

Steven Green
Mayor

Sandra Whitehead
Mayor Pro-Tem

Kathy Clark
Commissioner



Rolf Hechler
Commissioner

Joshua Frankel
Commissioner

Juan A. Fuentes
City Manager

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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 TUESDAY, APRIL 12, 2016; 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. Joshua Frankel, 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. PRESENTATIONS

1. Presentation of the T or C Students Recycle Video called Protecting This Borrowed Land. Steve Green, Mayor

F. CONSENT CALENDAR

1. City Commission Regular Minutes, March 8, 2016
2. City Commission Regular Minutes, March 22, 2016
3. Public Utility Advisory Board Minutes, February 16, 2016
4. Public Arts Advisory Board Minutes for January 25, 2016 and February 8, 2016
5. One Year Lease renewal for Geronimo Trail Scenic Byway, Inc., for 301 Foch

G. ORDINANCES, RESOLUTIONS, AND ZONING

1. Discussion/Action: For Publication, Ordinance No. 669 15/16 amending Chapter 14, Article II, Section 14-30 Access to Property; Inspection. Christina Bruch, Electric Dept. Admin. Asst
2. Discussion/Action: Resolution No. 25 15/16 for Budget Adjustment. Lori Montgomery, Finance Director

H. NEW BUSINESS

1. Discussion/Action: Use of the former Tri-State Hangar for Economic Development purposes. Steve Green, Mayor and Juan Fuentes, City Manager
2. Discussion/Action: City Commission's participation in Fiesta Parade & Centennial. Steve Green, Mayor

I. REPORTS

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

K. EXECUTIVE SESSION

1. Threatened or Pending Litigation (Hot Springs Land Development) *Pursuant to 10-15-1(H.7)*
2. Acquisition or Disposal of Real Property (Wellness-Aquatic Center) *Pursuant to 10-15-1(H.8)*

L. ADJOURNMENT

NEXT CITY COMMISSION MEETING APRIL 26, 2016



E.1

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

ITEM:

Presentation of the T or C Students Recycle Video called Protecting This Borrowed Land.

BACKGROUND:

Some Truth or Consequences Students have worked diligently on a Recycle Video called Protecting This Borrowed Land. We will play the video and the Commissioner's will present certificates to all of the Students who were involved.

STAFF RECOMMENDATION:

None.

Submitted by: Renee Cantin, City Clerk

Meeting date: 4-12-2016



F.1

CITY OF TRUTH OR CONSEQUENCES
COMMISSION ACTION FORM

ITEM:

Approve the minutes of the March 8, 2016 Regular Organizational Meeting.

BACKGROUND:

None.

STAFF RECOMMENDATION:

Approve the minutes.

Submitted by: Renee Cantin, City Clerk

Meeting date: 4-12-2016

**CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
TUESDAY, MARCH 8, 2016
6:00 p.m.**

ORGANIZATIONAL MEETING

OPENING CEREMONIES

ADMINISTRATION OF OATH OF OFFICE BY THE HONORABLE MAGISTRATE JUDGE ALAN BROWN

Municipal Judge – Beatrice Sanders
Position II City Commissioner - Rolf Hechler
Position III City Commissioner - Joshua Frankel
Position IV City Commissioner - Kathleen Clark
Position V City Commissioner - Steven Green

Magistrate Judge Brown administered the Oath of Office to Judge Sanders, Commissioner Hechler, Commissioner Frankel, Commissioner Clark, and Commissioner Green.

A. CALL TO ORDER

The meeting was called to order by Mayor Sandra Whitehead, 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. Sandra Whitehead, Mayor
Hon. Steve Green, Mayor Pro-Tem
Hon. Kathy Clark, Commissioner
Hon. Rolf Hechler, Commissioner
Hon. Joshua Frankel, Commissioner

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

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

2. SILENT MEDITATION

Mayor Sandra Whitehead called for fifteen seconds of Silent Meditation and asked us to keep the family and friends of our Cabinet Secretary of the Dept. of Health who recently passed away in our thoughts and prayers.

3. PLEDGE OF ALLEGIANCE

Mayor Sandra Whitehead lead the Pledge of Allegiance.

4. APPROVAL OF AGENDA

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

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

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

Russ Peterson wanted to congratulate those who were elected. He knows they will all do a fantastic job. He thanked the Mayor for all of her diligence in some of his requests. He also thanked City Manager Fuentes, he doesn't know how he has made it through some of the rhetoric but he tried his best to keep an open mind about everything and he appreciated his honesty. He mentioned he liked the way Commissioner Clark had books and everything and kept things in her mind. He added Steve with all of his assistance with the City Manager and getting grants to clean up and beautify our city. He wished the Commission the best of luck in the future. Some things he held sacred was to learn more about the ordinances. You will have many that will tell you the other Commissioners or the City Manager are no good. He suggested to let your own observations guide you not some of the naysayers that will step up to this podium. If they ever need anything, he added, please know you have one heck of a supporter in him.

Randy Ashbaugh welcomed Joshua Frankel, Rolf Hechler, and the other members who were voted onto the Commission.

- 1) He would like the city to look at the Impact fees. He has discovered the impact fees are totally unaccounted for. The ordinance by the New Mexico Development Act is totally, completely not being followed by the city. He has an Attorney who is addressing the problem. He wishes the city would just admit they have not been keeping track of it, and see what we are going to do with those impact fees. We're not talking about chicken feed, we are talking hundreds and hundreds of thousands of dollars and this needs to be addressed.
- 2) Would like to see them put the old Landfill back in. Tomorrow morning he is bringing a request, he saw the old landfill and there were quite a few earthmovers out there and he would like to know what that cost is.
- 3) He would like the cost of the city dozer used at Landfill.
- 4) Asked for more support for the North and South ends of town. We need streets swept also and Christmas decorations. We need complete city support to force the DOT to put a stop light at New School Road. There are too many accidents. There have been over 100 accidents in the last five years. We had a new design on New School Road and also there is a new design on Rd. 181 coming in from the Lake on Date St. We have had two bad car accidents there in the last two weeks.
- 5) He would like to work with the city a bit more. He would like to have a workshop on some of these issues. He has a list of 20 things, one of which is, we haven't graded

our Alley's in quite a long time and they need to be graded and Code Enforcement needs to enforce anyone who hasn't cut their weeds in the alley.

Audon Trujillo

- 1) He congratulated the new elected commissioners. He suggested they get acquainted with city ordinances, state statutes, state procurement regulations, personnel policies, as well as, the City Commissioner's Rules of Procedures and information from the Council of Government's Pocket Guide for New Mexico Municipal Officials. He encouraged them to always remember your legal counsel is there to advise, but it's their decision. He notified them they will face extremes of apathetic non-voters constituted by 84 percent of registered city voters and very vocal voters some would call activists. The task of governing the city will be and always has been difficult. He added they will be paid \$500 a month while their county peers will be paid \$1,500 a month. Due to the amount of work involved, he feels their pay scale is something they should consider amending.
- 2) He called there attention to two fundamental documents that he believes are critical if they want to be effective at governing. Neither is difficult but they will involve the time of the commission, staff, and residents. And they will require leadership. First is to review the city's personnel policies especially with regard to hiring practices; Second is to review the city's ordinances with a special focus on whether the ordinances are being adhered to as written. And further is the responsible party for implementing ordinances performing his duties responsibly? And are they being followed as written and intended. He has a PowerPoint detailing specific instances and he will make that available to the new commissioners in the next few days.
- 3) He called for leadership by this Commission's seasoned official to undertake a review of the city's personnel policies (specifically related to hiring). He believes the City's Personnel Board which has never been formed should be staffed and could be the body that undertakes a review of the policies.
- 4) He also called for the Commission to undertake a review of city ordinances and determining if the city is complying with them, if any need to be changed, or, other changes that may need to be addressed.
- 5) He thanked them for their consideration of his input and if they have any questions we would be glad to respond to them.

George Szigeti

- 1) He congratulated all of the new Commissioners. He looks forward to working with them both as a private citizen and as Chair of the Public Utility Advisory Board.
- 2) Thanked Mayor Whitehead for her service as Mayor for this last year. He is proud of the job she has done as Mayor for the city. He added that in light of his being elected to a third term as Commissioner, and his unwavering commitment to the community and it's citizens, he would feel honored if the Commission would select Steve Green as the new Mayor, he certainly deserves it.
- 3) With the Municipal Election behind us, he feels it's time to take a look at the way the Commissioners are elected. He has talked to many people and many find this hybrid system is confusing to some and it may contribute to the low turnout we have at this time. There are various options to this districting or at large voting. He asked them to call for a series of town halls to bring people together to discuss this and look at the various options that are available. He thinks we can do better and do something which will bring people to the polls to vote.

Ron Fenn

- 1) He will withhold his congratulations to the end of their term. Then he will congratulate them if they have done a proper job.
- 2) He wanted to present his first motion as a Commissioner but he didn't quite make it. He requested they postpone all of the business items from Item H on to be postponed for two weeks to give the Commission and the citizens more time to review them. This is due to the people because you commit us to paying for programs that are not well reviewed. This is a one-time deal to change this agenda and put it off for two weeks. This way Mr. Fuentes will be able to slip goodies by us that we have to pay for. It creates a great problem for us who you call activists or cavers or whatever because we will not be going away. We will be keeping you to your oaths, state law, local ordinances, and the Constitution. So far he hasn't seen very much of that happen in this town. But they will keep the commission's toes to the fire.

Linda DeMarino with Destiny Mitchell.

- 1) She first of all stated they are not sure they should congratulate anyone yet or apologize. We have a Cleanup this weekend on Saturday at the old Buckhorn lot just west of 303 Main St. they had an architectural expert from MainStreet come down and give them ideas where they can go with that. The first thing they are going to do is clean it up.
- 2) They asked Mr. Sletton to come up front to present a plaque to him for his hard work with MainStreet. He has been an invaluable resource to them.

Ron Pecourek

- 1) Two meetings ago he came up about the money given to the Golf Course and you only dedicate \$24,000 to the SJOA. They feed over 300 people a day through meals going to the homes and cleanup and everything. He asked him to please consider giving more money to the SJOA.. If it folds it becomes the responsibility of the city.
- 2) Three weeks ago he asked where we were with the city utility company's new system. What is the status of it? He would appreciate a verbal response in this open meeting for him on where the city utility company's new computer system is. There are still people not getting their bills. He added the poor ladies behind the counter should get a raise for the abuse they are taking. He saw one woman come in and apologize for the lady who just left.

D. RESPONSE TO PUBLIC COMMENTS

Commissioner Clark responded to Mr. Trujillo and his suggestion to look into the Personnel Policies and ordinances. It's not unknown that she has found discrepancies. She would like to see a workshop on this. She thanked Mayor pro tem Green for bringing one from 1997 which was the LEDA Act Ordinance and she feels it's our responsibility to do that 2) She also believes a spotlight needs to be put in. One of her kids got in an accident on the corner; 3) she also has some agreement with Mr. Fenn about receiving the agenda earlier. She thanked him for bringing that up; 4) SJOA is a very important part to her also. She can't think the people who work there enough especially Joe McClintock. She knows were looking at appointing another person on that board in August and she thinks it would be a very nice thing to keep in mind the work these people do.

Mayor Pro-Tem Green followed up on the stoplight on Old School Road. He asked Mr. Fuentes if the school asked for a letter of support for this road. We have a SCRTD Meeting at the end of this month and DOT is always in attendance. He said if we did a letter of support, he could present that at that meeting.

Mayor Whitehead thanked Mr. Ashbaugh, Mr. Trujillo, and Mr. Fenn for their comments. She suggested that we set up periodic workshops to go over Municipal Code and our rules of procedure. She would like to have City Manager Fuentes set up some workshops. She has looked at our municipal codes as well as the New Mexico municipal handbook where she has also found discrepancies. She would like him to invite past commissioners as well as the public.

Commissioner Hechler asked if there is a traffic study done on that intersection and whether it exists. City Manager Fuentes said the NMDOT has contract with an Engineering Firm and they have held a public hearing. So they are looking at public input to see what would be the best design for that intersection. We can talk to them to see what's available to provide to the commission.

E. PRESENTATIONS

1. Proclamation declaring March 12, 2016 Alma Lynn Grantham Day.

Mayor Whitehead read the proclamation and presented it to Alma Grantham.

Alma Grantham said who would've thought a little country girl from Caballo. She has heard it said that one of your most blessed things in life is the ability to get up and go to work every morning, and she has always adhere to that and thinks it's true. She has had a long career and it's been a pleasure to serve the people of Sierra County. She has helped things get built and has seen things get done and she was happy to have the opportunity.

F. CONSENT CALENDAR

1. City Commission Regular Minutes, February 9, 2016.
2. Accounts Payable for February, 2016.

Mayor Pro-Tem Green moved to approve the consent calendar. Commissioner Clark seconded the motion. Motion carried unanimously.

G. PUBLIC HEARINGS

1. Public Hearing: Final Adoption of Ordinance No. 671 related to the Public Utility Advisory Board. Juan Fuentes, City Manager

City Manager Fuentes notified the Commission this is one of the ordinances that needed to be reviewed and needed to be updated to be consistent with state statute. The proposed ordinance is to amend Section 2-2-73 of the code for the public utility advisory board makeup to be consistent with the impact fee board. He referred to the specific changes that were listed in the ordinance. This ordinance has been presented for first reading it has been published as required and at this time who will have the public hearing for comments from the public in any questions from the commission. Adoption will come later on in the agenda

Mayor Whitehead opened the public hearing.

Opponents:

Mr. George Szigeti explained his opposition to this ordinance. When this ordinance was brought before the commission for consideration he commented this had been discussed to the Public Utility Advisory Board but they had not made any decisions on the best way to proceed. Although he did not oppose the ordinance at that time he has had more time to think about it. He doesn't feel this is the best method for handling this issue. At the January meeting they asked the city manager to get better definitions for the terms and state law. For an example is an electrician working for a subcontractor considered a representative of the construction industry. Is a realtor working part-time from their home considered a representative of the real estate industry. Must the individual be actively working or can they be retired? And must they reside in the city limits? He thinks we need to have answers to these questions before we can properly proceed. Secondly he believes the proposed changes needlessly distort the composition of the Public Utility Advisory Board. Even with the relatively lenient requirements in the code, it is difficult to find knowledgeable people who are willing to serve. It will make recruiting members even more difficult, and it will be of no benefit to anybody if we have to operate with one of these positions vacant. He believes another solution discussed by the board is simpler, easier to implement, and will not interfere with the function of the PUAB. He stated the Public Utility Advisory Board has at least five members. 40% of which must represent the construction real estate or development fields. One of the PUAB requirements is to have a member of the construction industry, during my tenure this has been the case. If we set up a separate impact fee board, we can stipulate that the membership in cysts consists of the members of the PUA be and had a standing member from the construction industries. The two additional individuals would not participate in the PUAB activities, they would only be involved in the impact fee board duties. He believes there would be more interested in serving on this board if it would only be on an as-needed basis. The simpler less complicated solution is almost always the best and he feels this is that solution.

Mayor Pro-Tem Green asked if he was speaking as the Chair of the board or for the board. Mr. Szigeti said he was speaking strictly for himself.

Commissioner Clark also has difficulty with the way this is written. We have the PUAB for a reason and their recommendation is something she feels is very important for us to pay attention to. At this particular point if it feels like it needs to go back for revision to the board than she is happy to support that.

Commissioner Frankel agrees with Commissioner Clark.

City Manager Fuentes said currently our Impact Fee Board is the Public Utility Advisory Board. This is just one of the steps we need to correct when we come up with a different board or use the same board. This issue is to make sure we are in compliance with the state statutes. Moving forward the next steps from staff's standpoint is to make sure that we follow all of the other requirements of the impact fee and until this is changed to have a board that complies we are going to continue to use the public utility advisory board to make sure the impact fee ordinance is required. This has been reviewed by legal counsel and this was the best and simplest way to address this issue.

H. NEW BUSINESS

1. Review/Discussion: Canvass of Election Returns. Renee Cantin, City Clerk

City Clerk Cantin stated the election was held March 1 the canvass of the election was held on Thursday, March 3rd at 3:00 p.m. with Mayor Whitehead serving on the canvassing committee. We had no changes to the results that were given to us on Election Night. The final results were:

Position II (4 year term) – Rolf M. Hechler

Position III (2 year term) – Joshua Frankel

Position IV (4 year term) – Kathleen Clark

Position V (4 year term) – Steven Green

And for Municipal Judge Beatrice Sanders

She added there is no action required for this item but it is required to be included with the official minutes book.

2. Reorganization: Selection of a Mayor & Mayor Pro-Tem. Renee Cantin, City Clerk

Per the state statute after each Regular Election, the Commission is required to select a Mayor and Mayor Pro-Tem.

Mayor Whitehead opened the floor for nominations for mayor.

Commissioner Frankel nominated Steve Green for the position of Mayor.

Commissioner Clark had a comment. She is sorry to bring this up but state statute specifically states that the commission/manager form of government has to reorganize every two years. Our municipal code says the governing body shall select one of its members as mayor until the expiration of his term as Commissioner. She knows we need to follow state statute that this is just an example of one of those things we need to clean up. Her other comment is it's been very interesting being a city commissioner working with Mayor Whitehead, she's been absolutely amazing. She has also worked with Mayor pro tem Green and she can't believe anybody would keep doing what they're doing as long as he's been doing this and she would feel honored to have either one of them serve as mayor, but maybe it's time to do a flip-flop. She's just putting that out there because she thinks the world of both.

Commissioner Clark seconded the nomination.

Commissioner Hechler nominated Mayor Whitehead for the position of Mayor.

Coming into this as a newcomer, he would not like to change horses midstream. She's had strong leadership and he thinks she handles it well, and he would like to continue to see her in this position.

Mayor Whitehead seconded the nomination.

First nomination for Commissioner Green as Mayor. Mayor Whitehead called for a vote. **Mayor Pro-Tem Green, Commissioner Clark, and Commissioner Frankel voted aye. Mayor Whitehead and Commissioner Hechler voted nay. Motion carried by a vote of 3-2.**

Commissioner Clark nominated Sandy Whitehead for the position of Mayor Pro-Tem. Mayor Pro-Tem Green seconded the nomination. Mayor Whitehead called for the vote. Motion carried unanimously.

Mayor Green said if it is the will of the Commission he thinks it's only right and fitting for her to take us home through the meeting today. There were no objections.

3. Discussion/Action: Selection of South Central Council of Governments (SCCOG) Alternate Board Member. Renee Cantin, City Clerk

City Clerk Cantin presented the current representatives are Steve Green with Sandra Whitehead as the alternate.

Mayor Whitehead suggested Mayor Pro-Tem Green to serve as the board member and Mayor Whitehead offered to continue as the alternate. Commissioner Clark put that in the form of a motion. Mayor Pro-Tem Whitehead seconded the motion. Motion carried unanimously.

4. Discussion/Action; Selection of Joint Powers Commission (JPC) Board Member. Renee Cantin, City Clerk

City Clerk Cantin joint Powers commission or the hospital board has three elected officials serve. Currently serving his Kathy Clark, Steve Green, and Russ Peterson. We need the commission to appoint elected official servant position previously held by Russ Peterson.

Mayor Pro-Tem Whitehead asked Manager Fuentes if we select all the appointments or just one? She asked if there was someone else who was serving, or if there is a specific protocol for that.

City Manager Fuentes responded since we had an election, it would be okay if all of the names were appointed again just for a formality. As stated we have yourself and Steve Green as the Vice Chair, but Russ Peterson is no longer on the Commission, so we will need to appoint for his position.

Commissioner Clark suggested it's very important to keep Sandy Whitehead and Steve Green on that board. She has attended one and there is an awful lot of information. She does not want to serve on that board, and she would highly recommend one of the new Commissioners should serve on this board. It's extremely important as we build the new hospital and if you feel like it, make sure you can make that commitment. The reason she doesn't do it is she travels too much and she can't be at the meetings.

Commissioner Hechler asked what the commitment is. Mayor Pro-Tem Whitehead said it's just to attend meetings quarterly and get together going over discussion as to what is going on with the Hospital. Commissioner Hechler expressed interest and would be honored to serve in that position.

Commissioner Clark moved to approve Steve Green, Sandy Whitehead and Commissioner Rolf Hechler to serve on the JPC Board. Mayor Green seconded the motion. Mayor Pro-Tem Green thanked Commissioner Hechler for raising his hand and

suggested contacting Mr. Zimmerman the CEO of the hospital and he would make himself available to give their view point. He wanted to make a correction, the Vice Chair doesn't come from the Commission, it is appointed by the board. Mayor Pro-Tem Whitehead called for the vote. **Motion carried unanimously.**

5. Discussion/Action: To delegate Signature Authority to City Manager Juan Fuentes for related contract documents, change orders, application for payments, and renewals pertaining to WWTP Improvements Phase 1. Traci Burnette, W/WW Admin. Assistant

W/WW Admin. Assistant Burnette is hear per USDA requirements to delegate signature authority to the City Manager for the purpose of signing the documents contracts, applications for payments that goes with our phase 1 funding. Phase 1 should be starting in May but according to USDA the city needs to designate signatory authority.

Commissioner Clark was concerned about this putting the City Manager is a difficult spot. She read the contract in the bid recipient information, her biggest concern is there is not a dual form of someone he should work with. Primarily because we have been hit with internal control issues in the last audit, she would like to suggest that the city manager has someone to look at things before he signs it to protect them.

City Manager Fuentes mentioned this is a requirement by USDA and any payments are approved by USDA as well. This is just a formality of who will be signing. Lori will be keeping track of all of the grant activity. He added it's not a blanket authority for his office to sign. It has to go through the proper channels before he signed anything. They have to have this on record on who can sign documents so they can proceed forward.

Commissioner Clark asked if Ms. Montgomery is confident this will not put the city manager in jeopardy.

Finance Director Montgomery said if you look at all of those grant requirements, they have requested a single contact.

Commissioner Hechler asked if there are reporting requirement as far as notifying the Commission. City Manager Fuentes responded this grant will be coordinated with the USDA. As the project goes on we will be giving you updates. If there is a change order, and it requires formal action, we will bring it back to the city Commission. He will be consulting with staff and the engineers to make sure we're following the guidelines of USDA.

Mayor Green moved to approve delegating Signature Authority to City Manager Juan Fuentes for related contract documents, change orders, application for payments, and renewals pertaining to WWTP Improvements Phase 1. Commissioner Hechler seconded the motion.

Commissioner Clark said if we had a 10% change order it would be quite a difference and can we bring it back to Commission. City Manager Fuentes responded if there a change order in that amount he would definitely come to the Commission because he doesn't know where that money would come from. And Staff would be adamant about doing that as well. **Motion carried unanimously.**

6. Discussion/Action: Authorization to submit USDA Funding Application for a Front End Loader. Bill Slettom, Assistant City Manager

Assistant City Manager Slettom addressed the Commission. USDA has been very generous to the city. They have some excellent programs for rural development and one of them as community facilities. This is the program we used to purchase the street sweeper. This time are seeking your permission to submit an application for a Case Front End Loader. This is a 55% match grant, the rest of the money we can either borrow or use our own funds as a match.

Commissioner Hechler asked where the loader would be used. Assistant City Manager Slettom responded it's for the streets department, but it's used for all departments.

Commissioner Clark asked where the rest of the money will come from to buy this piece of equipment. City Manager Fuentes said this can either be a loan or a grant. We do have some funds in the history department for operation or equipment needs.

Mayor Green asked if we have one now. Assistant City Manager Slettom responded no we borrowed one from the county for the Healing Waters Plaza project.

City Manager Fuentes responded we have an old front end loader that we have invested in repairs and it's still in the shop. This presented an opportunity to get a new piece of equipment having to put up the whole amount

Commissioner Clark asked if we need a front loader to use every day. Solid Waste Director Alvarez said a front end loader is desperately needed for heavy jobs, it can lift heavier objects so much easier. He is sure it will be used on a daily basis but not for a full eight hours

Commissioner Hechler added some information about purchasing the heavy equipment. If you knew 3 or 4 days in advance you needed to use it, then fine you can share. For that reason he thinks it would behoove us to acquire this.

Mayor Green moved to approve authorization staff to submit an application to USDA for a Front End Loader. Commissioner Hechler seconded the motion. Motion carried unanimously.

7. Discussion/Action: Final Adoption of Ordinance No. 671 related to the Public Utility Advisory Board. Juan Fuentes, City Manager

City Manager Fuentes stated the reason for this ordinance to address the inconsistencies with the public utility advisory board. As express by the chair of the board there might be other options to look into. This can either be addressed through this ordinance or any other revisions as presented by Mr. Szigeti.

Commissioner Clark would like to send it back to the PUAB and have them bring it back as soon as possible with the suggestions Mr. Szigeti presented. Commissioner Frankel concurs with Commissioner Clark at this time.

CITY COMMISSION MARCH 8, 2016 REGULAR MEETING MINUTES

Mayor Green the ordinance in the present construction as the board exists, do we hit the need of the impact fee board melded into the PUAB Board. Or are we still in violation. City Manager Fuentes responded if we pass the ordinance as it is now the addressed the inconsistencies with the state statutes and the Impact Fee Board. As far as we have only we are okay. Once their terms expire we can look at members who are appointed.

Mayor Green was concerned about where we stand with this board, and if we wait until a term is up and we potential don't get any applications or interest for the required experience, we could potentially always be out of compliance.

City Manager Fuentes said whether we do it in this ordinance or create a new board. The way the code is written have to have those members. He don't have the flexibility that we need the current board. That's why section C allows you to appoint another competent person to serve on the board. New ordinance will give us the flexibility.

Mayor Pro-Tem Whitehead asked if there is a time frame on this or can we send it back to the PUAB Board for their recommendation updates. City Manager Fuentes responded there is no time frame on this. It was brought up a resident through threatened legal action so we are trying to correct the issue. The Commission can certainly send it back to the board, but this is listed as final adoption has been published. If that's the will of the commission would be motion not to adopt and kills his proposal and he will take it back to PUAB.

Commissioner Clark referred to the background sections. She thinks once again we need to have them be very clear wording in this ordinance before we accept it.

Mayor Green moved to have staff send this ordinance back to the PUAB and work with them on this item and bring this back with something that will satisfy our terms and keep us legal. Commissioner Clark seconded the motion. Motion carried unanimously.

8. Discussion/Action: City Purchasing Policies. Steve Green, Commissioner

Mayor Pro-Tem Green presented his ideas of really looking into saving some money by being smart, careful, and cautious. Every month we get a copy of the print out of the checks that have been paid. Knowing it's going to be a tight budget season and every dime and dollar has to be looked at and analyzed, he feels we should keep as much money and purchasing local as we can. He gave some examples including the purchase of batteries price or different departments who have purchased. Maybe there's a local buyer or business they could buy in bulk or larger quantities to get us a better price. Gloves for example sometimes we buy in town and sometimes we buy out of town. He gave other examples of other supplies that were purchased. Another example he gave money wise he went to the bathroom and City Hall the lights are on the fan is blowing, but what would it cost to put an automatic sensor? What would it take for us to save money on the little things? He would like to start a discussion with his fellow commissioners.

Commissioner Hechler said if we buy on state contract we have to get three quotes. Or if it's an emergency purchase have to keep it under 50,000. He asked what the processes for the city. Finance Director Montgomery said there is a tier structure each department is allowed to do. Each Department is required to get the quotes it comes to purchasing for approval and

it comes to Finance Director to be approved. There are some contracts in place already to allow departments to make purchases from.

Commissioner Frankel commented he noticed the same thing. He wondered about the tracking of the tools and things we have. He wondered what policies were in place for accountability and tracking small items in inventory. He's curious how the communication works in tracking the items. Finance Director Montgomery responded anything worth \$5,000 or more is required to be on the asset list. She will be looking at inventory in each department by the end of March. There is tracking for each of the departments she's working on getting it streamlined.

Commissioner Clark thinks it's an excellent idea. The more we can do local without breaking any compliances is important. She spoke to somebody about getting a preference to local businesses. Finance Director Montgomery called the Director of State Purchasing about this issue. In particular the community that she is talking about is a home rule community, there are 10 in the state. They are larger communities who have the staff and employees and the ability to write their own rules. All other communities in the state are not home ruled and we are one of them. We are required to follow the state guidelines. State guidelines for local preferences only apply to home ruled communities. So just because you have a local business she cannot give you that preference following the state guidelines. She added there is a change coming related to veteran's preference for bids.

Mayor Green asked would we be legal if we asked each department to look at their budget and what they bought last year and make a public notice to the residents saying next year we may buy these items to take into consideration that we asked for bids so they are more competitive. Finance Dir. Montgomery said you can set up annual contracts to go out for bid for certain items. It takes an inordinate amount of time but it can be done. Mayor Green asked if it's worth saving \$7000 for us to go through all of this work.

City Manager Fuentes added when we do that will not necessarily get local preference the bid may not go to a local business. Finance Director Montgomery said she went through the same things, and we spend a lot of money with local vendors. There are several local vendors to reap the benefits of being a city vendor.

Commissioner Hechler suggested that we go through the items that we purchased the lot of you see if we can put those in the process to bid on.

Mayor Whitehead said she thinks shopping locally is a great idea.

Mayor Green feels City Manager Fuentes and Finance Director Montgomery has heard the discussion and will work with their staff keeping this in mind.

I. REPORTS

1. City Manager

City Manager Fuentes announced tomorrow we have a Colonias meeting for the Wastewater Phase 2 in Ruidoso at 9:00 a.m. We have applied and received funding each year. We're hoping we can get funding for this funding cycle again. We are close to pulling all of the money we need for the improvements. After this cycle we will be exploring USDA funding as well.

- 3) The Healing Waters Plaza Project is moving forward. He commended our street department who are doing the initial work to save money. That is moving along quite well and our goal is to get the project completed by the Centennial celebration.

2. City Attorney

None.

3. City Commission

Commissioner Frankel announced tomorrow at 10:00 a.m. there will be a ribbon cutting at the Fire Dept. for the new training facility. He looks forward to working with the commission.

Commissioner Clark reiterated she cannot feel more honored to be sitting between two of the most lovely people and she challenged the new Commission to stand up to it. Because these people have been amazing to work with the last two years. She also thanked manager Fuentes for never giving up on her. She also added staff is awesome too.

Mayor Pro-Tem Green thinks it's important when the Commission serve on boards, it's important to report it to the Commission so we are all involved and we're all aware. The other thing he would like to say is Commissioner Hechler had a great point, if someone is doing a great job why change. He thanked Mayor Whitehead and she has done an extraordinary job. He has watched her really grow as the Mayor and he looks forward to continually learning from her. He has always viewed the Mayor and Pro-Tem as one position to work together. If someone can't make it, the other one does. If there's an event Mayor Whitehead feels committed to, he has no problem shutting up and stepping back and letting her continue with those projects. If you take a look at the Municipal League bulletin, the Governor is taking some funding back. The Healing Waters Plaza is a great example of where we have fought for the money. We have a committed staff and a great Manager and he's sorry to see Bill Slettom go. But he feels this Commission is up for the challenges.

Mayor Whitehead said it has been a pleasure, an honor, and a learning experience to serve as Mayor for the last two years. She thanked the past Commissioners, as well as, the Current Commission and the community for allowing her the opportunity to serve as Mayor. She looks forward to serving as Mayor Pro-Tem and announced what a relief it is. She thanked Commissioner Frankel for nominating her and she turned the gavel over to Mayor Green. She truly thanked everyone and even though people fuss at us during Public Comment, she is here to help the community and the needs of the community at heart. She thanked all of the staff and the City Manager. And others who were in attendance.

Mayor Pro-Tem Green read a press release from Solid Waste Director Alvarez. This was pursuant to something that was brought up in Public Comment a couple of weeks ago. He read: "the market for plastics has been declining. We have continued to accept plastics. However, due to our permitting requirements and weather damage, we are only able to stockpile a limited amount for a limited time. As the limits were reached or the plastics became damaged or contaminated, they were removed to make room for more plastics. During this time we are seeking other sources for plastics and continue to accept plastics from our customers. We have now found a recycling vendor who will accept all of our recycling commodities including our plastics. We estimate a load leaving our facility by the

end of the month. And that's free to pick up by the company, we do not pay to have it picked up. We have plastics on site that we have been saving. And we continue to bail them to be ready for recycling." He complimented Andy and his staff because this was a tough thing to nail down. Plastics are tied with oil and we would almost come to an agreement with the changing price of oil. Solid Waste Director Alvarez worked hard and eventually came up with a company who would take everything. Eventually there will be value to these plastics and we will already have a vendor who supported us.

Mayor Whitehead also thanked City Clerk Cantin for the nice spread of cookies and coffee.

J. EXECUTIVE SESSION

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

Mayor Green moved to approve going into Executive Session at 8:11 p.m. to discuss Pending or Threatened Litigation (Hot Springs Land Development) *Pursuant to 10-15-1H(7)*. **Commissioner Hechler** seconded the motion. Mayor Green agrees the former City Attorney Jay Rubin's presence will be of value for informational purposes and added asking him attend for informational purposes only to the motion. **Mayor Green amended his motion to include it. Commissioner Clark seconded the amendment. Roll call vote was taken by the Clerk. Motion carried unanimously.**

Mayor Pro-Tem Whitehead stated that the Commission was now in Open Session at 9:19 p.m.

Mayor Green stipulated that only matters pertaining to Pending or Threatened Litigation (Hot Springs Land Development) *Pursuant to 10-15-1H(7)* were discussed in Executive Session, discussion incurred and there was no action taken.

Mayor Pro-Tem Whitehead moved to approve authorizing Mayor Green and City Manager Fuentes to proceed forward with the mediation to be held this Friday, March 11, 2016 as discussed in Closed Session. **Commissioner Clark** seconded the motion. Motion carried unanimously.

2. ADJOURNMENT

Mayor Pro-Tem Whitehead moved to adjourn at 9:21 p.m. **Mayor Green** seconded the motion. Motion carried unanimously.

Passed and Approved this ____ day of _____, 2016.

Steven Green, Mayor

ATTEST:

Renee L. Cantin, CMC, City Clerk



F.2

CITY OF TRUTH OR CONSEQUENCES
COMMISSION ACTION FORM

ITEM:

Approve the minutes of the March 22, 2016 Regular Meeting.

BACKGROUND:

None.

STAFF RECOMMENDATION:

Approve the minutes.

Submitted by: Renee Cantin, City Clerk

Meeting date: 4-12-2016

**CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
TUESDAY, MARCH 22, 2016**

The Mayor and the City Commission of the City of Truth or Consequences in the County of Sierra, and State of New Mexico met in Regular Session in full conformity with the law and ordinances of said Commission in the Commission Chambers on March 22, 2016 with the meeting starting at 6:04 P.M.

A. CALL TO ORDER

The meeting was called to order by Mayor Steve Green at 6:04 p.m.

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 (joined by telephone)

Also Present: Juan Fuentes, City Manager
Bradley Springer, City Attorney
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 asked Assistant City Manager Slettom to lead the Pledge of Allegiance.

4. APPROVAL OF AGENDA

Mayor Pro-Tem Whitehead requested to remove Item No. I.5 under New Business for the Solid Waste Grant from the agenda.

Mayor Pro-Tem Whitehead moved to approve the amended 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 on the GRT Ordinance can wait until that Public Hearing so these comments would be for other matters. He added as they step forward the three minute rule applies, and any material for the Commission was to be left in the black box by the podium.

Sue Crowder addressed the Commission related to

- 1) Asked one question. She has a very good friend named Ken Reidemann and she is tired of the city picking on him. She feels they are harassing him and maybe the Commission will take that into consideration.

Ron Fenn, 316 N. Foch

- 1) Dismayed about Mr. Greens response to the press about the recycling program. He feels it basically said he was a liar about the program. The plastics and other recyclables are a total waste of money. He announced Mr. Green said the program is viable both environmentally and economically, and he asked where the proof is for that statement. He asked what the city uses to substantiate this. He produced documents to show how it is not economically viable and the Commission turns around and makes him look like a fool which he is not. He is tired of the rhetoric and that alone that we are going to have \$20,000 visitors at the Spaceport Visitor's Center.
- 2) And now we have a recycle program that is wasting our money to the tune of a couple hundred thousand dollars (\$200,000) per year.
- 3) We also have a Solar Farm that is equally draining our money which he reported to the PUAB last night. And whether anyone believes it, the documents are there. They can look all of this information up themselves. And if you know how to run a spreadsheet, you can do an analysis to see this city does not need a solar farm. We purchase our Electricity from sustainable Hydro Power and that covers us for any federal regulation. This program is wasting our money to the tune of \$38,000 this year and it will be much more than that next year and every year for the next 25 years. Why we get involved with these crazy programs is because it sounds good but we don't follow through with contracts.

Audon Trujillo, 506 W. Third St.

- 1) Pleased to see the work on the Lee Belle Johnson Center is starting.
- 2) He's concerned there is so much rock going in under the park. He mentioned someone should comment on that. He asked who they consulted to find that would be a good medium for plants. Even Palm Tree's should have a good medium to grow in. He doesn't feel the park should be just for the June celebration, it should be around for our grandkids to enjoy.
- 3) Asked them to start on the evaluation on the City Manager soon and not to wait until the last minute. We could do a better job for not only the City Manager but for all staff which do not currently have annual work plans. It's a time consuming process to start up with, but it's really very necessary to improve the city.

Sophia Peron, Citizen

- 1) It's great to see all of these people come for the Sierra Hospital Hearing. She attended the Sierra County meeting and not a single member was there but her. It's great to see people in the community come to speak up for themselves either one way or the other. She hope it's worth it because her property is not worth a dime. So investing all of this money into the Hospital is a very scary thing. In case you're thinking about it, there are a lot of brochures at the Police Department that tells you how to avoid fraud.
- 2) She said goodbye to Mr. Slettom and have a good life because we are going to pay to fix the hideous gazebo and the stupid handicapped ramp at Ralph Edwards Park. We're going to have to do whatever it takes to fix the Healing Waters Plaza. We're going to have to eliminate the Fire Plug Park or do something with it. The city told her there were no plans for the Fire Plugs where the Old Fire Station is and no money was spent on it. Next, you're going to be redoing the National Guard Armory, the junky old building for \$100,000. Good Luck! She is glad this will be the regime of the Mayor Green that takes us finally down.

Linda DeMarino, Executive Director of MainStreet Truth or Consequences.

- 1) Tomorrow morning at 8:00 a.m. at 410 Main we will have a business breakfast. They are bringing in a lady from OSHA. They have limited seating so prospective business owners can give her a call and can come tomorrow.
- 2) Hot Springs Festival Planning is going on. on May 13, 14, & 15th. It will focus on Healthy Lifestyle, Medicine, and Sustainable Living. They will have music, vendors, presentations, workshops and tours. We are having a hard time keeping it small because people are so excited about it they are coming out of the woodwork to do different things. So that's a really good problem to have.

D. RESPONSE TO PUBLIC COMMENTS

Commissioner Clark responded

- 1) Apologized to Sue she cannot respond but she would love to.
- 2) Response to Mr. Fenn about recycling. She had been listening about him talk about recycling for a while. She has taken it upon herself to do some serious research about it, and he would like to make an offer to him once she has done her research if he would be kind enough to sit down with her and compare notes.
- 3) To Mr. Trujillo she also has a concern about the rocks and trees and tap roots for the planting. She feels it would be a good question to ask our Landscape Architect to see if maybe there might be an issue with that. She thanked him for bringing that up.

E. PRESENTATIONS

1. Presentation to Bill Slettom, CDD/Assistant City Manager

The Mayor and Commission presented an award to Bill for his retirement. The Mayor stated this is a bittersweet moment for staff and the Commission. The one thing he wants

the public to know is after he retires, he will work on some of the projects he has started to help see the city through with on a total 100% volunteer basis. He thanked him and applauded him for that. City Manager Juan Fuentes read the inscription on his award. He has been an excellent right hand man and has done so many projects for our community. He is certainly going to be missed and we really appreciate everything he has done and his support.

Assistant City Manager Sletton thanked the Commission for the opportunity to make a difference in Truth or Consequences. It's been a great experience and we've made some great progress. He truly believes we need to continue to build our infrastructure.

F. CONSENT CALENDAR

1. City Commission Regular Minutes, February 23, 2016
2. Golf Course Advisory Board Minutes, February 3, 2016
3. Golf Course Advisory Board Minutes, February 17, 2016

Commissioner Clark moved to approve the consent calendar. Mayor Pro-Tem Whitehead seconded the motion. Motion carried unanimously.

G. PUBLIC HEARINGS

1. Public Hearing: Final Adoption of Ordinance No. 670 15/16 authorizing the execution and delivery of a Loan Agreement among the Sierra County Joint Powers Commission and dedicating the Pledged Revenue from its 0.1875% Municipal Gross Receipts Tax for the Term of the Loan. Juan Fuentes, City Manager

City Manager Fuentes asked the Hospital CEO Mike Zimmerman to come forward. He has been working closely with all of our entities, as well as, our Legal Counsel and theirs on this proposed ordinance. He asked him to give the public a quick overview as to what is being presented to the Commission and the public.

Mr. Michael Zimmerman, Chief Executive Officer for the Sierra Vista Hospital addressed the Commission. He started by saying the Hospital is owned by a Joint Powers Agreement that consists of Sierra County, the City of Elephant Butte, the City of Truth or Consequences, and the Village of Williamsburg. Each entity has pledged a portion of their GRT Taxes as a result of that. That construction for the County and the Village of Williamsburg has been in place since 1998 and the City of T or C and Elephant Butte started in 2009. What exists now under the current commitment is the .1875% which is not changing. This money is in the Hospital General Fund and they have it to use at their discretion to pay for bandages or construction or whatever. He added that percentage is not going to change relative to the amount pledged by the city. The only difference they are asking for is that .1875% be dedicated to the repayment of the loan for the construction of the new hospital. It's not like it goes into a separate bank account, it all goes into a General Fund. It is a conceptual agreement the partners in the Joint Powers Agreement have committed to continue their ongoing support that we have had for some time now. He reiterated, the reality is, the Hospital has NO debt. There are statements

being made and rumors going around that we are in debt, but there is no debt. He can understand why people would object to this package. It's a large deal and it's requiring a leap of faith that this is what we need to move the city forward. He can't abide when people are just spouting statistics that are wrong or dishonest. We have no debt and every member of the four communities collectively will owe \$3,000. The citizens of the entities will owe nothing. The hospital has pledged to repay this loan. The only thing the entities are pledging is the extent of their GRT payment. For the City of Truth or Consequences, that is roughly \$250,000 per year. If the hospital folded, the only thing the city would be obligated for is the \$250,000 they have already pledged. Let's start from a position of accurate information. We have been successful in recruitment and he explained some of the recruitment they have been doing as far as Doctor's and Medical Staff. They are making every move they can make in order to ensure the long term viability of this organization. He hates to be blunt and a naysayer but since 2010, 63 Rural Hospitals have closed across the country. They closed for two reasons: 1) a lack of political will by entities or public facilities or understanding of how you grow strategically to prevent a problem; or 2) a strategy where they do not grow. We can go back to the way we were two, three, or four years ago, but he guarantees the hospital will die. And his biggest fear is the Town will eventually follow that. Because where you don't have health care, you don't have growth. It's plain and simple. In closing, the reality is the Hospital has no debt, the Citizens will not be obliged for \$3,000 a piece as the rumors would suggest. And we are doing this not to impede the growth of the towns. We structure this so the entities would still have financing capabilities. This doesn't affect their limit. The last comment he would like to make is when he got here two years ago, a lady who he doesn't know and is willing to say "Thank you very much", shortly after he got here and had outline his vision had gone on Facebook and basically tore me apart by saying my Big City thinking and my Big City Private Hospital ideas would ruin our hospital. Since then, we have had a deficiency free State and Federal Clinical Survey with no issues to correct; we've had a Perfect Audit from the State Auditor's Office; and we've returned the hospital to profitability. Yesterday, on the same Facebook Page, the same Young Lady said, the only way we grow is to continue the path the hospital is on. It shows him he is making some progress with some people who really didn't want him to be here when he got here.

Mayor Green started by thanking the unknown Facebook Lady, she nailed the last Facebook posting.

Opponents: Quite a few on the list signed up but either had left or did not wish to speak. The following are those who spoke as opponents:

Audon Trujillo started by saying for the record he signed both sides of the list. Everyone wants a good hospital. His Father died at this hospital. 1) If they have this ability, then why are we doing this. 2) The ability for the Commission to do this, if they already have that authority where does the authority derive from. He asked just to be educated on this. Other than that, he is in favor of a good hospital, but he doesn't want to get stuck with a \$30 million loan in the city.

Mr. Zimmerman said under New Mexico State Law, anytime a Governmental Unit takes out a debt instrument, there has to be a dedicated revenue stream to pay for it. The Hospital has enough cashflow to repay the loan on it's own but this is the additional security for the New Mexico Finance Authority. The second questions response is whatever the debt is, it is not a debt of the city. It's the debt of the Joint Powers Commission. If he owns a share of stock in General Motors that he paid \$100 for, under the law, if General Motors goes bankrupt, he is not personally liable for the debt of General Motors. He is simply liable for the \$100 that he paid to buy their stock. In this particular case the city is not liable for the full amount. He added Commissioner Clark had the information in the document to support this statement. This city is not obligated for the whole loan, they are only obligated for the \$250,000 or whatever the GRT payment is.

Commissioner Clark answered Mr. Trujillo's question first. She read the section for dedication from the 1995 GRT Ordinance which says it should be used for hospital and operational expenses as contemplated by the Hospital Funding Act. She added we needed to change that wording to dedicate the funds for debt payment. She read the part of the Loan Agreement related to that section and the pledged revenues and the responsibility of the governmental unit. She said there is another exhibit that says the same thing in different words.

Karen Reith, 205 Rio Grande Circle in Elephant Butte but she does have a vested interest in this ordinance. When the City of Elephant Butte had the same ordinance for public hearing they had shown overwhelming support in favor of this. Thanks to the Governing Board and JPC Members that attended. They have a number of people here from Elephant Butte and she thanked them for coming to show support. She relocated from Colorado in 2013 returning to her home state of New Mexico after being away for several years. At that time, one of her biggest concerns was finding health care. She explained some of her dealings with medical problems in her family. Her boys have ongoing occupational therapy and physical therapy. She can also say there are many other school aged children in the area who need medical care as well. She cannot say enough how great a hospital can be when the collaboration of surgeons, therapists, and other departments are critical to a holistic plan of care. Building a hospital is good for our citizens, it's good for our community, and its good for our economy. She urged the Commission to pass this ordinance and thanked them.

Ted Kazgrowski from Elephant Butte commented in favor of passing the ordinance. He added he's seen dramatic improvements in the last two years. And took his hat off to Mr. Zimmerman and the staff. He supports the project because we have to get the people off of the freeway. He would appreciate if they would support this initiative. We have to update the hospital to attract new businesses. He's seen dramatic improvement and he hopes it can keep improving this way.

Bruce Swingle, Sierra County Manager. Last week Sierra County passed this ordinance. Experts have looked at this ordinance and we have done our due diligence. It's good for this community and will provide jobs and economic development opportunities that is not currently available. . We don't move forward with this hospital, we will lose residents.

These residents will have no choice but to move closer to health care services. The County asked them to support this ordinance.

Audon Trujillo knows its hard to keep staff here. Truth or Consequences is very livable, he doesn't know why staff at the hospital don't offer some sort of cut rate at the Golf course. The Police Officer's should also get a cut rate at the Golf Course. Let's sweeten the pie and give them something.

Linda DeMarino echoes some of the things the County Manager said. We have so many houses that are empty and some of the responses are because of the lack of adequate medical care. She encouraged the Commission to support this because if we fill up the houses, there are more people to support our business community and the Gross Receipts and its good economic development.

Karen Mogen added she is very much in favor.

Mayor Green thanked everyone for being concerned about your community and for speaking either for or against it. We are a family here in T or C and we are a family

He called for a five minute recess but they decided to proceed with the unfinished business for the action.

H. UNFINISHED BUSINESS

1. Discussion/Action: Final Adoption of Ordinance No. 670 15/16 authorizing the execution and delivery of a Loan Agreement among the Sierra County Joint Powers Commission and dedicating the Pledged Revenue from its 0.1875% Municipal Gross Receipts Tax for the Term of the Loan. Juan Fuentes, City Manager

City Manager Fuentes commended Mr. Zimmerman for a good job in the explanation of the intended purpose of this ordinance and also Commissioner Clark for her response. This is a document and process that is required by the New Mexico Finance Authority and it is not uncommon that when funding is requested, we have to go through this exercise. City Manager Fuentes said all of the entities and legal counsels have done their due diligence and he recommended approval.

Commissioner Clark moved to approve Ordinance No. 670 15/16 authorizing the execution and delivery of a Loan Agreement among the Sierra County Joint Powers Commission and dedicating the Pledged Revenue from its 0.1875% Municipal Gross Receipts Tax for the Term of the Loan. Mayor Pro-Tem Whitehead seconded the motion.

Discussion – Commissioner Clark asked the Mayor to request Mr. Zimmerman to come forward again. One of the questions she had was for the debt. The other issue she had was can the city change this ordinance. She went through some of the information she put together. She added we have one of two choices we either build a new hospital that's

not going to cost us any more money than we've already been putting out or we have no hospital.

Mr. Zimmerman explained the Door to Balloon analogy and secondly, he would be remiss if he didn't recognize the incredible hard work of his staff.

Commissioner Clark added the last thing she wanted to add was she had a question as to whether we have the ability to change the ordinance and the answer is absolutely yes.

Mayor Green thanked Mr. Zimmerman and his staff.

Roll call was taken by the Clerk. Motion carried unanimously.

Mayor Green thanked Commissioner Clark for jumping in and taking care of this so quickly on very short notice.

Mayor Green recessed the meeting at 7:06 p.m. and reconvened at 7:12 p.m.

2. Discussion/Action: Resolution No. 26 15/16 Authorizing the Amendment and Restatement of Section 7 of the Joint Powers Agreement (the "JPA") adopted May 14, 1998 and revised July 15, 2009 (No. 97-059) between and among the County of Sierra, the City of Truth or Consequences, the Village of Williamsburg and the City of Elephant Butte (Collectively, The "Participants") Providing for the dedication of certain Gross Receipts Tax Revenues of the City of Truth or Consequences (the "City") to be Pledged Pursuant to an Ordinance Adopted by the City for the Payment of a loan from the New Mexico Finance Authority (the "Finance Authority") in an amount of up to \$36,329,129. Juan Fuentes, City Manager

City Manager Fuentes said essentially all of the entities made up the language of the loan when it was acquired. The proposed resolution is to amend the JPA to include the language that was changed in the ordinance.

Commissioner Clark moved to approve Resolution No. 26 15/16 Authorizing the Amendment and Restatement of Section 7 of the Joint Powers Agreement (the "JPA") adopted May 14, 1998 and revised July 15, 2009 (No. 97-059) between and among the County of Sierra, the City of Truth or Consequences, the Village of Williamsburg and the City of Elephant Butte (Collectively, The "Participants") Providing for the dedication of certain Gross Receipts Tax Revenues of the City of Truth or Consequences (the "City") to be Pledged Pursuant to an Ordinance Adopted by the City for the Payment of a loan from the New Mexico Finance Authority (the "Finance Authority") in an amount of up to \$36,329,129. Mayor Pro-Tem Whitehead seconded the motion. Roll call was taken by the Clerk. Motion carried unanimously.

Mayor Green said this is worthy of front-page news and he hopes it gets there.

I. NEW BUSINESS

1. Discussion/Action: Review and approval of the FY 2014-2015 Audit. RPC CPAs & Consultants

City Manager Fuentes said we have Michael White who would be giving the review of the 2015 audit.

Mr. Michael White is here to give a high level overview of the audit. The Audit is for the year ending June 30, 2015. They started the late summer and we had our exit meeting the middle of December and it was presented to the state by 15 December which we did. He is the partner in charge of the El Paso office his partner at the time has retired, so he is hearing her place with Bobby Cordova who is the auditor in charge. The findings that were identified were accepted and the responses are already documented. Overall they had a modified opinion which is a qualification over the joint utility accounts receivables and revenues. Financials of the city are presented fairly and in according with accounting standards except for the joint utility accounts due to some glitches in the accounting system and the availability of the information from that system made it difficult to justify that. All of that has been documented and accepted and the city is working on a new system. But at the time of the audit we had to use the old system. There were some findings that did not rise to significant deficiencies and for material weaknesses. Some from us some from prior audits. Again those were discussed in the exit conference excepted with your notes.

The planning and scope and timing were pretty consistent with prior years. Matters when we needed to communicate any significant accounting policies and unusual transactions are in the footnotes of your audit. Nothing was overwhelming everything was explained pretty well yes. We deemed to have the judgments made by management were reasonable and acceptable. For example, you have to make estimations when it comes to allowance for uncollectible accounts, accrued expenses, capital assets, and depreciation. Management judgment on disclosures were clear and consistent. So when you read the financials we feel there clear and understandable. There were problems with the joint utilities systems but hopefully with the new system this will be a finding in the next audit. We noted no misstatements in the normal accounting to GAAP and other words everything looks good everything is flowing well. We didn't have any disagreements with management which is also very good. There were no significant deficiencies. With the expertise they were able to go through it all on their own without bringing in any expertise. Were no doubts that the Institute should be able to continue. The city has informed them of no fraud that should be brought to their attention. Other than the joint utilities, which has been addressed, we show a good audit,

Commissioner Clark moved to approve the FY 2014-2015 Audit. Mayor Pro-Tem Whitehead seconded the motion. Motion carried unanimously.

2. Discussion/Action: Review plans for renewal/update of the Louis Armijo Ball Fields. Greg D'Amour, Recreation Advisory Board Chairman

Mr. D'Amour asked the City Manager to bring up the current ball park area. We are looking at the bottom right ball field for Step 1, adding a field in between the bottom two fields, then the bottom left field, followed by the top left field. They would also like to look into putting a playground for kids. If we go back to the last time we seeded the fields, we had a tournament come to town. We would like to get them back into shape to do it again.

Mayor Green thanked him and the board for their hard work.

City Manager Fuentes thanked Mr. D'Amour and his hard work with the board and in future budgets he would plan to look into finding the funding. He suggested maybe we can find more funding each year to make improvements each year.

Mayor Pro-Tem Whitehead was concerned about interruption in the current games that are played when they start the upgrades. Mr. D'Amour assured them they will make sure they keep all of the participants aware of what's going on.

Mayor Green has two quick questions. 1) will there be any grants available for this project. Mr. D'Amour said he had talked to Linda DeMarino and she said she would keep an eye out for grants.

Mayor Green asked if she would be using hybrid Bermuda grass on the soccer fields. Mr D'Amour is not familiar with the grass the soccer people are using. Mayor Green suggested should consider reaching out to them. Because if they require Bermuda you could put their needs and our needs together to save a few bucks.

Mayor Green moved to approve to authorize staff as we go into budget hearings to attempt to isolate and locate money for seeding for the softball fields. Mayor Pro-Tem Whitehead seconded the motion. Motion carried unanimously.

3. Discussion/Action: Resolution No. 27 15/16 approving the 2016/2017 Annual Juvenile Adjudication Fund (JAF) Grant Application and naming the City as the Fiscal Agent. Bobbie Sanders, Municipal Judge

Ms. Margaret Clanton presented the item for Judge Sanders. This is an annual grant application and one of the requirements is naming the city of truth or consequences as the fiscal agent. They requested approval of the resolution.

Commissioner Clark moved to approve Resolution No. 27 15/16 approving the 2016/2017 Annual Juvenile Adjudication Fund (JAF) Grant Application and naming the City as the Fiscal Agent. Mayor Pro-Tem Whitehead seconded the motion. Roll call was taken by the Clerk. Motion carried unanimously.

4. Discussion/Action: Fire Protection Fund Application for FY 2017. Paul Tooley, Fire Chief

Fire Chief Paul Tooley presented the annual application for approval. He added the amount of the grant where they were guaranteed the \$154,000 for next year's budget. This year received hundred and \$194,000. We are finding our own truck which is a class A Engine \$423,000 a year. He wants to take \$100,000 set up an apparatus fund. We're working on some other angles including a FEMA grant. We have a goal to build \$300,000 for the next truck. They appreciate the support of the commission.

Mayor Green asked Chief Tooley to present his idea for this fire building that you mentioned when we did the ribbon-cutting. Chief Tooley responded is pretty unique to have it done in this area and of course the fire Academy in Socorro. But it's difficult for us to go down there during the week and they are not open on the weekends. We are looking to help subsidize the burn structure with a fee structure to charge other fire departments in the area to come into the training. This would help with some of the cost we don't have electricity or water in the building.

Commissioner Clark moved to approve Fire Protection Fund Application for FY 2017. Mayor Pro-Tem Whitehead seconded the motion. Motion carried unanimously.

5. Discussion/Action: To approve submission of a Solid Waste Grant Application. Andres Alvarez, Solid Waste Director

This item was removed from the agenda.

6. Discussion/Action: To approve submission of a Recycling and Illegal Dumping (RAID) Grant Application. Andres Alvarez, Solid Waste Director

Solid Waste Director Alvarez notified the Commission we have applied for this grant several times and have been successful. This grant is a 100% reimbursable grant with no cash match. Some pictures were provided in the presentation. They are applying for a new forklift and that will be \$40,000 - \$50,000. They also need a boxed in trailer.

Mayor Green asked if anyone can bid on this so we can keep the dollars here. Solid Waste Director Alvarez responded yes it would be nice if someone local could come forward. If somebody knows of someone have them give me a call

Commissioner Clark moved to approve submission of a Recycling and Illegal Dumping (RAID) Grant Application. Mayor Pro-Tem Whitehead seconded the motion. Motion carried unanimously.

7. Discussion/Action: Approve the Proposed Amendment to the City Attorney Contract for Legal Services. Juan Fuentes, City Manager

City Manager Fuentes added in your packet you have the proposed amendment to the contract. City Attorney Brad Springer is here to answer any questions you have regarding the contract.

City Attorney Springer presented the item and mentioned Commissioner Clark had brought up this issue during the approval of the original contract. It was concerning a bit of confusion between the city's code in section 2.144 in the contract as written. A contract is as any official can seek advice from the city attorney. He took those two provisions and wrote this simple amendment which essentially keeps the manager as the primary contact. And his practice would be to include the manager in the correspondence. And if it looks like it'll be an easy response he could go ahead and respond. This is a simple amendment and clears things up and he appreciates Commissioner Clark's sharp eye to bring this to their attention.

Mayor Green had one observation under the first amendment, number one scope of work, last sentence. He wondered if we should consider changing the "or" to "and". After discussion with the City Attorney it was decided to leave it as is. This was due to the need to get the attorney's opinion for some items including Municipal Court cases without having to wait for Commission approval to do so.

Mayor Pro-Tem Whitehead moved to approve the Proposed Amendment to the City Attorney Contract for Legal Services. Commissioner Clark seconded the motion. Motion carried unanimously.

8. Discussion/Action: Professional Services Agreement for Architect for the Animal Shelter. Bill Slettom, Assistant City Manager and Lee Alirez, Police Chief

Assistant City Manager Slettom said this is his last opportunity to ask them to move forward with a wonderful construction project. We have a proposal from NCA Architects of Albuquerque to prepare the design documents and construction bid documents for the renovations of the building next to the old Armory for an animal shelter. They are proposing full services will come to around \$41,850. This will leave the construction budget of \$375,000. The last legislative capital outlay of \$201,000 and we have \$240,000 from previous capital outlay for this project. City Manager Fuentes clarified, we have used a small amount of the funds to purchase some equipment but the majority is available.

Commissioner Clark was concerned about the price of the services because the building is only 1,200 sq. ft. Assistant City Manager Slettom let them know the reason for this is the amount includes the architectural engineering and mechanical engineering which is important for the care of the animals.

Mayor Green asked if we are required by capital outlay to have engineering done. City Manager Fuentes responded in order for us to use these funds we have to have an architect. They have been able to use the existing structure and it will require significant improvements.

Police Chief Alirez added if we don't put the funding to use by June 2017, we may lose it.

Commissioner Hechler does feel the cost seems to be exorbitant just for the architectural part of it, but if there's a certification that will go along with a project like this, he understands. Police Chief Alirez confirmed and added they will also oversee the entire project.

Commissioner Frankel thanked Bill and the Chief for their work on this and asked about the RFP. Assistant City Manager Slettom responded this contract is being purchased through a small purchase agreement or professional services because it is less than \$60,000.

Commissioner Frankel asked if there were any other proposals received. Assistant City Manager Slettom responded they had worked in the past with NCA on the animal shelter and they did some preliminary space analysis for the animal shelter. It was easier to start with them with the new location.

Mayor Pro-Tem Whitehead moved to approve the Professional Services Agreement for Architect for the Animal Shelter. Commissioner Hechler seconded the motion. Motion carried unanimously.

9. Discussion/Action: Open Meetings Act Resolution No. 28 15/16 to include possible meeting time change and agenda deadline. Renee Cantin, City Clerk

City Clerk Cantin presented the item. The Open Meetings Act resolution is to once a year usually at the beginning of the fiscal year. A couple of Commissioners had commented they were interested in changing the meeting time to 9:00 a.m. so we're bringing them forward for discussion. Second change would be under section 3.a for regular meetings to change the distribution of the agenda to five days prior to the meeting. The current regulation is the agenda must be released no later than 72 hours prior to the meeting. At the last meeting we heard the comments where the commission would like to receive the agenda earlier so we are proposing making a requirement to have the agenda posted on the Thursday prior to a meeting which would give the commission one more entire day to review the agenda packet.

Mayor Pro-Tem Whitehead commented on her thoughts on changing the time of the meetings. When she brought it up she discussed her suggested changing from two meetings a month to one meeting a month and holding the meeting in the morning. At that time it died for the lack of a majority vote. This time she is requesting we continue to hold two meetings a month but to hold those meetings in the morning instead of the evening. Because the commission is fresh in the morning. She feels changing it to 9:00 in the morning would decrease any overtime pay to staff. Most of the staff have put in a full day and then sit here for an additional four or five hours while we have these meetings.

Commissioner Clark was concerned about what kind of impact this would be on staff and if they are paid double time when they are on the clock. City Manager Fuentes responded most staff who show up will earn comp time unless they are salaried. Having a meeting

during the morning would obviously be part of the workday which would make it easier for them. They would have to be here already and can continue through the workday. It would also give us opportunity to process the paperwork in the afternoon after the meeting. He added there are some advantages to moving it to the morning. If it went through the lunch hour they could just take their lunch after the meeting.

The Commission asked for comments from the staff members who were in attendance. Those who were in attendance responded. Most said the morning would be better to not take out of their evening time. Michelle Bean added a lot of their Departments don't always have the manpower to leave during the day. City Manager Fuentes said usually the Department Head would present the item. And if for some reason the Department Head could not attend, it could always be postponed until the next meeting. City Attorney Springer said his personal preference would be in the morning but he's here at the pleasure of the Commission, so it's fine either way.

Some of the concerns discussed were: hold another 9:00 a.m. meeting to try it out; to remember we are here at the pleasure of the citizens and would they be able to attend; do we lose preparation time for the meeting to start it early; and should we make it a Wednesday meeting instead.

It was suggested to move those with time constraints to the front of the agenda. City Clerk Cantin added we do try to move them up front when we can.

More discussion was held about when the deadline would be to submit items to be on the agenda. City Clerk Cantin confirmed the agenda would be distributed on Thursday and that would mean the deadline to submit agenda items is proposed in the Rules & Regulations to be 7 days before a meeting which will be Tuesday at 12:00 p.m.

Mayor Pro-Tem Whitehead moved to approve the Open Meetings Act Resolution No. 28 15/16 to include the time for 9:00 a.m. in the morning on the second and fourth Tuesdays and second recommended and also changing the agenda to be posted five days before the meeting. Commissioner Clark seconded the motion. Commissioner Clark said if we go five days prior to the meeting, would that be in the morning or at night. City Clerk Cantin said we purposely left that time out because sometimes when we are putting that packet together sometimes we run into a problem. We will make every effort to get the agenda out as early as possible.

Additional discussion was held as to when this will go into effect. City Clerk Cantin responded the Deputy Clerk is working on the April Meetings Notice and this change could be published in time for the next meeting which is April 12th. Mayor Green suggested staff produce a document and get it to the newspapers so they can get the word out for the citizens to change their schedules as well.

Roll call was taken by the Clerk. Motion carried unanimously.

10. Discussion/Action: City Commission Rules of Procedure revision. Renee Cantin, City Clerk

City Clerk Cantin started with Rule #2 was approved with the change of meeting time, so we will make that change. Under Rule #9, the corrections include changing the time to post and distribute the agenda to five days before the meeting instead of 72 hours. And it also includes submitting all agenda items by seven days prior to the meeting. Rule 16 on page 5, we are recommending some changes to the order of business including the addition of Response to Public Comments, this is already taking place at the beginning of the meeting. There is an addition after Public Hearings to discuss Ordinances, Resolutions, & Zoning. One of the reasons she is suggesting to add that in there is because when you hold the Public Hearing, they are related to Ordinances and certain zoning issues like variances. A really good flow in an order of business is to go ahead and approve it afterward the public hearing. Sometimes with our agendas it will end up further down away from the public hearing. We also removed the Board & Committees reports, it's not really necessary and their minutes are approved under the consent calendar and if they are requesting any specific action, it can be included under new business. Then we removed the Public comment and Public comment response from the end because it is discussed at the beginning of the meeting.

Commissioner Frankel asked how long it has been since we have had public comment at the end of the meeting. Mayor Green believes it has been at least a year or more. Mayor Pro-Tem Whitehead said we did that when Mayor Mulcahy was on the Commission, so it's been at least two years.

Mayor Pro-Tem Whitehead moved to approve the City Commission Rules of Procedure revision as presented and changing the time from 6:00 p.m. to 9:00 a.m. on the second and fourth Tuesdays, and the agenda items should be turned in by seven days prior to the meeting by noon. Commissioner Hechler seconded the motion. Motion carried unanimously.

11. Discussion/Action: Staff Presentations, Public Forum and Commission Retreat. Juan Fuentes, City Manager and Steve Green, Mayor

City Manager Fuentes addressed the staff presentations. He has asked staff to put together what they do in their departments, some of the projects they have in the works and any future projects that are coming up. We did this several years ago and we want to try in addition to include the budget portion of it. He talked to Finance Director Montgomery to schedule a time where it can be presented to the Commission.

Mayor Green is interested in having a retreat to get to know each other and to come up with some long term plans that are financially doable reasonable, and achievable. Before we go to the retreat, he would like to hear from the public. We serve at their pleasure and we should ask what they think the city priorities should be.

Commissioner Clark feels it's a good idea and they asked City Attorney Springer to look into it. He said agreed to look into it further.

City Manager Fuentes said if the support is there to have this retreat we were looking at the week of April 17th to give the Department Heads time to put together their budgets. When we had it before it was close to six hours to have all departments present their items. He would work on some dates this could work and we have a location in mind that is not too far away so we can focus on the meeting and presentations.

It was suggested to move forward with the staff presentations and public forum to get them scheduled. The retreat can be planned once we get the Attorney's opinion. City Manager Juan Fuentes said in regards to the Public Forum, we would work with staff and the Clerk's Office to put that together. The staff presentations was discussed and will be held in the Commission Chambers due to the need for it to be recorded.

Commissioner Clark moved to approve having staff, City Manager Fuentes prepared a date for staff presentations and public forum and we will discuss retreat until we here from city attorney. Mayor Pro-Tem Whitehead seconded the motion. Motion carried unanimously.

J. REPORTS

1. City Manager

- a.) Addressed why there are rocks in the plaza. The company we hired have determined the soil underneath was very mushy and soaked with hot mineral water. It was determined the concrete would shift if we didn't stabilize the soil underneath. The landscaping company recommended to stabilize the gravel so the concrete doesn't sink. To save money on this, our staff is doing the work. He commended the water and wastewater and Public Works crew who have been working hard out there. They should be completing their work by next week. He asked if Bill wanted to add anything else. Assistant City Manager Slettom said we had a meeting where we discussed putting the trees in planters above the plaza to give them better soil conditions. The Palm Trees will be at ground level because they tend to thrive when their roots are in warm soil.
- b.) Project at Runway 1331 at the Airport. That will be completed by the contractors right away. We were very fortunate to obtain that FAA funding.
- c.) Still waiting on the USDA Wastewater concurrence for that funding and once it's been approved, we will be able to move on that. He recognized the crews that are out there and working hard to maintain that system. But we have been able to work on the funding to make the upgrades for years to come.

2. City Attorney

- a) Only has one report on a pending litigation matter which will be given in Executive Session.

3. City Commission

Mayor Pro-Tem Whitehead

- a) Congratulated Skylar Green who is the 2016 Miss Fiesta/Centennial Queen. She also thanked the Women's Club who have carried out this tradition and for their hard work and keeping this going for the last 64 years. She understands this was their last year, and she hopes we can get someone to take this over if it's true.
- b) Great American Clean Up Day on April 2nd. She read the memo that was sent to employees. It starts at 9:00 a.m. at the Armijo Park.

Commissioner Clark

- a) They received a letter from Destiny at the Swimming pool. The drowning at the Taos Swimming Pool cause them to shut down. She is 100% confident in the Lifeguards that she certifies herself and would not like to have the same thing happen to us.

Commissioner Hechler

- a) On March 10 & 11th he attended a planning session about a wellness center. It was presented by the potential architects for this endeavor. The session was about the possibility of a new pool and wellness center and the activities and services that can touch those of all ages.
- b) Recognized Destiny Mitchell for her professionalism who gave a tour of the pool and what needs to occur. Hopefully down the road the Commission will consider what is needed.

Mayor Green

- a) Talked about Miss Fiesta. He would like Mayor Pro-Tem Whitehead to reach out to the Women's Club to see what their plans are next year so we can maybe reach out to other organizations. It's part of the tradition of our community.
- b) At Miss Fiesta all of the ladies wrote a biography of who they would like to be. And he was so pleased when one of the women wrote Ms. Traci Burnette. He complimented her on that.
- c) Get well to Pat Wood and Joe McDonald.
- d) He would like to see on the Airport Advisory Board, Parks & Recreation Board, Golf Course Advisory Board and other advisory boards to budget about \$5,000 so they could put together an event that reflects what they do. He feels it would empower them to really be part of the community.

K. EXECUTIVE SESSION

- 1. Pending or Threatened Litigation (Hot Springs Land Development) *Pursuant to 10-15-1.H(7)*
- 2. Pending or Threatened Litigation (City vs. Kenneth Reidemann) *Pursuant to 10-15-1.H(7)*

Commissioner Frankel moved to approve going into Executive Session at 9:00 p.m. to discuss Threatened or Pending Litigation (Hot Springs Land Development and Pending and Threatened Litigation (City vs. Kenneth Reidemann) pursuant to 10-15-1.H(7). Commissioner Hechler 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 9:36 p.m.

Mayor Green stipulated that only matters pertaining to Threatened or Pending Litigation (Hot Springs Land Development) pursuant to 10-15-1.H(7) was discussed in Executive Session and no vote was taken.

Commissioner Clark moved to approve the stipulation agreement as signed presented. Mayor Pro-Tem Whitehead seconded the motion.

Discussion: Commissioner Clark asked City Manager Fuentes to check on the annexation possibility with the lawyers. Mayor Green requested a Roll Call vote for this item. Motion carried unanimously.

Commissioner Clark moved to approve going back into Executive Session at 9:38 p.m. to discuss Threatened or Pending Litigation (City vs. Kenneth Reidemann) pursuant to 10-15-1.H(7). Commissioner Frankel seconded the motion. Motion carried by a vote of 4-0-1. Mayor Pro-Tem Whitehead recused herself and will not attend for this part of Executive Session.

Mayor Green stated that the Commission was now in Open Session at 10:25 p.m.

Mayor Green stipulated that only matters pertaining to Threatened or Pending Litigation (City vs. Kenneth Reidemann) pursuant to 10-15-1.H(7) was discussed in Executive Session and no action was taken.

Mayor Green moved to approve to authorize staff to continue to move forward and work with Mr. Reidemann on his properties, but to hold him to the ordinances that we are enforcing. Commissioner Hechler seconded the motion. Mayor Green requested a roll call vote for this item. Motion failed by a vote of 2-1-1. Commissioner Frankel voted nay and Commissioner Clark abstained.

Commissioner Frankel asked if we can call to reconsider.

Commissioner Clark moved to reconsider. Commissioner Frankel seconded the motion.

Commissioner Hechler moved to approve we move forward with the properties concerning Mr. Reidemann in a manner that gives him time to clean up but enforces the precedence we have received through the courts.

Mayor Green asked Commissioner Hechler if he can amend his motion to involve staff in this process. Commissioner Hechler added to his motion we would definitely want staff to be dedicated to this process and see it through fruition in the most expedient way possible. City Attorney Springer said we would be moving forward on the Commissions resolution rather than the courts order. Commissioner Hechler changed his motion to include but enforcing the precedence as set by the Commission Resolution.

The final motion was to approve we move forward with the properties concerning Mr. Reidemann in a manner that gives him time to clean up but enforces the precedence as set by the Commission Resolution. We would definitely want staff to be involved in this process and see it through fruition in the most expedient way possible. Commissioner Frankel seconded the motion.

Roll call vote was taken by the Clerk. Motion carried with a vote of 3-0-1. Commissioner Clark abstained.

L. ADJOURNMENT

Mayor Pro-Tem Green moved to adjourn at 10:30 p.m. Commissioner Clark seconded the motion. Motion carried unanimously.

Passed and Approved this ____ day of _____, 2016.

Steven Green, Mayor

ATTEST:

Reneé L. Cantin, CMC, City Clerk



F.3

CITY OF TRUTH OR CONSEQUENCES
COMMISSION ACTION FORM

ITEM:

Approve the minutes of the February 16, 2016 Public Utility Advisory Board Meeting.

BACKGROUND:

None.

STAFF RECOMMENDATION:

Approve the minutes.

Submitted by: Angela Torres, Deputy Clerk

Meeting date: 4-12-2016

**PUBLIC UTILITY ADVISORY BOARD
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO**

Tuesday, February 16, 2016

Action Minutes

REGULAR MEETING

TIME & PLACE: The Public Utility Advisory Board of the City of Truth or Consequences, New Mexico, in the County of Sierra, and State of New Mexico, met in Regular Session in full conformity with the Law and Ordinances of said Board, in the City Commission Chambers of said City, on Tuesday the 16th day of February 2016 at 5:30 P.M.

PRESIDING OFFICER: The meeting was called to order by George Szigeti, Chairman, and Angela A. Torres acted as Secretary.

ATTENDANCE: Upon calling the roll the following members were reported present:

George Szigeti, Chairman
Jeff Dornbusch, Vice-Chairman
Alvin Siffring, Member
Grant Montgomery, Member
Ron Pacourek, Member

Also Present:

Juan Fuentes, City Manager
Jesus Salayandia, Water/Wastewater Director
Boaz Easley, Electric Division Director
Angela A. Torres, Deputy City Clerk

QUORUM: There being a quorum present the Board proceeded with the business at hand.

APPROVAL OF AGENDA: George Szigeti, Chairman, called for approval of the Agenda.

Chairman George Szigeti asked for a moment of silence for the passing of former Board Member Jan Bennett.

“Alvin Siffring, moved approval of the Agenda as submitted.”

Seconded by Jeff Dornbusch
Motion carried unanimously.

**APPROVAL OF
MINUTES:**

George Szigeti, Chairman, called for review and approval of minutes of the Regular meeting held Tuesday, January 19, 2016.

“Jeff Dornbusch moved approval of the minutes of the Regular meeting held Tuesday, January 19, 2016 as submitted.”

Seconded by Alvin Siffring
Motion carried unanimously.

**COMMENTS
FROM THE
PUBLIC:**

None.

**ELECTRIC
DEPARTMENT
UPDATE:**

Discussion/Update: Electric Department - Boaz Easley, Electric Division Director:

Boaz Easley, Electric Division Director gave a brief overview of the operations in the Electric Department, which included new additions to the ICIP projects, Sierra Vista Hospital project, T & D Transformers, the Veterans Center Project, and the Municipal Schools Project.

Discussion ensued with no action taken.

**WATER/WASTE
WATER DEPT.
UPDATE:**

Discussion/Update: Water/Wastewater Department - Jesus Salayandia, Water/Wastewater Director:

Jesus Salayandia, Water/Wastewater Director, gave a brief overview of the operations and maintenance in the Water and Wastewater Department.

Discussion ensued with no action taken.

**SOLID WASTE
DEPT. UPDATE:**

**Discussion/Update: Solid Waste Department ; Andy Alvarez,
Sanitation Director:**

There was no report regarding the Solid Waste Department.

**ELECTRIC RATE
FOR ECONOMIC
DEVELOPMENT:**

**Discussion Recommendation: Electric Rate for Economic
Development; George Szigeti:**

Chairman George Szigeti noted that he would like new businesses with a dedicated store front, that have 10 or more employees, to receive a discounted electric rate for the first few months of business. His incentive is for businesses to come to our downtown area. The stipulation would be that they would have to stay in the area for a 5 year period.

City Manager Fuentes suggested that the Board submit something in writing to City staff, so that it can be reviewed by the City Attorney.

Alvin Siffring noted that he was concerned about the discounted utility rates because he feels that something done for Economic Development should be at a higher scale.

Jeff Dornbusch suggested that energy intensive businesses be the ones who qualify for a utility discount.

Chairman George Szigeti noted that they would have to look into doing a percentage discount on the rates.

Jeff Dornbusch is supportive of the idea.

“Ron Pacourek moved that Chairman George Szigeti draft a discount rate proposal, and bring it back to the Board for review.”

Seconded by Jeff Dornbusch
Motion carried unanimously.

COMMENTS
FROM THE
BOARD:

Ron Pacourek thanked his fellow members for the opportunity to serve on the Board.

COMMENTS
FROM STAFF:

None.

ADJOURNMENT: There being no further business to come before the Public Utility Advisory Board, George Szigeti, Chairman, declared the meeting adjourned.

APPROVAL:

PASSED AND APPROVED this 21st day of March, 2016, on motion duly made by Alvin Siffert, seconded by George Szigeti, and carried.



George Szigeti, Chairman
Public Utility Advisory Board



CITY OF TRUTH OR CONSEQUENCES
CITY MANAGER'S OFFICE
505 SIMS STREET
TRUTH OR CONSEQUENCES, NEW MEXICO 87901
PHONE: (575) 894-6673 EXT 320 FAX: (575) 894-0363

F4

COMMISSION ACTION FORM

ITEM:

Public Arts Advisory Board Minutes for January 25, 2016 and February 8, 2016

PURPOSE OF ACTION:

Approval of Minutes

BACKGROUND:

Minutes were approved by the Public Arts Advisory Board at their March 21, 2016 meeting.

OPTION/ALTERNATIVES:

Not Applicable

STAFF RECOMMENDATION:

Respectfully request approval.

| | | |
|--|-----------------------------------|------------------|
| Name of Drafter: Linda Sparks | Department: City Manager's Office | Meeting: 4/12/16 |
| E-mail: lsparks@torcnm.org | Phone: 575-894-6673 Ext. 320 | |

PUBLIC ARTS ADVISORY BOARD MEETING
January 25, 2016
MINUTES

TIME & PLACE:

The Public Arts Board of the City of Truth or Consequences, New Mexico met at the conference room in City Hall, 505 Sims Street, Truth or Consequences, New Mexico on Monday, January 25, 2016 at 4:00 P.M.

PRESIDING OFFICER:

The meeting was called to order at 4:00 PM.

ATTENDANCE:

Sid Bryan, Tourism
James Durham, Sierra Arts Council
Eduardo Alicea, Art Representative
Jia Apple, Business Community
Juan Fuentes, City Manager

Other Staff Present: Linda Sparks
Visitors Present: Jeff Barbour, Jagger Gustin

QUORUM: There being a quorum present, the Board proceeded with the meeting.

APPROVAL OF MINUTES:

A motion to approve the minutes of the November 16, 2015 meeting was made by James Durham, seconded by Juan Fuentes, and it carried.

COMMENTS FROM THE PUBLIC: None.

REED ROCKETS PROJECT UPDATE:

Jeff Barbour began by playing a short video of the actual reed in his front yard. (Still pictures from the video are included as part of the minutes.) The reed swayed with the wind and it sounded noisy on the video. Jeff noted that the reed will have some movement with a consistent wind and a little more with a gust.

Juan asked how the rods are secured to the . . .

Jeff explained that at the base is a stainless steel pipe large enough to accommodate the fiberglass rods. Some reeds will have more fiberglass rods than others, depending on the weight and the height. The fiberglass rods have to have some space between the bottom and the top in order for them to have the flex.

Juan asked about the clamps at the bottom. Jeff stated that the clamps are just for this rig/model. He explained that what he will be doing in the future is he will be potting, that is fill the base with a fiberglass resin to secure the bottom, but it has to move relative to each other, it has to slide back and forth as the thing moves. The top part will be sitting on there and in order to keep it from falling off, he will put some of that hose with wires inside of it over the fiberglass rods and clamp the hose at the top and at the bottom, so that you will never see the fiberglass rods. It will be stainless steel from the base to the fiberglass and then from the top of the fiberglass all the way up to the top. The hose will protect the fiberglass rods from the elements. He will try to get silver hose or paint it silver. The hose is the type used to pump out septic tanks. That way it's safe because this is quite robust. The hose on the outside will hold it down in the unlikely event that a tornado comes by and picks them up. It will take a lot to pick them up. He wants to make sure that they don't go anywhere, that's why the hose is there. It will also protect it from the intensive sunlight here. The hose is there mostly to relieve any worry that the thing will fly off. Jeff said that he is going to build one and install it in his yard to keep an eye on it so if any problems come up over time, he will be able to foresee it.

Sid asked when he expects to have it installed. Jeff asked, we're shooting for June, right. Jagger replied, before the Centennial. The Centennial Celebration is scheduled for June 10-12. Juan asked if he could have it done sometime in May. Jeff answered that he could probably do it by the end of May.

Jeff added that he is going to Las Cruces the next day to talk to precast concrete companies, such as those who pour septic tanks, about a column. They can build a form, pour a form or they might have a form that he can use. The poles will be mounted on 14 cement columns. Each column will have a steel ring on the inside of it. There's a 4" flange at the bottom of the poles. The bottom part of the form will have a 4" flange that goes on there and then the base goes down into the form with rebar to keep it nice and strong. It then gets bolted down onto the flange. You then come back with the 14 pieces and set them on top.

Jeff asked if Bartoo had volunteers to help in setting the columns. Jagger answered that what Bartoo agreed to do is drop off any leftover concrete from a big job. Jeff continued, he stated that he needed these columns prefabbed. He will have them poured on site. Jeff asked if the City has a big posthole-digger. Jeff said he needs a hole for each concrete column and then backfill it with more cement. They need to be straight up and down.

Sid asked if the 14 columns with the space between them take up approximately 20'x20'. Further discussion ensued about the size of the installation. At one point the space was estimated at 35'x35'. Jeff replied that it would be something like that and added that there's plenty of room there for it. After some more dialogue, Jeff reconsidered and said he didn't think it would be that much. He added that by putting 5' between them, it would make it more pleasing. The advantage of this design is that you can walk around them. The space would look somewhat more triangular, similar to the grid presented at the previous meeting. There will be 4 rows staggered. The shorter reeds will be in the front and the taller ones in the back.

Juan asked Jeff how long it would take him to get them built. Juan commented that it's already February and he is . . . Jeff interjected that he can knock one out every couple of days. Juan asked how much time he will need for installation. After some discussion, Jeff stated that he can have them all built and the columns all poured by end of April.

Jeff asked Jagger if his brother, Don Gustin who also owns a crane, be able to help. Jagger replied that he thinks so, but will check. Juan was asked about a crane and he responded that the City has the equipment for the utility light poles, but again he will also have to check with the Electric Dept. Juan commented that with all the unknowns, it would be best to get done by April.

Eduardo reminded everyone that Fiesta is coming up in May and that any construction that's been started should be done before that day.

Jeff stated that he will get the whole parts finished. He asked if there is a lot in town that is safe where he can store everything, where he can put the columns before they're installed. Juan asked if anyone knew anything about the property next to it and if we could possibly use that lot. Jeff stated that he wouldn't want to put the reeds there, but he could put the cement columns. Sid replied that it's listed with Jeanette Stevenson and that the price of that lot has come down to \$22,900 which is a very good buy. Sid was asked if he could check into the use of the lot for temporary storage.

Juan asked if we have talked about permitting for this project. Jagger responded that we did and it was determined that if something was already built on it, it's fine. Juan replied that the design in whole is different now. Jeff said he talked to the Building Inspector, Robbie Travis, before the design got finalized and he was not aware of any kind of a permit that is required for this because it's art. It's not like a building structure. Juan stated that he would have Robbie meet with Jeff again and double-check that. Juan stated that part of obtaining a permit will require a plan. Juan told Jeff that he will have to finalize his plans. Jeff asked what kind of plans do you need. Juan replied that Robbie can tell him what he needs when they meet. Jagger asked if we need a permit from the State Highway. Juan replied that we don't because we are staying away from the right-of-way.

Jeff briefly touched on parts of the design and the installation procedure. He said he will get the permit ironed out. Since all the pieces are identical, he will only have to get the engineering on one. There will be no moving parts and yet it moves. The amount of movement depends on wind speeds and it's not consistent all the way. For example, it takes about 40 pounds of force to move it 7 degrees, more wind and it will move a little more, give it more wind and it hardly moves at all. There are forces involved. He said he needs to find a way to calculate that. Sid said he can give Jeff the name of a structural engineer in Las Cruces that he can contact when he goes down to see about the forms. Jeff stated that he wants to work out any of the technical issues before he moves further on this project, before he starts buying steel and getting anymore money. He wants to make sure to get the permit set.

Juan asked Jeff to meet with Robbie the next day. Jeff said he would.

Jagger asked Juan where are we at, what kind of work needs to be done before we can really tell that it's an art park. Does MainStreet need to come up with some kind of a design. There's been some public comment from the public who go to MainStreet meetings. They have all that information and there are some ideas on how that can be implemented. The lot needs to be cleaned, there are weeds and there's some dirt-work that maybe the City can cleanup to make it more presentable. There are some walls in the back that need a coat of paint. Juan asked if MainStreet can take a more active role. The City can help with the dirt-work, but he sees the paint job more as a MainStreet project. Juan feels that MainStreet should take the lead on the design of the park. Jagger stated that just some cleanup will make a world of difference and it will show people that something is going on there. Sid stated that they have a MainStreet meeting following this meeting at 5:30 PM and will bring these things up.

Juan suggested that they ask Linda DeMarino to meet with Jeff and layout the plan. There are plans for some benches and shade. Jagger stated that MainStreet has money to buy trees and maybe a couple of benches for that site.

Sid asked if Linda DeMarino is invited to the Public Arts Advisory Board meetings. Linda Sparks answered, no. She was instructed to start inviting Linda to the meetings.

Jagger stated that we'll let Linda know that MainStreet needs to move forward with their plan and ideas. He added that they will work with Animas Creek Nursery to get plants that don't require a lot of water and will provide some shade.

Juan stated that it would be nice if MainStreet kept the design consistent with different sectors downtown. Sid replied that they want to try to keep it a little bit in the same idea as that of the plaza.

Jeff asked when he could pick up the second deposit of \$1,400.00. Jagger said it would be according to the schedule that we agreed to.

Jagger said he wanted to make a public comment. The Veterans Center is in a big building phase right now and will have quite a bit of money set aside for public art. He wants to make sure that someone from this community, maybe even somebody from this Board gets to sit on that. When they did the Spaceport, that sculpture is beautiful, it's fine, it's dramatic, but no one locally had a chance to look at it or give any input and that's totally wrong. We need to make sure that doesn't happen again. He protested that because he knows how the process works. It is state law that people have to sit on the selection committee. They named about 5 people and the local person was a lady from Albuquerque that has nothing to do with T or C or Sierra County. When this comes along, he will be coming before City officials to make sure that this happens. There needs to be some local input and discussion about the artwork that will go in the Veterans Home. Chuck Zimmer in Santa Fe is in charge of public art in the State. He would be the one to talk to. It's a little early yet, but he just doesn't want what happened with the Spaceport to happen again.

COMMENTS FROM THE PUBLIC ARTS ADVISORY BOARD:

No other comments were made other than those made above.

TIME, PLACE AND DATE OF NEXT MEETING:


Due to the 3rd Monday in February falling on a holiday, the next meeting of the Board is scheduled for Tuesday, February 16, 2016 at 4:00 P.M. in the conference room at City Hall, 505 Sims Street.

ADJOURN:

There being no further business to come before the Board, the meeting was adjourned at 4:55 P.M. James Durham moved to adjourn, seconded by Sid Bryan, and it carried.

ATTEST:

Minutes were approved on March 21, 2016 on a motion made by Juan Fuentes and seconded by Sid Bryan, and it carried.



Linda Sparks
Secretary

PUBLIC ARTS ADVISORY BOARD MEETING

February 8, 2016

MINUTES

TIME & PLACE:

The Public Arts Board of the City of Truth or Consequences, New Mexico met at the Public Library, 325 Library Lane, Truth or Consequences, New Mexico on Monday, February 08, 2016 at 4:00 P.M.

PRESIDING OFFICER:

The meeting was called to order at 4:00 PM.

ATTENDANCE:

Sid Bryan, Tourism
James Durham, Sierra Arts Council
Eduardo Alicea, Art Representative
Jia Apple, Business Community
Juan Fuentes, City Manager

Other Staff Present: Linda Sparks

Visitors Present: Jeff Barbour, Linda DeMarino, Jagger Gustin

QUORUM: There being a quorum present, the Board proceeded with the meeting.

COMMENTS FROM THE PUBLIC: None.

REED ROCKETS PROJECT UPDATE:

Jeff Barbour began by saying that he has a reed with the fiberglass rods up on his front yard swinging just fine and that it made it through the 50 mph winds of the other day. He checked the fiberglass rods and they did not sustain any damage. The test piece has been working out well. He referenced a sheet in his presentation that has the relative base heights for the poles, starting at 6', ascending to 7'4", 8'11" and 10'8". Jeff's goal is to make the reeds look level from a distance. He explained that in order to do that he has to have the shortest reeds/poles in front and the taller ones in back so they all look the same length as you drive up to it from the bottom of the hill, and as you get up to it the back will appear to rise, creating an optical illusion. Jeff then referenced another page of his presentation, the 'location grid'. It has the relative layout of all the reeds showing the relationship to each other. The shortest row (3 poles), the second row (3 poles) and third row (4 poles) have the poles 4' apart. The distance between rows is 5'. The fourth row (4 poles) is 6' from the third row and the poles set 5' apart. They will all look staggered because you won't be looking at it straight, but from an angle as you will be looking at it from the road. The third sheet of his presentation shows the dimensions of the project and its layout in the plot.

Jeff explained how he created the photo of the reed rockets. He put the 6' reed that he had made on a 6' pole and had Eduardo hold it up on a very windy day and took a picture. Next, he photo-shopped the one reed to simulate the 14 that will actually be up there in their relative locations and relative heights to each other.

Jeff made reference to the model that he brought with him. He stated that he determined that a concrete column is impractical, but a telephone pole will work out great. He reported that he met with Juan and Robbie Travis, the Building Inspector, and the comment was made that the pole isn't really good-looking. Jeff said he would like to get 8" diameter telephone poles if he could. He referenced the model and explained that he would cover the outside of the pole with a piece of steel. He stated that he has tons of it. He continued to explain how they would be built.

James asked how the poles would be set in the ground. Jeff replied that the City has a pole setting machine.

Juan asked Jeff if he is proposing to use electric utility poles. Jeff replied, right. Juan continued, and the City would be drilling the holes for the 14 posts ranging from 6' to 10'8" plus whatever has to go in the ground. Juan asked how high the reeds are.

Jeff responded that the reeds run from about 10' to 15'. The whole thing would be about 25'-30' tall when it's done.

Sid and Jia both asked how much of it would be buried in the ground.

Jeff answered that it would stick about 3' in the ground.

Juan added that he has not met with the Electric Dept. Director because he felt the Advisory Board needed to meet and vote on the proposed design changes before proceeding any further. The current design has changed substantially from the original design the City Commission approved, therefore, it would have to go back to the City Commission for approval.

Jeff explained that because the reeds are mounted separately, they don't need the guardrail in the original design. You will be able to walk between and around them, making them a more interactive type of sculpture to the public. You can look at them sway in the wind over you.

Linda DeMarino asked how much weight can each one bear, because she can see people swinging on them.

Jeff answered that the advantage of having them up higher is that it would be hard to get on, but if someone got up to it and started pulling on it with all their weight, you could probably break something. It would help to have a sign prohibiting misuse.

Linda DeMarino commented that there will be other exhibits at the park and that the original design was nice and compact, allowing visibility to the other exhibits and the

mural on the back wall. She is concerned that visibility to the rest of the art pieces will be reduced substantially by its size.

Jeff explained that the area it will occupy is 13'x18'x19'x20'. He referenced a diagram that shows the reeds occupying a small portion of the parcel on one corner.

Sid noted that because of their height, they will be above the mural or any of the other exhibits.

Juan asked Jagger if he is familiar with the proposed changes. Jagger replied that he is not and that they as a board have not. Juan replied that Jeff can give him a quick overview.

Jeff proceeded to explain the assembly of the base and referenced the diagrams and the model as he spoke. He answered several questions that were raised.

James asked how he is doing for time. Jeff answered that he's got all the steel for the wings. He has all the equipment to build things. He has to get more pipe for the actual reeds themselves; that's all he is missing.

Juan reminded everyone that what you will see initially is 14 poles. The completed project will be a different image than the one in the picture.

Jeff stated that it is stronger and safer than the original design. Juan stated that he is concerned about the section that flexes and where the base is mounted to the pole. Jeff restated that it is very safe.

Juan asked Jagger if they had to take it back to the Arts Council for a vote. Jagger replied, yes. Juan stated that he would have to take it back to the City Commission if the Board votes to proceed with the new design. Jeff was advised that he would be required to present his new design to the City Commission. The next City Commission meeting will be on February 23, 2016.

Linda DeMarino commented that she finds it difficult to get a good grasp of what it's going to look like from the one angle on the picture. It's difficult to see the space; is it going to look sparse. What's it going to look like from another angle? What's the park going to look like? She suggested doing a mockup from different angles.

James asked if we have an artist's inception of the park. Linda replied that she has pictures of the park that you can put a watercolor filter on it and it would be very similar.

Jia asked Linda if they have a layout for the park. Linda answered, we don't. They put in a request with Will Powell who is the architect and expects to hear from him within 2 weeks.

Jia asked Jeff if using electric poles for other than their intended use affect their durability over time. Jeff explained that the poles will be covered and it's probably a

good idea to put a cover on top that extends over the edge a little so rain can't get in. It can also serve as a deterrent for anybody trying to climb up.

Linda stated that when they started working on the Healing Waters Plaza, they put the brakes on the Art Park. She doesn't think they will have it done within the original timeframe. They have the architect coming in March to help plan it. This is not going to be done by June, therefore, we're not pressed for time as we think we are.

Sid remarked that the installation of the Reed Rockets will be done for the Centennial Celebration in June. Others remarked in the affirmative.

Juan stated that if this design is approved, the logistics of that will have to be worked out. Juan wants to make sure that direction for the exact location comes from Jeff.

Jeff replied that he will put flags up where it has to go and added that they needed to talk about whether the City will provide the poles or if he will have to buy them.

Juan following up on a statement Jeff made earlier about a cost savings due to the redesign, asked if there is a cost savings to the entities.

Jeff replied that he would like to get to the end of the project and then determine if there is a cost savings. He stated that he's put in a lot of his own money into this thing so far, i.e. all the steel that he bought a long time ago that he still has. He can do an accounting at the end that would have all the costs, all the equipment and all the material to negotiate what the total bill or cost savings would be. He mentioned that the down-payment on the project covered all the equipment he had to buy to build it. He will use the next payment, \$1,400.00 to buy the rods. He already has the steel for the wings and the base, and the fiberglass rods came in today. He had to buy a spot welder and a MIG welder to get it built. The other rods he is still missing run about \$140/a piece for a 20' rod. He stated that he should be well within budget on the rods. He's got to find someone who has a big sheer to do some fab work for him that can cut some pieces of steel.

Sid commented that he doesn't think the Arts Council is necessarily looking to get money back and suggested that if there is any money left over, that is more money available to give to the City to help them with whatever expenses they had to put out.

Jeff stated that at the end, when it's actually built and sitting on the ground ready for installation, he'll give us a breakdown and it's also when the last payment will come in. You can then negotiate how much extra we want to give him for being such a great artist and all the stuff that goes along with that. Anything left, the City will get it back.

James asked Juan how he felt about the project. Juan explained that he wants to make sure the City is protected from any liability. It's Jeff's design, but he's asking the City to install some poles. It's what Jeff thinks it's going to hold. It's obviously a change from the original proposal and that is why it has to go back before the City Commission. When we vote on a project, we don't necessarily have this back and forth on price. Rather, this is what it is, this is how you are going to build it, this are the instructions; a

plan is presented and we know what we are getting ourselves into. My concern is all of the unknowns that have been brought up. Juan, speaking to Jeff, suggested that Jeff have a solid plan on what he will be doing, what his expectations are from the City so that we're clear on the plan. Juan also suggested that he bring the model with him.

Jeff essentially had not tested the original design when he presented it. He explained that it wasn't until he built the model and the real thing at the right size that he saw all the forces involved. The proposed redesign came from his experiments/testing of the original design. He will bring a couple of models and a video of it to present to the City Commission.

Bill, referencing the base assembly diagram, stated that the drawing shows a 2" solid pole. Jeff said that it's the mounting and it's not solid. Bill stated that the cut doesn't show it's hollow. It doesn't show what's inside it. Jeff, you're right. Bill requested a drawing that shows what the support is inside. Jeff replied that not only can he provide a drawing, but he can show him an actual one. Bill requested both. Jeff asked how soon he wanted to see it. Bill answered, at your earliest convenience. Bill added that the City will be doing the permitting on it.

Juan commented that there are still some unknowns, safety wise. Jia interjected, when will it go to the Commissioners. Juan replied that if this Board recommends approval, it will go before the City Commission on 2/23/16.

Sid remarked that the safety issues are the City's job. The Advisory Board approves the way it looks, but has nothing to do with the kind of decisions the City has to make.

Jagger stated that the Arts Council is holding \$400.00+ in a line item that is earmarked for Reed Rockets. This is money left in that line item after they made the initial payment. Juan reminded everyone that the City can't pay until the project is completed.

Sid asked for a motion to accept this as presented contingent upon the City doing its due diligence.

James so moved, seconded by Eduardo, and it carried.

Roll Call Vote: Eduardo, yes. James, yes. Jia, yes. Juan, yes. Sid, yes.

Bill asked Jeff why he picked that vantage point to drive his entire concept. Jeff replied, because that's when you first see it. Bill responded, not if you're walking up Foch and turn and you look down Main St. Jeff explained that most of the people that come to town drive through town. He felt it was important that the first glimpse of it has a statement and create interest. As you get closer, it seems to move, and it sways, and will draw people to the park and to the stores.

Juan suggested to Linda that before the next City Commission meeting MainStreet and Jeff map out the exact location on the lot because the drawing makes it look like this huge lot with this very little small location, but it may be different when you go out there and see the dimensions of the actual lot.

Jeff stated that Robbie pulled up the chart from his computer and drew that based from what he pulled up.

Juan replied that it is different on the computer versus the actual visual on the park and still highly recommends it.

James asked Linda what her thoughts were. She replied that it would be nice to have other vantage points of the mockup. It's a lot bigger than initially planned, we were looking at a 10 S.F. space and now it's blown out. She is not opposed to it, but would like to see it from different angles.

Jeff stated that he could put a couple of different angles on it. Linda asked if it would be to scale. Jeff explained that the reeds in the back would be taller and the wings on them will be slightly bigger.

Jia commented that it will add to the street. She likes the design, her concern is being responsible for saying okay go forward with something that's going to be safe and isn't going to bite us in the butt. As far as the design goes, she thinks it will be determined by what else is going on in the park, how it flows. That is why she was asking Linda when that was going to come forth, do it simultaneously to see how this all flows as opposed to building around it, but not to slow it down at all.

Jeff stated that he will have the thing built, but not set until after the architect's visit in March. He will have everything built and ready to go by the end of April. He'll have the designs to show the architect in March and if he has a minor change on how this thing is going to go together, then there is some flexibility to do that.

Jia suggested that Jeff give Linda as many views as he can to help her decide how to proceed.

Jagger suggested that Jeff be asked to come before the Arts Council to present the design changes. The next meeting of the Arts Council is 3/08/16. Jagger suggested that they call a special meeting to get it done and out of the way. Juan remarked that it would be nice to have that already determined before the City Commission votes on it.

COMMENTS FROM THE PUBLIC ARTS ADVISORY BOARD:

No other comments were made other than those made above.

TIME, PLACE AND DATE OF NEXT MEETING:


Linda was directed to cancel the regular meeting of 2/16/16. The next meeting of the Board will be Tuesday, March 21, 2016 at 4:00 P.M. in the conference room at City Hall, 505 Sims Street.

ADJOURN:

There being no further business to come before the Board, the meeting was adjourned at 4:50 P.M. James moved to adjourn, seconded by Sid, and it carried.

ATTEST:

Minutes were approved on March 21, 2016 on a motion made by Juan Fuentes and seconded by Sid Bryan, and it carried.



Linda Sparks
Secretary



F.5

CITY OF TRUTH OR CONSEQUENCES
COMMISSION ACTION FORM

ITEM:

One Year Lease renewal for Geronimo Trail Scenic Byway, Inc., for 301 Foch

BACKGROUND:

The attached lease for the Geronimo Trail Scenic Byway Inc. will expire on April 30th, 2016. This is their lease for the space in the Lee Belle Johnson Building.

Attached is the letter from their President, Jim Brannon requesting the renewal for one additional year.

STAFF RECOMMENDATION:

Approve the one year renewal of the lease for Geronimo Trail Scenic Byway, Inc.

Submitted by: Renee Cantin, City Clerk

Meeting date: 4-12-2016

Geronimo Trail Scenic Byway, Inc.

P O Box 1072 • 301 S Foch Street • Phone (575) 894-1968

Truth or Consequences, New Mexico 87901



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

Dear Commissioners:

Geronimo Trail Scenic Byway Inc. respectfully requests that our lease for the space in the Lee Belle Johnson building be renewed for another year.

Geronimo Trail Scenic Byway Visitor Center (GTSB) volunteers assisted 4,900 people in 2015. One thousand more people signed our Guest Register last year compared to 2014. Visitation also increased in each of the five prior years. The Geronimo Trail Visitor Center moved into Lee Belle Johnson Center in June 2015, to co-locate with the Spaceport Visitor Center. As a result, our volunteers assisted about fifteen percent more guests in the last six months of 2015 compared to the first half.

The new location is more spacious, bright and airy and a beautiful setting for a visitors center. We get many comments on the lovely old building, and the center looks friendly and inviting in addition to being a more professional setting.

The Visitor Center also regularly sends out visitor and/or relocation packets. In 2015 we sent out 95 packets of information. We also provided 736 bags of information for meetings, conferences and conventions either held here or that representatives from here were attending elsewhere. We responded to 940 email requests for information from our web site and our advertising efforts, and answered 441 telephone inquiries for information on the local area.

Our volunteer time and services provide the City of Truth or Consequences with marketing efforts in excess of \$42,000 per year, to visitors who come to our community and spend money, increasing both lodgers tax and gross receipts.

We appreciate cooperating with the City and look forward to the renewal of our contract for another year.

Sincerely,


Jim Brannon, President

PRESIDENT

Jim Brannon
Cabeza, NM

VICE-PRESIDENT

Don Edmund
Chloride, NM

TREASURER

Kim Skinner
Sierra County Tourism

SECRETARY

Joey Perry
Truth or Consequences NM

DIRECTOR

Larry Cooper
U. S. Forest Service

DIRECTOR

Harnette Bolling
Elephant Butte, NM

DIRECTOR

Kay Dunlap
NM State Parks

EXECUTIVE DIRECTOR

LaRena Miller

ADVISORY COMMITTEE

Representatives of
communities
and businesses
along the Trail

LEASE

THIS INDENTURE, made this 16th day of April, 2015.

BY AND BETWEEN THE CITY OF TRUTH OR CONSEQUENCES,
a Municipal Corporation, hereinafter designated as "Lessor".

AND

GERONIMO TRAIL SCENIC BYWAY, Inc., a Non-Profit 501 (C) 3
Corporation, hereinafter designated as "Lessee".

WITNESSETH:

DEMISE OF PREMISES

Lessor, for and in consideration of the covenants and agreements herein contained to be kept and performed by Lessee, Lessee's heirs, executors, administrators, assigns, and successors in interest, and upon the terms and conditions herein contained, does hereby let, lease, and demise to Lessee the following-described premises situate in Truth or Consequences, in the County of Sierra, State of New Mexico, to-wit:

A Room located at 301 S Foch St, Truth or Consequences, New Mexico, more particularly described as follows:

The size of the area is 20 ft. by 28 ft. (560 sq.ft.) in the southeast corner of the building. Lessor shall provide a door to secure the area as needed for the benefit of lessee's equipment.

TERM OF LEASE

The term of this lease shall be for a period of one (1) year, beginning on the 1st day of May 2015, and ending on the 30th day of April 2016. It shall be renewable each year with the consent of both parties.

TERMINATION

Either party may terminate this Lease, with or without cause, by providing thirty (30) days written notice to the other party. The effective date of termination

shall be at the conclusion of the thirty (30) day period.

RENT

Lessee, for and in consideration of this Lease and the demise of the said premises by Lessor to Lessee, hereby agrees and covenants with Lessor to pay as rent for the said premises, without notice or demand, the following in-kind services:

Lessee shall perform the following tasks on the premises:

- Welcome people to the City of Truth or Consequences, provide information and literature on the area, and answer queries regarding the area.
- Send out visitor and relocation information requested by potential visitors and residents. Send out relocation packets as requested by the Chamber of Commerce.
- Provide informational literature to local business establishments, including hotels, motels, soaking facilities, RV parks and other businesses requesting information.
- Send promotional literature to other Statewide visitors centers upon request.
- Make up and provide bags of information for conferences and meetings in Truth or Consequences with attendees from out of town/state.
- Promote the City of Truth or Consequences and surrounding area in a favorable manner to visitors of the City.
- Visitors center shall be open 45 hours per week with hours posted and staffed. The center shall be open 7 days per week with the exception of five holidays. The center shall be closed on New Year's Day, Easter Sunday, July 4, Thanksgiving and Christmas. All shifts shall be staffed by volunteers. Total volunteer hours to operate the visitor center shall be 2523 hours per year of in-kind volunteer service @ \$15.00 per hour for \$37,845 per year. Volunteer administrative hours in addition to staffing of visitors center shall be a minimum, of 5 hours per week or 260 hours per year @ \$20.00 per hour for \$5,200.00 per year. Altogether this constitutes a total of

\$43,045 in in-kind services to the City of Truth or Consequences per year. No compensation shall be paid to volunteer staff of the visitors center.

INSURANCE

Lessee shall provide renter's insurance for the contents of the room, including brochures, racks, computers, printers, sales items and other such equipment as is needed to operate a visitors center.

UTILITIES

Lessor shall provide electricity, water, wastewater and sanitation services. Lessor shall allow lessee use of the wi-fi service in the building.

Lessee shall pay for telephone services, operating supplies and such expenses that are normally incurred for general operation of the visitors center.

MINOR REPAIRS

In consideration for the Lessor not requiring a security deposit, the Lessee agrees to be responsible for making all minor repairs, as well as generally maintaining the premises. Lessee shall coordinate making the minor repairs with the Lessor's Public Works Department.

USE OF PREMISES

Lessee, for and in consideration of this Lease and the demise of the said premises by Lessor to Lessee, hereby agrees and covenants with Lessor to use and occupy the said premises for the purpose of a "Visitor Center" to conform and comply with all applicable municipal, state, and federal ordinances, laws, rules, and regulations in using the said premises; and not to use or to be used the said premises in any manner in contravention of any applicable municipal, state, and federal ordinances, laws, rule, or regulations or so as to create any nuisance.

ASSIGNMENT AND SUBLETTING

Lessee, for and in consideration of this Lease and the demise of the said premises, hereby agrees and covenants with Lessor that neither Lessee nor Lessee's heirs, executors, administrators, assigns, or successors in interest shall assign this Lease or sublet the said demised premises, in whole or in part, without first obtaining the written consent of Lessor therefor; that no assignment of this Lease or any subletting of the said demised premise, in whole or in part, shall be valid, except by and with the written consent of Lessor first obtained; that the Lessor to any such assignment or subletting shall not operate to discharge Lessee, or any one of them, or Lessee's heirs, executors, administrators, assigns, or successors in interest from their liability upon the agreements and covenants of this Lease, and Lessee, Lessee's heirs, executors, administrators, assigns, and successors in interest shall remain liable for the full and complete performance of all of the terms, conditions, covenants, and agreements herein contained; that any consent of Lessor to any such assignment or subletting shall not operate as a consent to further assignment or subletting or as a waiver of this covenant and agreement against assignment and subletting; and that following any such assignment or subletting, the assignee and/or sublettee shall be bound by all of the terms, conditions, covenants, and agreements herein contained including the covenant against assignment and subletting.

LESSOR'S RIGHT OF INGRESS AND EGRESS

Lessor reserves, and shall at all reasonable times, have the right to enter the premises and inspect the same. Lessor shall give Lessee five days prior written notice of such inspections and such inspections shall not unnecessarily disrupt Lessee's operations. Lessor shall, at all reasonable times, have the right of ingress and egress through the premises without inspections.

Lessee shall be provided keys to the front door of the building and to the space used by Lessee, however City Maintenance Department shall also have a key to the space used by Lessee.

SHARED SPACE

Lessee shall have the right to use the shared kitchenette space adjacent to their area to place a refrigerator, microwave, coffee maker, and provide cold bottled water, coffee, tea, and such similar items for the benefit of the traveling public. A

donation container may be placed in the area for donations to off-set the costs of the amenities provided. Other tenants in the building shall be able to avail themselves to the amenities provided.

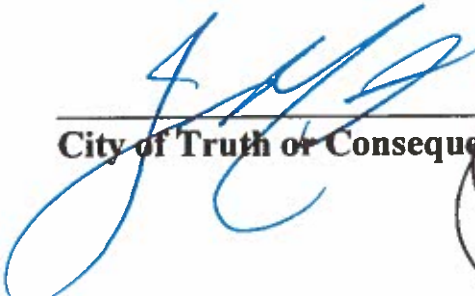

SIGNAGE

Lessor shall work with Lessee to provide adequate signage for the location.

AMENDMENTS

It is covenanted and agreed by and between the parties hereto that this Lease shall not be altered, changed, or amended except by instrument in writing executed by the parties hereto.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands the day and year first above written.

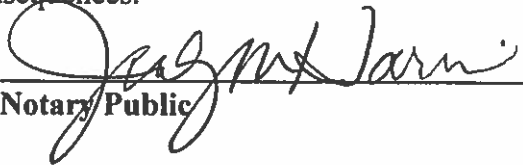
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| _____ City of Truth or Consequences | _____ Geronimo Trail Scenic Byway |

(Acknowledgments appear on the following page.)

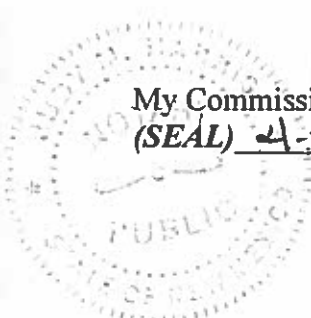
ACKNOWLEDGMENTS

STATE OF NEW MEXICO]
 :SS.
COUNTY OF SIERRA]

The foregoing instrument was acknowledged before me this 16 day of April, 2015, by Juan A. Fuentes of the City of Truth or Consequences.


Notary Public

My Commission Expires:
(SEAL) 4-26-2018

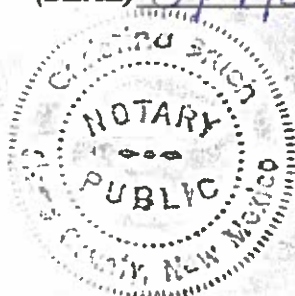


STATE OF NEW MEXICO]
 :SS.
COUNTY OF SIERRA]

The foregoing instrument was acknowledged before me this 16th day of April, 2015, by Jim Brannon of Geronimo Trail Scenic Byway.


Notary Public

My Commission Expires:
(SEAL) 3/9/2019





G.1

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

ITEM:

**TO ACCEPT AND APPROVE FOR PUBLICATION ORDINANCE 669 AMENDING CHAPTER 14
ARTICLE II SECTION 14-30 ACCESS TO PROPERTY; INSPECTION.**

BACKGROUND:

Electric and Water meters were becoming inaccessible around the City and the code needed to be more specific. This Ordinance will allow the Electric and Water Departments easier access to the meters for reading, installation and repair.

SUPPORT INFORMATION:

- Revised Ordinance 669

STAFF RECOMMENDATION:

- To accept and approve for publication Ordinance 669 Amending code for Access to property.

| | | |
|----------------------------------|---------------------------------|-------------------------|
| Name of Drafter: Christina Bruch | Department: Electric Department | Meeting date: 4-12-2016 |
| E-mail: cbruch@torcnm.org | Phone: 575-894-6673 | |

ORDINANCE NO. 669

AN ORDINANCE OF THE CITY OF TRUTH OR CONSEQUENCES, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF TRUTH OR CONSEQUENCES, **BE AMENDED BY AMENDING CHAPTER 14 ARTICLE II SECTION 14-30 ACCESS TO PROPERTY; INSPECTION.**

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

Section 1. **That Section 14-30 is hereby repealed which reads as follows:**

~~Sec. 14-30. Access to property; inspection.~~

~~The City reserves the right for its officers and employees to inspect any premises at all reasonable hours in connection with utility services to private premises within the City and shall have free access at all reasonable hours to any premises to read the meters, examine the location, or connection of lines, wires, or pipes and other fixtures and apparatus used in connection with water or electric service.~~

Section 2. **That Section 14-30 of the Code of Ordinances of the City of Truth or Consequences, be amended by adoption of such section which shall read as follows:**

“Section 14-30 ACCESS TO PROPERTY; INSPECTION; SERVICE INSTALLATION”

A. Property of the City; Right to enter- The meters, meter boxes and locks shall be, and remain the property of the City and shall be subject to the control of the City through its employees. Employees of the City shall have the right to enter any premises to access City owned meters, meter boxes, and locks of the occupant to whom water and electricity is furnished, at reasonable times for the purpose of examining pipes, lines, and fixtures, and to determine proper installation of equipment for water and electric usage. Upon refusal of any occupant to grant such right, water or electric service may be discontinued, subject to the provisions of Subsection D of this Section.

B. Meter Access, Installation and Inspection- All water and electric meters and meter accessories shall be accessible at all times and free of any obstructions, hazards, aggressive or dangerous animals or other dangers, as determined by the employees of the City. The meters and accessories shall be located at a place and in a position that the same may be readily accessible to the employees of the City for the purpose of inspection, reading, repair, and supervision by the City employees. If a City employee finds that a meter is inaccessible or that access to the meter appears hazardous for any reason, and the landowner or occupant is unavailable or refuses to take action within his or her power to make the meter safely accessible, the City employee shall promptly inform the employee's

supervisor or the utilities department director so that the City may take appropriate action in accordance with this Section.

Installation of electrical meters shall be done under the supervision of, and approved by the City Electric Department and shall be in compliance with all state and federal codes and regulations. Before such meter is installed, a disconnect main switch shall be installed outside of any building or structure up to, and including two-hundred (200) ampere main capacity.

All new electrical meter installations shall be installed outside of the house, structure, or building and located on a stable wall or pole, free from vibration and safe from physical damage. Meters shall not be installed on company owned poles or other company owned facilities.

C. Meter Relocation- If at any time the City, through its utilities department director or the director's authorized representative, determines that any existing meter and/or meter accessories need to be moved to enable the City employees to properly inspect, read, or repair the meter and meter accessories and maintain the service at the place, the City shall be empowered to take the necessary corrective action. Moving the meter shall be done at the property owner's expense; provided, however, that the utilities department director may approve moving the meter at City expense if all three of the following conditions apply: (i) The meter is at a location originally approved, either explicitly or implicitly, by the City; (ii) There has been no change in the condition, configuration or use of the property rendering the meter less accessible than it was when originally installed; and (iii) The meter relocation is at the behest of and for the convenience of the City. Any person aggrieved by a City demand for meter relocation may appeal the City's decision as provided in Subsection 14-30(E).

D. Disconnection of Service; Limitations- No service will be disconnected or discontinued without reasonable notice to the owner or resident responsible for payment and an opportunity to correct any violations. No service will be disconnected or discontinued if the City receives appropriate certification that a chronically or seriously ill person resides on the premises. Any person aggrieved by a disconnect notice or discontinuance of service may appeal the action as provided in Subsection 14-30(E).

E. Appeal. Any person disputing a disconnect notice or other action related to utility service, will be provided a reasonable opportunity to appeal within the department, then to the City Manager, and if dissatisfied with the City Manager's decision, to the City Commission in accordance with written procedures established by the Electric Department.

Section 3. All Ordinances or Resolutions, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This Repealer shall not be construed to revive any Ordinance or Resolution, or part thereof, heretofore repealed.

Section 4. This Ordinance shall take effect on the _____ day of _____, 2016.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2016.

CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO

BY: _____
STEVE GREEN – Mayor

ATTEST:

RENEE CANTIN– City Clerk



G.2

CITY OF TRUTH OR CONSEQUENCES
COMMISSION ACTION FORM

ITEM:

Resolution No.25-15/16, Quarterly Budget Adjustments, as listed below

AUTHORIZATION TO: To authorize budget adjustments in the categories as listed below.

BACKGROUND: Reconciling Budget Adjustments needed for pending year end transactions as listed below.

| Description | Amount | Recommendation |
|--|----------------------|--|
| Transfer ending cash balance from Capital Improvement Reserves (\$814,423.) to Capital Improvement Joint Utility – Electric Dept for items A and B listed below. | -151,000. | Utilize allocated funds from reserves to fund Projects for the Electric Department. Listed below as A & B |
| Increase Capital Improvement Joint Utility - Electric Department | +60,000. | <u>Needed Electric Substation Testing and Inspections based on the T&D study presented earlier this year.</u> Increase CI Joint Utility - Electric Department. |
| Increase Capital Improvement Joint Utility – Electric Department | +91,000. | <u>Needed to replace wooden pole with new steel pole at Cedar and Riverside – major electric distribution pole for Cedar circuit and Downtown circuit – Corner pole, safety issue.</u> Increase CI Joint Utility – Electric Department. |
| Transfer funds for Police Department Vehicle Maintenance Needs | -20,000. +20,000. | <u>Needed vehicle repairs and maintenance for police vehicles.</u> Reduce Police Department Gross Receipts Tax Fund. Increase Vehicle Maintenance line item |
| | | |
| | | |

SUPPORT INFORMATION:

- Finance Documents as presented

| | | |
|-------------------------------------|------------------------------|---------------|
| Name of Drafter: Lori S. Montgomery | Department: Finance Director | Mtg: 04/12/16 |
|-------------------------------------|------------------------------|---------------|



RESOLUTION NO. 25-15/16

A RESOLUTION REQUESTING BUDGET ADJUSTMENTS IN THE REVENUE AND EXPENDITURE BUDGET FOR FISCAL YEAR 2015-2016.

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

WHEREAS, the City Commission resolve to request a budget adjustment in the 2015-2016 Fiscal Year Revenue and Expenditure Budget as per the Schedule of Budget Adjustments attached hereto and made part thereof.

NOW THEREFORE, approval of the above is hereby requested of the New Mexico Department of Finance and Administration, Local Government Division.

PASSED, ADOPTED AND APPROVED this 12th day of April, 2016.

Steven Green, Mayor

ATTEST:

Reneé L. Cantin, CMC, City Clerk-Treasurer



H.1

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

ITEM:

Use of the former Tri-State Hangar for Economic Development purposes.

BACKGROUND:

Mayor Steve Green will present this item. He would like to discuss marketing this asset and what we can do for Economic Development.

STAFF RECOMMENDATION:

None.

Submitted by: Renee Cantin, City Clerk

Meeting date: 4-12-2016



H.2

CITY OF TRUTH OR CONSEQUENCES
COMMISSION ACTION FORM

ITEM:

City Commission's participation in Fiesta Parade & Centennial.

BACKGROUND:

Mayor Steve Green will present this item. He would like to discuss the participation by the city in both the Fiesta Parade and the Centennial Parade.

STAFF RECOMMENDATION:

None.

Submitted by: Renee Cantin, City Clerk

Meeting date: 4-12-2016