

**CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
CITY COMMISSION CHAMBERS, 405 W. 3RD St.
TUESDAY, SEPTEMBER 13, 2016**

**CLOSED EXECUTIVE SESSION
8:00 a.m.**

A. CALL TO ORDER

Mayor Green called the meeting to order at 8:00 a.m.

B. ROLL CALL

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

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

Also Present: Juan Fuentes, City Manager
Renee Cantin, City Clerk-Treasurer

City Clerk Cantin announced we have a quorum.

C. EXECUTIVE SESSION

1. Limited Personnel Matters (City Manager Contract) *Pursuant to NMSA 1978, 10-15-1(H.8).*

Commissioner Clark moved to approve going into Executive Session at 8:01 a.m. to discuss Limited Personnel Matters (City Manager Contract) pursuant to NMSA 1978, 10-15-1(H)8. Commissioner Frankel seconded the motion. Roll call vote was taken by the Clerk. Motion carried unanimously.

Mayor Green stated that the Commission was now in Open Session at 8:56 a.m.

Mayor Green certified that only matters pertaining to discuss Limited Personnel Matters (City Manager Contract) pursuant to NMSA 1978, 10-15-1(H)8 was discussed in Executive Session and no action was taken.

D. ADJOURNMENT

The meeting was adjourned at 8:57 a.m.

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CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
CITY COMMISSION CHAMBERS, 405 W. 3RD St.
TUESDAY, SEPTEMBER 13, 2016**

**REGULAR MEETING
9:00 a.m.**

A. CALL TO ORDER

The meeting was called to order by Mayor Steve Green at 9:04 a.m., who presided and Renee Cantin, 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. Steve Green, Mayor
Hon. Sandra Whitehead, Mayor Pro-Tem
Hon. Kathy Clark, Commissioner
Hon. Rolf Hechler, Commissioner
Hon. Joshua Frankel, Commissioner

Also Present: Juan Fuentes, City Manager
Renee Cantin, City Clerk-Treasurer

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

3. PLEDGE OF ALLEGIANCE

Mayor Green lead the Pledge of Allegiance.

4. APPROVAL OF AGENDA

Commissioner Frankel moved to approve the agenda. Commissioner Clark seconded the motion. Motion carried unanimously.

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

CITY COMMISSION SEPTEMBER 13, 2016 REGULAR MEETING MINUTES

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.

Ron Fenn, 316 N. Foch addressed the Commission related to:

1) He came here hoping to see the City Manager gone. He thanked them for not giving him their attention. He stated "Unfortunately, the Commission has disappointed him again."

2) He is equally dismayed that three weeks ago he presented evidentiary information about the fraudulent contract to extend the FTS lease at the Rec. Center. No one in this Commission or this city has bothered to explain or say you didn't know. So if you didn't know, then he assumes they are all complacent in this fraudulent contract. You defrauded the people of Truth or Consequences out of monies they were due from this ridiculous Business Man who has proven himself to be untrustworthy and therefore by association, you also.

3) Secondly, he was appalled at reading the newspaper account of the Contract signed for a study of the meter reading based on savings of accuracy readings and the cost of accuracy readings. Who in this world pays people to make mistakes and then pays them to make them again and again to the tune of apparently \$120,000 to \$340,000 a year? Instead of training them or firing them if they can't read a meter properly. This town is operated by that man whose sole responsibility, and of course, the Commission is responsible for him. So it all comes down on your heads. This is ridiculous. It's no wonder the City of Truth or Consequences is the sixth poorest city in the United States. And unless we are shooting for Number 1, you guys are going about it the wrong way. He really is appalled that, the Commission, supposed representatives of the people, cannot answer a citizen's written evidence and complaint and get back to them. It the sign of the kind of leadership and operation of a city that we have right here. It's pathetic, but he's not leaving.

Audon Trujillo addressed the Commission related to:

1) He sent an email addressed to the Commission. The 30th of this month the Lee Belle Johnson Center lease will be up. He doesn't think it's been on as an agenda item but he thinks it needs to be and the Commission should get a feel from the community on what they want to do with that building. He emailed a survey which is very simple, four questions. The Commission didn't survey us in what we wanted to do with it the first time. Yes, we had a vote which was kind of a nasty thing. But the Commission really ought to get a handle on what that center should be utilized for. It's being leased for \$950 a month which is not really Fair Market Value. There are businesses interested in renting the building. He knows for a fact a restaurant in front of it leases for \$850 a month and it's much, much smaller. He has addressed the Commission on a number of different issues and he's bringing a couple of them up that he feels are really important.

2) Personnel matters and hiring practices is important for the Commission to address. He sent emails to three Commissioner's and none of them replied to him. He wanted to get that as an agenda item and it's not an agenda item. He's extremely disappointed, these things are very important and you don't even reply on stuff. He tries to make his

comments as intelligent as possible, and he's not angry. He's trying to direct the Commission in a certain area where he thinks the city would grow better if we address these issues. And there's not even a comment.

3) He's really disappointed, in three years you haven't come up with Work Objectives for the City Manager. Hopefully, you've done so this year. I'm surprised you didn't come out of the Executive Session and address what had happened during the session this morning. He thought that was what was required. But you all seem to not follow ordinances or protocol whenever you all deem you don't need to. He has pointed this out in letters and the email he sent last night. He would welcome a comment when they read it, it will take you five minutes. He thanked the Commission.

Linda DeMarino on behalf of MainStreet Truth or Consequences addressed the Commission related to:

1) She just came from a Business Breakfast about Cyber Security. We have attendees there learning how to keep their businesses safe. It's part of their Business Development Series that is going really well. The reception from the business owners has been really great. This is from the grant they got from the USDA and they have had business owners asked them to keep doing this. So they are excited to have been able to be a part of that.

2) Applied for the Great Blocks on MainStreet Grant and they didn't receive it because of cuts in funding. We are now working with the City Manager to look at alternate routes because we do think it's a really worthwhile project. The specific ways we are doing that are looking for a planning grant and to tie the drainage in with the project. It also ties right into the storm water harvesting that the city is looking into. While we didn't get the grant the process was really helpful and helped us brainstorm ideas about how to get the project done.

3) She met with Bob Hupp yesterday to work on getting pictures for the website. The problem they are having right now is, she has thousands of pictures in her phone. But we are going through the pictures and they are all on location and those locations are businesses. We don't really have a policy on businesses and what can be on the website. If we are going to showcase our assets here then we need to know if we are ok in putting pictures of businesses. So it would be helpful if you guys could think about that.

D. RESPONSE TO PUBLIC COMMENTS

Commissioner Clark addresses Mrs. DeMarino's comment about showcasing businesses with pictures. With the Tourism Board, one of the problems she has had is picking specific businesses and showing them. What they have tried to do is not indicate the business or show the name of the business. Or to have a long view of all of Main Street or all of Broadway Street, for example. And she thinks that was a mandate from the state also, where you can't focus on one or two businesses. Because showcasing a specific business might not be a good idea.

Mayor Green responded and wanted the record to show his concerns on one point Mr. Trujillo made. He would like the record to show that on some of his requests and

CITY COMMISSION SEPTEMBER 13, 2016 REGULAR MEETING MINUTES

concerns, he did not answer by email but he picked up the phone and called Mr. Trujillo. And they have met on numerous occasions for a cup of coffee and he even asked Commissioner Hechler to join him one time. And there were two times, Mr. Trujillo stood him up, but he doesn't even care, it makes no difference. So the fact that it falls on deaf ears is not necessarily a complete statement.

Commissioner Clark agrees she has done the same thing. To have an email response after last night when the City Manager discussion was on the agenda. She has an issue with that.

Mayor Green remembers going to a conference in Santa Fe and hearing what excites people is seeing people doing things. You can shoot the inside of a store with someone admiring a piece of work or art or whatever it might be. And you can even shoot the outside of the store, just don't include the name. And empty store doesn't tell the story, but for example a crowded restaurant does.

E. PRESENTATIONS

- a. Presentation of new book bags from the Friends of the Library. Renee Cantin, City Clerk.

City Clerk Cantin presented the new book bags fundraiser from the Friends of the Library. They have three colors and will be sold for \$10 each and the funds will be used for Children's Programs and other Library needs.

Mayor Green asked if the board plans to go to some of the retail stores to carry it as a service to the business to bring people in to the businesses. He is thinking of a couple of stores where it would fit in to their product line. Where if they do it at their businesses it will bring people in as well. City Clerk Cantin said she is not a member of the board but will be sure to pass along that message.

F. CONSENT CALENDAR

1. City Commission Regular Minutes, August 9, 2016
2. City Commission Regular Minutes, August 23, 2016
3. Golf Course Advisory Board Minutes, June 1, 2016
4. Accounts Payable, August 2016
5. Amendment to Golf Course Management Agreement with Terry Taylor to Terry Taylor, LLC

Mayor Pro-Tem Whitehead moved to approve the consent calendar including the City Commission Regular Minutes for August 9 and August 23, 2016; Golf Course Advisory Board Minutes for June 1, 2016; Accounts Payable for August 2016; and Amendment to Golf Course Management Agreement with Terry Taylor to Terry Taylor, LLC. Commissioner Hechler seconded the motion.

Mayor Green pointed out on the accounts payable with the attorney fees at \$13,513 for August. Last year the City Manager came to us with a budget adjustment of \$30,000 to

cover the expenses. In July, we were already at 42% into the year's usage of the allocated line item. He believes this should give us pause for thought and we might want to think of bringing this back up.

Commissioner Clark asked if he remembers when the current contract for legal services was up. Mayor Green believes it was in the fall. With that being said she added maybe we should reconsider. Mayor Green added at this rate, we could put a Full-Time Lawyer on staff. Commissioner Clark added we have that ability based on our Rules & Regulations, we can hire somebody.

Mayor Green called for a vote. Motion carried unanimously.

G. UNFINISHED BUSINESS

1. Discussion/Action: City Manager Contract. Steve Green, Mayor

Mayor Green stated the Commission went into Executive Session and discussed a contract that they felt would be fair and appropriate. They asked City Manager Fuentes to join them for discussion and went through the basic contract that was last years. The one thing he would like to bring out which is important before they put this contract to a vote is that he asked City Manager Fuentes if he would be looking for a salary increase and he said he would feel uncomfortable if he received an increase and staff did not. So there is no increase in this salary and he appreciates that attitude by Manager Fuentes.

Mayor Green moved to approve the three year Contract for City Manager Juan Fuentes. Commissioner Clark seconded the motion.

Commissioner Clark added there were some adjustments in the draft. The first was in the termination and Severance Pay section where we went from 9/6/3 to 6/6/6 with an exception that there will be no termination payment if the City Manager were convicted on illegal activity that was determined by court. The other adjustment was to Section VII for Vacation, Sick and Other Leave where we added that there would be a designated person to be in charge while City Manager Fuentes was on Vacation or Sick Leave, etc. with the exception of an emergency that would be defined by something only the City Manager would be able to handle.

Mayor Green added attached to the contract are the Goals & Objectives they felt are important to the community. These are what they want the Manager to focus on the really the important issues. These goals will be attached to the contract. They are not particularly numbered as to importance. These goals will be discussed at a half year review and again at the end of the year for contract renewal. We will talk about the goals we feel are important as we move forward and no one should be in the dark as we move forward.

Commissioner Clark said so these goals that we set up may change and we need to give ourselves the option to be revised within a certain period of time. Commissioner Hechler clarified it should be reviewed at the time of the annual evaluation. And we can

review at that point in time. **Commissioner Clark would like to include in the motion to review the Goals & Objectives on an annual evaluation.** Mayor Green stated the motion is just on the contract and we can change the attachment of the Goals. **Motion carried by a vote of 4-0-1. Mayor Pro-Tem Whitehead abstained.**

2. Discussion/Action: Authorizing staff to work on a Policy for late application submittals and quarterly reports for Subrecipient Grants & Lodger's Tax awards. Steve Green, Mayor

Mayor Green commented on the deadlines for some other state agencies where they stick to the deadlines that are given. If you miss the date then you wait until next year. We have a situation where organizations do not comply with the application process or the application that they sign which require reports to be in by a certain date. Or organizations for whatever reason, miss the deadline for applying. He personally doesn't think it's fair to staff. He knows it's not fair to this Commission, because once you break ranks, you have to follow suit. And we have broken ranks five times in the last two years. Once you bend, and he's not saying there wasn't a good reason for the bends. Death is a horrible thing and he understands what happened with Matthew 25. And you have to have compassion, but we have to have something where staff will know, this is the way it's going to be without any exceptions. With that he brought some examples from a board he serves on (Southwest Area Workforce Development Board). With them, if you don't get your application in, they will see you next year. He doesn't know if we want to be that hard. They have dates the reports must be submitted and if you're late there are options including: Withholding a future payment; Denial of payments; or Termination of Agreement. This is a Semi-Quasi State Agency. He is not denying our organizations really perform an incredible valuable service. He would like to hear the will of the Commission as to what we can do to support staff and let the organizations know there is a structure in place and they will be held accountable. Remember, we don't go to them and say would you like to take this money. They come to us to ask for the money for services and for marketing and advertising our community.

Commissioner Clark stated she has also bent a couple of times when they came to the Commission. She agrees it's unfair to put that on staff and we do have a contract we have with people. Those who have run businesses have deadlines they have to meet with the state, etc. They get a penalty for it or sometimes they give a weekly exception. She referred to Matthew 25 and who knew the deadlines and what to do with that. They came to the Commission and we awarded it to them. She likes deadlines but sometimes there are situations out of their control. She thinks we should take it off of the hands of staff and have them bring it directly to the Commission to determine the outcome. She believes if we become so dictatorial and not show our humanity under certain circumstances then we are not a good Commission.

Mayor Pro-Tem Whitehead asked if we could set a date the applications are due and give a grace period with proper notification saying they missed the deadline and ask for additional time to give them some kind of option instead of cutting them completely off.

CITY COMMISSION SEPTEMBER 13, 2016 REGULAR MEETING MINUTES

Commissioner Clark said for example workers comp gives you eight days to comply before you're penalized. Some places don't, but that might not be a bad idea. Then whoever misses the deadline date is notified and they had better hustle to get it in. Mayor Pro-Tem Whitehead added if they do have that extra 8 or 10 days, whatever we designate, then they wouldn't have to wait until next year or the next time for applications.

Mayor Green is not sure what the time frame is after they are notified of the due date for applications. You might have new people on board and they're floundering. He doesn't know if there is a formula for subrecipient grants that on May 1st the applications go out, but maybe giving them more lee time before it's due. He likes the grace period and asked what happens if they miss the deadline and we give them a grace period. Commissioner Clark responded if they can't follow that grace period then they can either be cut off or cut for the quarter. She feels if you're given notice and can't comply with that, then why would we give money to that outfit. Maybe we can write the grace period into the agreement.

Mayor Green agrees and he caved five times. Mayor Pro-Tem Whitehead suggested to give them the benefit of the doubt and give them an extension if they comply with it. We would need to watch their process and the way they submit reports for further submittals.

Commissioner Hechler said his general observation is the way we have it now works. He commends the Commission for bending for Matthew 25, he thinks that was the appropriate call and we did the right thing. If you recall, there was another situation where we didn't bend, and that was the right call as well. He feels we have a mechanism in place now and if we extend a date or have a grace period, people may have more of a tendency to miss the deadlines. As long as we are acting within our guidelines, he doesn't see why we should handle it any differently. We have the ability to make that decision as it is now.

Mayor Green asked if he is hearing from Commissioner Hechler that we should move forward as we have in the past where we will take it on a case by case basis. Where there is no penalty. He agrees he doesn't want to play hardball, he wants to create a livable structure that makes it easy for staff and the Commission. Commissioner Hechler feels as long as we have a good and trustworthy Commission and we do things for the right reasons, then we are okay. And so far that's what he's seen.

Commissioner Frankel sees that we have so few Subrecipient and Lodger's Tax applicants. We are talking about 15-25 entities. Communication and clarity is the key to things. So with Matthew 25, where we ran into the situation where they lost their leader and they fell by the wayside. To have these groups have a clear point of contact, as well as, and alternative who we can reach out to would be important. This way we can reach out to them before it becomes an issue. Sometimes just checking in to make sure they comply. Mayor Green added the other side of that is it puts more responsibility on staff

and it should be the recipients of the money. We are a small community and we spend \$43,000 for Subrecipients and \$46,000 for Lodger's Tax applicants for marketing and advertising. The city couldn't touch that for a Million Dollars. We couldn't run those organizations so he appreciates the value they bring to this community that impacts young and old alike. He added whatever the will of the Commission is, if you want to play it on a case by case basis, or lateness by lateness. That's one way to go. Another way he likes is Mayor Pro-Tem's idea to come up with a structure time when that information is released, and that should be accompanied by an article in both newspapers, so the community at large can be notified. Because we don't want to appear to be favoring just the select group of organizations. He thinks it's about communication, and the public, and letting them know. Maybe we extend the period a little longer and add a grace period and wing it, if they miss that grace period.

Commissioner Clark thinks the grace period could be given to the group by the Commission. The second is having a second contact on the application to contact. She likes Commissioner Hechler's idea that these come before the Commission.

Commissioner Clark moved to approve from here on out the contracts that are given to the subrecipients and other groups have a dual signature on them. Mayor Green asked if she would consider extending that motion to give more notification time to the public. Commissioner Clark agreed to amend it for more notification being given to the public. The new motion being to approve from here on out the contracts that are given to the subrecipients and other groups have a dual signature on them and to include more notification to be given to the public. Mayor Pro-Tem Whitehead seconded the motion. Mayor Green thinks City Manager Fuentes has heard this conversation and he requested a draft to be brought back to the Commission in a timely fashion so we can make sure we have covered all of the basis. Motion carried unanimously.

H. NEW BUSINESS

1. Discussion/Action: ITB: 16-17-001 – Bid Award to Construct Aviation Fuel Farm. Pat Wood, CPO

Central Purchasing Officer Wood presented two bids were opened on August 6th at 2:00 p.m. and a recommendation has been made by Delta Construction to reject all of the bids because they came in too high. FAA said they would not fund this project as high as they were.

Mayor Green asked if we were going to change the structure of what we asked to be accomplished. Central Purchasing Officer Wood said we already went out and reopened bids yesterday.

City Manager Fuentes said this request is just to reject the bids. There was a little confusion as to how the advertisement was put out. As Pat stated, the bids came in a lot higher than there is funding available. So Delta has made the recommendation to reject all of the bids and put it out again. The project was rebid, and they came back and have

been reevaluated, but because this was issued out as a bid, we need to follow the formal process and reject the other bids. Delta is reviewing the new bids and a recommendation will be forthcoming at a later Commission meeting.

Commissioner Hechler moved to reject all of the bids for the Aviation Fuel Farm as presented. Commissioner Clark seconded the motion.

Commissioner Frankel asked the price range we are rejecting. Central Purchasing Officer Wood said they had three different schedules. One was the Earthwork, one was the second tank, and the third one was for all of it. The document was in their packet.

Mayor Green wanted the record to show he spoke to City Manager Fuentes about this and asked if this delay hurts the ability of the Airport to sell fuel and the answer was no.

Motion carried unanimously.

2. Discussion/Action: Flood Remediation Plan for downtown Hot Springs District. Steve Green, Mayor

Mayor Green said this has been an ongoing problem since day one. When John Mulcahy was Mayor he contracted out to a man by the name of Van Clothier out of Silver City who owns a company called Stream Dynamics to come here and take a look at our flooding situation. We have ponding downtown because we have dips in the road and we've lost the crown. We don't have runways on the sides of the roads to get that water further south. We also have water that comes off the hills in the North part on Foch and some of those streets that add to the funding of downtown. So when he heard that Manager Fuentes was working with MainStreet to see if there might be money identified to do a real study, so we could be shovel ready, he thought this would be a natural time. So we did this in 2013. At the Hot Springs Festival, Van Clothier was one of the presenters talking about this water mitigation. Mayor Pro-Tem Whitehead when we were going over our ICIP, reminded us to include the downtown flooding to be on it. This Stream Dynamics costed us about \$1,800 to \$2,000 to get. His thoughts are, we can do something or we can do nothing. Because we are not going to be tearing up Broadway and Main Street anytime soon, that's for sure. He says let's do something to ameliorate these flooding problems. What he would like to see happen is to have a volunteer from this Commission to run with this.

He gave some duties and his ideas of ways to get this done.

- 1) Keep City Manager Fuentes current with updates and timely reports to the Commission.
- 2) Get with Van Clothier to determine costs
- 3) Find out if Stream Dynamics is on the State's Preapproved Vendor List. Which if we decide to use them, we don't have to go out for bid if they are preapproved.
- 4) Identify grants from NMENRD, Ecivis,
- 5) Get with Flood Control Director in the County
- 6) Visit identified properties and see if owners would be willing to work with the city.
- 7) Have City Manager Fuentes check with legal to see if we can donate trees to people to build holding ponds on their property so the water stays on their

CITY COMMISSION SEPTEMBER 13, 2016 REGULAR MEETING MINUTES

property. And we could use those river rocks at the old Wastewater Treatment Plant along the river to line those.

- 8) To identify what can be done by city staff.
- 9) Since this impacts the MainStreet area. Check with them to find out if there is any money for this stand-alone project.
- 10) Invite Van Clothier and his wife to come over for a weekend visit. Hotel and Soaking will be provided, he has taken care of that already.
- 11) And the last thing is Do Not commit the City to anything. We might have to go out for RFP on the cost of the project. What can be leveraged if money becomes available, we don't know. But we've got to do all of our homework to see what funds we can use otherwise to get this project started because it's not going to go away.

He is looking for someone who can take this and work with MainStreet to take care of this.

Commissioner Frankel said it would be an honor to take this project on. He is a member of MainStreet and has worked hand in hand with their flooding project and with ours. He has a little background in Geology and Hydrology and did attend the Van Clothier presentation and feels he has easy ways to address big issues. And he would be willing to take on this project.

Commissioner Clark said he is going to say yes. Mayor Green thanked Commissioner Frankel. And just because he likes to think positive, he gave him his report which is an observation and not specific enough to get funding with. This is a great project that can benefit our community. He thanked Commissioner Frankel and also for not letting it slip through our ICIP. He asked the Commission is there was any other guidance as to where we can start this project.

Commissioner Clark offered to help Commissioner Frankel also. He will get his notes to Commissioner Frankel. And if you decide you want to do it another way, when you report to Manager Fuentes, feel free to. This was just some of his suggestions for this idea. And also, we did receive an email from a citizen that had the amount wrong on this survey, it wasn't \$30,000, it was \$1,800 to \$2,000. But if we're going to spend money to start a process then it should be ongoing.

Mayor Pro-Tem Whitehead also suggested that once a month he bring an update as to the progress to the Commission. Commissioner Frankel thanked her and can do that. Mayor Green said hopefully by that time we will have isolated funding sources and Manager Fuentes and our Director of Finance can brilliantly find the money we can use as a match. This is the foundation we will build the remediation process on.

Mayor Green moved to accept Commissioner Frankel's offer to spearhead this flood remediation plan, working in consort with Manager Fuentes and MainStreet. Mayor Pro-Tem Whitehead seconded the motion. Motion carried unanimously.

I. REPORTS

a. City Manager

City Manager Fuentes thanked the Commission for the extension of the contract and the confidence in him. He is looking forward to the next three years in working with the Commission and staff. We have some wonderful employees on board that are helping to move the city forward. He certainly appreciates the comments they have given him in the evaluation process. There is always room for improvement and he acknowledges that and appreciates the opportunity to be able to move forward and improve.

He reported, we will be seeing some contractors in the Plaza, they will also be cutting the area where the bricks would not fit properly. He, Robbie Travis, and Ray Chavez will be attending the Zoning Officials Meeting this week. One of the discussions they will have is on liens and the proper process. It will give us an opportunity to visit with other municipalities and Network to find out what the best practices are and how to proceed forward in the best manner with Code Enforcement.

b. City Commission

Commissioner Frankel wanted to talk about the Art Park Project. There are a few PVC pipes which will be story poles. He encouraged anyone with comments on the project to contact MainStreet. They want to ensure everyone this piece of art will be a kinetic/moving piece of art, but not a noise producing art. He assured them the feature that causes the chiming will be removed before the installation occurs.

Mayor Green owes Commissioner Clark an apology publicly. It appears that when she announced she would be missing a few meetings, but she would attempt to call in. He did not make that part of the formal record, and he should have done that for every meeting they knew she would not be in attendance personally, or could not phone wise. He was remiss in not doing that on a regular basis. If there has been any grief or emails that has come her way, he apologizes and takes absolute full responsibility in not doing his homework better, and going through the Rules of Procedure. The same thing he should have done for Commissioner Frankel's absence when he was in the hospital, and he apologized to him as well. Hopefully there will be no more misses, but if there are, he will make sure the public knows the reason for the absence and it is added as part of the record.

He congratulated City Manager Fuentes. The Commission is happy to have him for another three years. He has great expectations and he'd better wear some thick soles because they will be holding his feet to the fire. He also congratulated City Manager Juan Fuentes because he understands he has been elected as the President of the New Mexico City Manager's Association for 2016-2017.

He read about some information received from Gina Kelly on an AirBnB issue with Lodger's Tax. We have 12-14 homes that are registered on AirBnB. If you rent out your room or home for less than 15 days a year, you don't have to report that income to the

Internal Revenue. But if these folks are going into competition, with our established businesses and using their homes as a revenue producer, he has absolutely no problem with that. He would like to see Lodger's Tax collected on that. And he would like therefore, City Manager Juan Fuentes to put this on the next agenda for the next Lodger's Tax meeting to see about collecting on this. Commissioner Clark inquired if that was not on the state laws, because everything else is on there. Mayor Green responded we have to adopt it for our own Lodgers Tax. The state says between 3%-5%. Commissioner Clark added there is also wiggle room if you have less than three rooms.

He also mentioned an incident that happened at City Hall yesterday, and he expressed his sincere disappointment about a citizen who threw a bullet and a metal canister of CO₂ at a city staff member in the Clerk's Office. We all get frustrated and he understands that. Staff works for the citizens of this community. That doesn't mean that citizens can take it upon themselves in that manner ever. If it were under his jurisdiction, he would go after that person and sue them. That is not acceptable to any human being and it's certainly not acceptable for staff to be treated that way. He is sorry the incident happened and maybe he overreacted a little bit, but he believes it is this Commission's responsibility as well to protect staff.

Commissioner Clark asked Police Chief Alirez a question. Police Chief Alirez said this is the first he is hearing of this, he agrees the safety of our employees is paramount. There are very frustrated individuals that come down especially in the last few months. His colleagues and coworkers do a great job maintaining composure and attitudes in customer service. If somebody brought a bullet or CO₂ container, he asked if the PD was even notified yesterday.

City Clerk Cantin clarified the situation and Police Chief Alirez agreed the clarification changed the dynamics of the situation. However, if somebody came and conducted themselves in that manner, or any rude or threatening combative type. That is something they definitely want to be aware of. Even if it doesn't reach the realm of criminal conduct, there are still some other issues that need to be addressed. Maybe the person could be in a personal crisis, do they need some mental health assistance. He gets it in this case, he was returning some found property, but in any regards that is something they would take note of. They frequently go to people's homes when some of the businesses or the counseling centers have somebody doing something abnormal. He added they will make a visit to make sure they do not pose an appropriate threat and if they do, they take appropriate action. This is something they frequently deal with.

J. EXECUTIVE SESSION

1. Purchase, Acquisition, or Disposal of Real Property, *Pursuant to NMSA 1978. 10-15-1(H.8)*
 - a. 1310 Nickel St.
 - b. 613 Gold St.
 - c. Sunshine St.

Mayor Pro-Tem Whitehead moved to approve going into Executive Session at 10:20 a.m. to discuss Purchase, Acquisition or Disposal of Real Property pursuant to 10-15-1 (H)(8) for (1310 Nickel; 613 Gold St.; and Sunshine Ave.). Commissioner Clark seconded the motion. Roll call vote was taken by the Clerk. Motion carried unanimously.

Mayor Green stated that the Commission was now in Open Session at 11:04 p.m.

Mayor Pro-Tem Whitehead certified that only matters pertaining to Purchase, Acquisition or Disposal of Real Property (1310 Nickel; 613 Gold St.; and Sunshine Ave.) pursuant to 10-15-1 (H)(8) was discussed in Executive Session and no action was taken.

Mayor Pro-Tem Whitehead moved to approve the authorization to proceed with the current appraisal on 1310 Nickel; to authorize staff to meet with the property owner for Sunshine and to notify them how we are going to move forward; and no action on 613 Gold St. Commissioner Clark seconded the motion. Motion carried unanimously.

2. ADJOURNMENT

The meeting was adjourned at 11:06 p.m.

Passed and Approved this 27th day of September, 2016.


Steven Green, Mayor

ATTEST;


René L. Canth, CMC, City Clerk