overall width, exclusive of accessories;
 - (f) engine displacement of less than one thousand cubic centimeters;
 - and
 - (g) identification by means of a seventeen-character vehicle identification number; or
- (2) By rule of the Department of Game and Fish, any other vehicles that may enter the market that fit the general profile of vehicles operated off the highway for recreational purposes.

SECTION 3. OPERATION OF RECREATIONAL OFF-HIGHWAY VEHICLE OR ALL-TERRAIN VEHICLE ON MAINTAINED STREETS OR ROADS OWNED AND CONTROLLED BY THE COUNTY OF SIERRA.

- A. A person shall not operate an off-highway motor vehicle on any
 - (1) limited access highway or freeway at any time; or
 - (2) paved street except as provided in Subsections B, C, D, E, F, and G below.
- B. A recreational off-highway vehicle or all-terrain vehicle may be operated on a maintained street or roads owned and controlled by the County of Sierra, if:
 - (1) the vehicle has one or more headlights and one or more tail-lights that

comply with the Off-Highways Motor Vehicle Act, Chapter 66, Article 3, NMSA 1978;

- (2) the vehicle has brakes, mirror, and mufflers;
- (3) the operator has a valid driver's license; instruction permit or provisional license and an off-highway motor vehicle safety permit;
- (4) the operator is insured in compliance with provisions of the Mandatory Financial Responsibility Act, Chapter 55, Article 5, NMSA 1978; and
- (5) the operator of the vehicle is wearing eye protection and a safety helmet that comply with the Off-Highway Motor Vehicle Act; Chapter 66, Article 3, NMSA 1978.

- C. Off-highway motor vehicles may cross streets or highways, except limited access highways or freeways, if the crossing are made after coming to a complete stop prior to entering the street. Off-highway motor vehicle shall yield the right of way to oncoming traffic and shall begin a crossing only when it can be executed safely and then crossing in the most direct manner, as close to a perpendicular angle as possible.
- D. A person shall not operate an off-highway motor vehicle on state game commission-owned, state game commission-controlled or state game commission-administered land, except as specifically allowed pursuant to the Habitat Protection Act, Chapter 17, Article 1, NMSA 1978.
- E. A person shall not operate an off-highway motor vehicle on land owed, controlled or administered by the state parks division of the energy, minerals and natural resources department, pursuant to the State Parks Division statute, Chapter 16, Article 2, NMSA 1978, except in areas designated by and permitted by rules adopted by the secretary of energy, minerals and natural resources.
- F. Unless authorized, a person shall not:
- (1) Remove, deface or destroy any official sign installed by a state, federal, local or private land management agency; or
 - (2) Install any off-highway motor vehicle-related sign.
- G. The statute allows the County to establish separate speed limits and operating restrictions for off-highway vehicles. The speed limits shall be as defined below:

- (1) The speed limit for all-terrain vehicles operated within the county shall be 35 miles per hour or the posted speed limit, whichever is less. If the posted speed limit is higher than 35 miles per hour, the operator shall operate the all-terrain vehicle on the extreme right hand side of the roadway.

The speed limit for recreational off-highway vehicles, UTV's, operated within the county shall be 45 miles per hour or the posted speed limit, whichever is less. Pursuant to NMSA 1978, Section 66-3-1003.1 (2017), the an off-highway motor vehicle owner who wishes to indicate an intent to operate an off-highway motor vehicle on paved streets or highways in accordance with this Ordinance and the Off-Highway Motor Vehicle Act may apply for the issuance of a standardized special off-highway motor vehicle paved road use vehicle plate.

SECTION 4: EXEMPTIONS. Pursuant to NMSA 1978, Section 66-3-105 (2006), the provisions of this Ordinance shall not apply to persons who operate off-highway motor vehicles on privately held lands or to off-highway motor vehicles that are:

- A. owned and operated by an agency or department of the United States, this state or a political subdivision of this state;**
- B. operated exclusively on lands privately held; provided that the appropriate tax or fee has been paid in lieu of the motor vehicle registration fees;**
- C. owned by nonresidents and used in this state only for organized and endorsed competition purposes; provided that the use is not on a rental basis;**
- D. brought into this state by manufacturers or distributors for wholesale purposes and not used for demonstrations;**
- E. in the possession of dealers as stock-in-trade and not used for demonstration purposes;**
- F. farm tractors, as defined in Section 66-1-4.6 NMSA 1978, special mobile equipment, as defined in Section 66-1-4.16 NMSA 1978, or off-highway motor vehicles being used for agricultural operations; or**
- G. used exclusively on private closed courses, whether owned by the rider or another person; provided that, if applicable, the excise tax and registration fees have been paid and are current.**

SECTION 5: SEVERABILITY. In the event that any clause, sentence, paragraph, section, or other portion of this Ordinance is found by any Court of competent jurisdiction to be invalid, it is the intent of the Governing Body that the remaining portions of the ordinance be given full force and effect. It is the expressed intent of the Board of County Commissioners to adopt each section, phrase, paragraph, and word of this Ordinance separately.

SECTION 6. REPEAL. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent they conflict with this Ordinance.

SECTION 7. EFFECTIVE DATE

This Ordinance shall be recorded and authenticated by the County Clerk following adoption by the Board of County Commissioners. The effective date of this Ordinance shall be thirty (30) days after the Ordinance has been recorded.

PASSED, APPROVED AND ADOPTED THIS _____ DAY OF _____, 2018.

**BOARD OF COUNTY COMMISSIONERS
SIERRA COUNTY, NEW MEXICO**

ATTEST:

Shelly Trujillo, Clerk

Ken Lyon, Chairman

Frances Luna, Member

Sherry Fletcher, Member