

CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
CITY COMMISSION CHAMBERS, 405 W. 3RD St.
TUESDAY, JANUARY 24, 2017

A. CALL TO ORDER

The meeting was called to order by Mayor Steve Green at 9:00 a.m., who presided and Renee Cantin, City Clerk-Treasurer, acted as Secretary of the meeting.

B. INTRODUCTION

1. ROLL CALL

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

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

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

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

2. SILENT MEDITATION

Mayor Green called for fifteen seconds of Silent Meditation.

3. PLEDGE OF ALLEGIANCE

Mayor Green called for Commissioner Frankel to lead the Pledge of Allegiance.

4. APPROVAL OF AGENDA

Mayor Green called for the approval of the agenda and would like to include in the motion to remove Item No, G.4 and I.1 for the Public Utility Advisory Board appointment because some of the paperwork is missing.

Mayor Pro-Tem Whitehead moved to approve the agenda removing item G. 4 Resolution No. 21 and I.1 for the Public Utility Advisory Board from the agenda. Commissioner Frankel seconded the motion. Motion carried unanimously.

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

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

Ron Pacourek addressed the Commission related to:

- 1) He doesn't understand why item I.1 was deleted. He would like an explanation. They would like to have their board completed. As a member of the Public Utility Advisory Board, they would like to move forward.
- 2) he asked if it has been voted on by the Commission to expand their board by two members for the Impact Fee. He would like an answer for that also.

Wendy Sager Evanston addressed the Commission related to:

- 1) She is here representing Bountiful Babies. She thanked the Commission for honoring the Subrecipient Contract for the second half of the year. They just completed it so they have their report in. They are making lots of progress, and are also stretching and attracting some attention from New Mexico for larger grants called Art Place. That really was the result of the Commission support and not just getting us on the map, but as a part of Rural Development. So they will keep the Commission posted on that. She knows Mayor Green was there. She thanked them again and they will reapply when it's time.

Bruce Swingle, Sierra County Manager addressed the Commission related to:

- 1) He just wanted to give them an update on the Punk Greer Arena, he said the County also has it on their agenda for tomorrow and they are putting forth a request to increase their budget by \$25,000 for this project, and they hope the City Commission will do the same today.

Linda DeMarino addressed the Commission related to:

- 1) First she thinks we've recovered from a very busy season of events. Old Fashioned Christmas, she wanted to thank Juan, the Chief, and Mayor Pro-Tem Whitehead for making that happen. It was a really great event, they got great feedback and could not have done it without you guys.
- 2) We have a lot of irons that are being put in the Fire. They are getting ready for the Hot Springs Festival.
- 3) They attended the Art Place America workshop and they are going to put in a proposal for some Rain Water Harvesting from Art Place America. If you haven't hear about Art Place America, you should really check it out. There's an interesting video that have Artists and Creative Type People to help solve some problems Municipalities have.
- 4) Last year was the last time the Women's Club was going to hold the Miss Fiesta Pageant. MainStreet didn't feel like we could let this event drop. But we can't do it on our own. There is a lot of things that go into this and we will need a lot of people to help. They will be having the first meeting, so anyone interested in the planning or production can come to the first meeting which will be next Monday, January 30th at 5:00 p.m. at the MainStreet Office at 410 Main St. across from the Movie Theatre. They

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are hoping for a big turnout because it's such a big tradition and they don't want to see it go by the wayside.

Carole Wheeler addressed the Commission related to:

1) So many Dancers could not make the dance at the Elephant Butte Dam last year, so the Sierra Twirlers Dancers Club April 22nd will be planning another dance on the Elephant Butte Dam and then at the Civic Center because it's a District Event. In May, they will be hosting the 2018 State Festival. They have to start working on it and develop a pamphlet and advertisers. In comparison, the District Dance usually brings 90-100, and the State Festival will bring in approximately 150-180 people. It's a two night, three day event starting on Friday, May 18th – 20th. They picked that weekend because we have Fiesta the first weekend and the Hot Springs Festival the second weekend. So we didn't want to compete with anything else. Square Dancers in the state are divided into four Districts, Northwest, Northeast, Central, Southwest and Southeast. Logistics have become a problem as the dancer's age. So, in May, they are going to vote on just making two Districts, with Albuquerque being the center of the Northern District and Truth or Consequences being the center of the Southern District. So we will be hosting this Festival every two years. It's a great boost and she knows everyone had a wonderful time and want to come back for the next one. Dancers will be asking for advertising funds and they are very happy to let them know what's going on in their Square Dancing world.

Ron Fenn addressed the Commission related to:

1) After all of the pleasantries, let's get down to business. It's very sad that he looks at the Budget Review and see the City wants to give another \$15,000 for the Golf Course to top off the \$100,000 they have given to a Golf Course with a revenue of about \$9,000 for a handful of people, while we give \$25,000 to the SJOA which serves 1/3rd of this City's population. If it's available to 1/3rd it's 2,000 people. If there were 2,000 golfers you could give them \$24,000, but to give \$115,000 to a Golf Course who can't even pay their Utility Budget is criminal. You have under the constitution, a fiduciary duty to the people of this community, not to a handful of people. Not to a couple of Golfer's or a couple of Swimmers, or a couple of anything. You took our Recreation Center because it wasn't making \$11,000 a year, and yet you give \$100,000 more than that to a bunch of Golfers. On top of which, the 70 some Acres of land they have is tax exempt. And that tax exemption puts a further burden on the rest of the population to make up for what it does not receive in taxes. There's a tax paying golf course only 5 miles away that is failing. I wonder why that is? Because there is no market for it here folks. It's about time you either shut down the Golf Course or sell it and privatize it. If somebody can't buy it and operate it, it's because there is nothing there. But it's the people you're stealing from, the poorest of the poor in this community to pump up a few would be Golfers that don't want to go to a commercial Golf Course and support it. This area cannot support two Golf Courses, it probably can't support one.

2) Then we are going to talk about giving another \$25,000 perhaps or more to Punk Greer Arena so Ms. Luna's daughter has a place to play. Isn't that very nice. What does it do for the community in general? The people who can't get out, and can't do rodeo and can't get good service from SJOA because they don't have any budget.

D. RESPONSE TO PUBLIC COMMENTS

Commissioner Clark thanked MainStreet for picking up Miss Fiesta. For 55-60 years it's kind of a mainstay for our community. She appreciates the effort in trying to keep that together for us. She can't thank Ms. Wheeler enough for her incredible efforts in doing something so productive for our community. And bringing people in and talking so positively about us to have them put T or C as the Southern Hub is incredible.

Mayor Green concurs with Commissioner Clark's points. He addressed Mr. Pacourek's comments. He understands his frustrations. For them to make appointments to some of the boards that are very critical to the functioning of T or C. We appreciate the volunteers to be a "Think Tank" for the Commission. But there are certain requirements we need to have fall in place and we thought this would be in place two weeks ago. They will make every effort to make sure the requirements are not waived. We thinks it's fair and reasonable, we treat them equal, and if those requirements can be met within the next two weeks, he will assure them this will be back on the agenda again. He knows this will be a little bit of a vague explanation, but he wants them to understand, he appreciates their point of view and supports it, and understands their frustration. But we are trying to do this the right way. He thanked Wendy for their turn out. He wishes he could have stayed longer for the Art Place. And to Carole, what can he say... Commissioner Clark absolutely said it all and this time he will be here on April 27th and he promises he will be here to dance with her on the Dam. Mr. Fenn, you had me right up to the point where you started going with personalities. He respects and appreciates public speech and he invites it, as he thinks most people know his position about public comment. But in the future he asked us to try keeping names out of it and talk about our ideas, let's talk about principles. Let's not attack people who, number one, aren't even here to defend themselves, or a young child to defend themselves.

E. PRESENTATIONS

- a. Presentation on an update for the Truth or Consequences Fire Dept. Paul Tooley, Fire Chief

Fire Chief Tooley introduced one of his Rookie's Mr. Douglas Nelson who joined this year, and also our Captain, Neil Weeks who has been on the Department for a few years. The other guys are all working and we couldn't get them here. He began his presentation which will be included as part of the Agenda Packet file. He will have some good news in the presentation and at the end some not so good news.

He began by saying the Fire Department was established on Sunday, September 2nd, 1923, so right now we are 93 years old as a Fire Department and this September we will be 94. He has the original hand written minutes of the organizational meeting. In 2016 they did 142 Fire Calls which he broke down for them. 29 actual Fire Calls for a physical fire. 6 calls were in the Village of Williamsburg. In 2012 we picked them up and began our operation there. Based on the State of New Mexico, they scale the Departments from a 1-10 and that would determine how much money you receive. It

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was updated in 2012, ISO currently has about 47,500 area in the United States, they have graded. So they are the number one for grading the department s and using that data for insurance purposes. He took their concept to develop some software to help the T or C Fire Department to improve our rating. We are into Version 3 of the software and we are happy to tell you that not only T or C, but a lot of the County Fire Departments in the areas around Ruidoso, Cloudcroft, and Alamogordo area through his consultation has helped him increase over \$223,000 a year for not only us but other areas around the State of New Mexico. In 2013, they got a grant from the State Fire Marshalls Office for \$115,000 for the SCBA's. It was an 80%-20% match so we received \$92,000. We replaced all of our current SCBA's which is what we put on our backs and face piece so we can breathe compressed air to go into hazardous areas so we can still be able to breathe fresh air. You can tell by the price they were very expensive.

During that same year in 2013, they purchased a new truck for \$226,000. We had no current debt at the time, so we were able to work with the Finance Authority, we put it on a 10 year note and got the first \$100,000 for 0%. So we pay roughly \$23,380 per year for the ten years to purchase that truck. We use the funding we get from State Fire to make that happen as well. After we got our ISZO Rating to Class 2, we started talking about how to get to Class 1. One of the things we needed to do was to have a three story training facility. We went for a grant for \$100,000 and matched it with \$112,000 and put in a three story drill tower. 355 of the total training is at that facility, so we use it a lot. Not only does it have a burn structure but to be able to use it as a Search & Rescue and all types of stuff and ventilation can be done there. We needed that piece to try to move into Class 1. This last year one of the older models, we had a Fill Station for the SCBA's, we fill compressed air for the New Mexico Gas Company, State Police, County Fire Department, and other City Departments. He put in another grant this year for \$47,000 from the Grant Council and we received that. So this is our current project and will be in play in the next couple of months. Some bad news is we have a Scott Sight, he explained the details about this unit. It would free up their hands to not have to carry a thermal imager. That grant would have been for \$97,000. Equipment alone to go into a fire can cost about \$21,200 per Firefighter.

We have a 1987 Quint which costed us \$230,000 but it's going to be 30 years old. It has the jump seats which are illegal now. And there is no continuous walkway from the ladder, so we cannot use it for rescue. So we want to increase that to a 75' Aerial. A New one will be \$737,000. So he applied for the Department of Homeland Security – Assistance to Firefighter's Grant again for \$737,000 and we will not know on this grant because it's a nationwide grant until April-May. If we are lucky enough it will pay for 95% and we would only have to match is with \$36,850 from State Fire Fund money. If this doesn't go through, he explained the distribution for 2017 based on the classification. One of the things he did was apply with the PRC to have an Admin. Office down at City Hall to add an Administration location. What that will do in the next funding, and part of the letter at the top then, is we will get paid another \$99,565 based on last year's numbers. That gives us 3 Qualifiers now, 3 Main Stations, and an Admin. So our State Fire Funding in 2005 was \$70,232, as a Class 5 with one Main Station and

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one Substation. He explained how they moved up in Class to where we are now which will allow us to approach almost \$300,000. So that's been a big increase for us since 2005.

Commissioner Clark asked about the Quint we've got and not having the jump seats and the walkway on the top is no longer legal. Are we grandfathered in? Fire Chief Tooley responded, yes because it falls under the NFPA code of when it was built. Any new truck we purchase will have to be per the new NFPA regulations. Part of that AFG grant is Firefighter safety. But as long as we haven't put it out of use, it's still ok. But we've got to start replacing the old equipment. Commissioner Clark assumes he has spoken to City Manager Juan Fuentes about the Admin. Office. Fire Chief Tooley added it's already in. This is actually down at the Administration Annex where we have a little area there where we had State Fire come down and take measurements and we moved in and was able to send off the letter on November 4th and they approved it. So it will be on the next funding cycle. Commissioner Clark added well congratulations to you and Manager Fuentes as well for getting this done. He said we moved real quickly on this to get it done before everything changed for us. Mayor Green added that area was a storage area that was not used by the city. It was used by the Chamber of Commerce. So when this was presented and we felt like time was of the essence, we felt this was a no-brainer. It was nothing the city was using and the Chamber was amicable to take the storage boxes and store them at another place.

Fire Chief Tooley went on to present House Bill 4 and Senate Bill 11, they were two identical bills that came at the same time from different directions. Senate Bill 11 when on the Senate floor quick and moved to the House and got stuck in committee. However, the one for HB 4 moved through the House Committee, got down to the floor and had some amendments to it. Right now it's been approved by the House and it should be scheduled to hit the Senate floor in the next day or two. He gave a background on what will happen if it's passed. Even the Police Chief's funds, as well as, 911 funds will be hit. Under the Fire Protection Fund, there is a 3% premium tax collection on auto and fire insurance on the State of New Mexico which has been in play for a long, long time. That's the money that actually creates the Fire Fund. That money is collected all year long so the first payment in June is what funds the next year's entire budget. The state went in and if you had any money laying around, it was gone. The breakdown he presented is part of the Agenda Packet record in the presentation. In House Bill 4, they suspended the Fire protection Grant Fund distribution for two years. They came this year and they want it all and they are going to take it all. So we've collected money for an entire year that we're never going to see, it's gone. Going forward it still will revert back to the year before, however, we are a year behind. What they are doing with eh State Fire Marshalls Office is still giving the power to State Fire, but they have to anticipate how they are going to allot this money. We are concerned about money that we owe, because we owe about \$23,000 per year for a Fire Truck. Is the New Mexico Finance Authority going to agree to monthly payments on that or will they take it off the top. If they take it off the top, some of the smaller departments won't get a check. So they will suspend the Grant fund for another two years and it will supposedly come back. And no distributions will be made for FY18. Local entities will

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have to adjust accounting methods to adjust to periodic payments rather than a onetime allotment. So this was the bad news side of House Bill 4. The good news for T or C is, he saw this coming and we will be fine and we can work with it. We have enough to survive and get us through next year if we have to. He put \$100,000 back for next year for the new Ladder Truck, and that will still be in the budget for next year. He didn't think it would be this drastic but it is.

Commissioner Clark is a little concerned about the state and she would think their top priority would be Fire. She asked if he has spoken to anyone about this. Fire Chief Tooley said they have been up there in force and they don't want to hear it. Their biggest deal is, whatever cash is laying around, they are going after. Commissioner Clark said it seems to her there is something backwards in the thought process. Fire Chief Tooley added here is what they are saying, "the money is still going to be there for you". This is an accounting issue and almost \$100 million is gone. Now the dust clears and we start from scratch, but we still have to do business every day. We based our budget on what was collected. All they saw was the cash and they came after it. They didn't look at how it would affect everybody. We are the highest Fire Rated Volunteer Fire Department in the State and we are very proud of that. We try not to be a burden on the city and that's why we keep up with what we do and try to go after grant money and find unique ways we can survive and still have the latest stuff we need here for Fire Protection.

Commissioner Clark wanted to thank Fire Chief Tooley and the Fire Department's amazing group of young men and women. And we are honored to have you.

Commissioner Hechler thanked him for his professionalism and dedication. He wanted to let him know that that attitude has transferred itself to your Staff and your Firefighters. Unfortunately, he is the recipient of one of his good intent calls last year. It was a little embarrassing for him but he wanted him to know, they are very courageous and responsive and they felt very safe. So he thanked him for that.

Mayor Green wanted to give his fellow Commissioner's a heads up. He wants to have the approval to declare September 2nd as the Truth or Consequences Fire Department Day at the next meeting. He thinks it's the very least we can do. From a financial budget, he knows that Manager Fuentes' hairline is receding as we speak to balance our budget. And knowing it's going to be financially challenging, he appreciates the stewardship the position of Chief of the Volunteer Fire Department to smell the roses and put aside a little bit for a rainy day. So in this particular case what he was hearing is on that payment, you've got enough money in your own treasury to pay those bills and will hopefully get reimbursed in a timely matter rather than asking the city for money. He doesn't think the city at large can thank him and their volunteers enough. He asked the Chief to thank them and he planned to attend the next meeting to thank them.

F. CONSENT CALENDAR

1. City Commission Regular Minutes, January 10, 2017

2. Public Utility Advisory Board Minutes, December 19, 2016
3. Subrecipient 2nd Quarter Reports, FY 2016/2017 and 2nd Quarter Subrecipient Report, FY 2015/2016 Contract Extension for TBA/Bountiful Babies

Mayor Pro-Tem Whitehead moved to approve the Consent Calender including F.1. City Commission Regular Minutes, January 10, 2017; F.2. Public Utility Advisory Board Minutes, December 19, 2016; and F.3. Subrecipient 2nd Quarter Reports, FY 2016/2017 and 2nd Quarter Subrecipient Report, FY 2015/2016 Contract Extension for TBA/Bountiful Babies. Commissioner Hechler seconded the motion. Mayor Green wanted to point out the report for the Geronimo Springs Museum notes the Shout Out to David Johnson who was a great help when they held their event at the Civic Center, he made it go smooth in every way. Motion carried unanimously.

G. ORDINANCES, RESOLUTION, & ZONING

1. Ordinance No. 675 for publication amending Chapter 2, Article III, Division 5 of the Code of Ordinances related to the City Attorney. Juan Fuentes, City Manager

City Manager Fuentes said the proposed ordinance makes a small modification to Chapter 2, Article III, regarding the City Attorney. We are in the process of receiving Requests for Proposal for one or two Legal Services contractors. It's a minor change so they can be appointed as an employee or on a contract basis. In the past, there has been a question about misinterpreting this section to mean it was only by appointment as a City Employee. Historically the City has always higher this position as contracted and he wanted to make the wording of "shall" which is mandatory, to "may" be appointed on a contract basis or as a City Employee.

Commissioner Clark appreciates this has been an issue she has brought up about the ordinances needing to be updates and she accepts the changes to allow there to be an either/or for the Commission to be changed.

Mayor Green added on the third line, he would like to change that to His/Her in the changes instead of just saying His as has been done in the past. He feels every time we change our ordinances we should make this change also.

Commissioner Clark moved to approve Ordinance No. 675 for publication amending Chapter 2, Article III, Division 5 of the Code of Ordinances related to the City Attorney also adding His/Her in the sentence as requested. Mayor Pro-Tem Whitehead seconded the motion. Roll call was taken by the Clerk. Motion carried unanimously.

2. Ordinance No. 676 for publication amending Chapter 2, Article III, Division 3, Section 2-99 of the Code of Ordinances related to the Assistant City Manager. Juan Fuentes, City Manager

City Manager Fuentes presented this is a simple modification to the ordinance. The language to strike would be where it requires there to be an Assistant City Manager appointed. This gives the option and in the past the City has hired an Assistant City Manager, and previously we had a dual position serving as the Community Development Director and Assistant City Manager but it's always been if the budget would allow for such an appointment. Under the current ordinance it is mandatory and he would like to strike that language so it will give us the flexibility if the budget is available for that appointment or dual role.

Commissioner Clark added her comment that once again we have had too much confusion with the Assistant City Manager and sometimes City Manager Juan Fuentes does not have it in his budget. She thinks its an excellent idea.

Commissioner Frankel added keeping with the previous statement for consistency he added the section where His/Her should be included.

Commissioner Clark moved to approve Ordinance No. 676 for publication amending Chapter 2, Article III, Division 3, Section 2-99 of the Code of Ordinances related to the Assistant City Manager amending the references to not being gender specific and be changed to His/Her. Mayor Pro-Tem Whitehead seconded the motion. Roll call vote was taken by the Clerk. Motion carried unanimously.

3. Resolution No. 07 16/17 related to Park Fees. Renee Cantin, Clerk-Treasurer

City Clerk Cantin presented the item stating back in September she brought this before the Commission and they sent her with some marching orders and some ideas. After their ideas were incorporated she proceeded to take the Resolution to the Parks & Recreation Board. They did not have a quorum in November, so at their December meeting they had some great input. It was a great opportunity to include some of the requests they have suggested in past years. She did receive their final approval at the January meeting and she is now bringing it before the Commission for approval. Once the changes are approved she will make changes to the Rental Agreement with the final revised Resolution. She reviewed the highlighted information. The Tennis Courts were added as per use, not per person. The Parks & Recreation Board suggested rather than a fee for the use of the Tennis Court keys, that we should make that a Deposit that would be returned. If for some reason the key was not returned, we put a \$20 key replacement which would make the cost rate very low and to keep better track of our keys. Other ideas from the board were certain rentals of City Parks including use of Rodeo Arena, Adult Leagues, and Large Events may be required to show proof of Liability naming the City as an additional insured or a release of liability form. The Adult Leagues would have a release of liability form and we would need to run that through the City Attorney to see what the best way to handle that would be. On the next page, another thing that was brought up was some problems in the past with the Adult Sports leagues, to have them submit By-Laws with Application for Season use. The Parks & Recreation Board believe all Adult Leagues do have By-Laws in place at this point. So

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it wouldn't be anything more for them. But we could have it on file in the Clerk's Office and make sure to get a copy to the Parks Supervisor for their season use. The other thing as you can see in yellow before the Memorials, we added they would be Temporary Memorials. With these changes, we are ready to proceed forward with the Resolution, we have made the numbers somewhat low but it will help with the Parks Department and Clerk's Office in keeping up with the Rental Agreements.

Commissioner Frankel is hoping this Resolution will allow for flexibility for unforeseen groups or use. And also for the non-traditional use that's laid out in here, one thing that came to mind for him was the 100% reduction in fees for use of more than one day. Another group that should benefit from this would be the Farmer's Market, but they only have a one day event. City Clerk Cantin responded that was their plan was to make it so it could be flexible. She believes the Farmer's Market uses property off of Broadway, but Commissioner Frankel let her know they use Ralph Edwards Park right now. They only have an event one day a week, but they run from May to October. City Clerk Cantin stated we could add in the notes at the bottom to state ongoing events can be reviewed for flexibility for status. Mayor Green added under the Note: The City Manager or his The City Manager or his/her designee may impose other use regulations. Maybe we can just add, and other exemptions. And allow the discretion to be made by Staff. You don't want this to be in stone but a standing structure. Unfortunately, it puts that on our City Manager to make that call, but that might be one way to keep the door open for reasonable requests when their event is having a positive impact our own citizens. Commissioner Frankel doesn't want to discourage our Farmer's Market in any way. City Clerk Cantin added if it's an ongoing event like this one, then we can come back and discuss whether we want to include that as an extra line. It's only a Resolution and not an Ordinance so it's easier to bring back to fix.

Commissioner Clark does remember the conversation of including more than one day to waive the fees, but she thought that was for an indoor event for example at the Civic Center. There is a difference between and indoor event that requires our people to go in and set up, as opposed to Parks where the Farmer's Market does not set up. So to her there is a little distinction between the two. So she does agree if we can put some wiggle room in there for Manager Fuentes or to say we see a distinction between a City Park and a City Facility. She believes the concern on the Tennis Courts was to cover the use of Electricity at Night, but not to charge during the day. Again it's a City Facility and doesn't require set up. She doesn't think the daytime Tennis Players should pay th \$5 pe4r day, plus \$5 per night. She would like to see the \$5 per day taken out. It's the Tennis Club that goes in and does most of the cleaning and upkeep anyway and she thinks it would be a nice gesture.

Commissioner Hechler said in his previous life he was in charge of many Special Use Permits and one of the questions that was always asked was whether alcohol was allowed at the events. And if it was we would ask if they have gotten the appropriate state permitting in order to do that. And the idea behind it, is it could change insurance requirements, and he thinks the Police Department would also like to know if they have a special event somewhere in the City within the outside where alcohol is being served.

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So we may want to include something like that in the permitting process. City Clerk Cantin added it was previously in the application and is still in there, and she believes it would have to be approved by the Commission for it to be allowed. Commissioner Hechler wanted to make sure there is a mechanism for that.

City Clerk Cantin said there is no rush on this and if they would like her to take it back and make the changes, she would be happy to do that.

Commissioner Clark moved that Resolution No. 07 16/17 related to Park Fees be sent back to staff to take into account the requested changes. Mayor Pro-Tem Whitehead seconded the motion. Mayor Green wanted to thank the Parks & Recreation Board for taking the time to work with staff on this Resolution. Motion carried unanimously.

4. Resolution No. 21 16/17 LEDA Building Permit Fees. Juan Fuentes, City Manager

Removed.

5. Resolution No. 22 16/17 Budget Adjustment and USDA Bank Account Funds transfer to the General Fund. Melissa Torres, Finance Director

Finance Director Torres said we are respectively requesting the following adjustments and the USDA Bank account transfer to the General Fund. To increase Fund 101 for \$20,000 for attorney fees; to increase the Fire Protection Fund which is 209 of \$38,000 on the revenue side due to the award of the grant that was awarded to them prior to us doing the budget; increasing from 209 on the expense side due to the same reasoning; to increase fund 312 the R & R Airport (this increases because of the runway are closing up the grant for); this also will be connected in conjunction the increase of the R & R on the expense side; the increase on the Golf Course, Funds 508 for \$15,000 due to additional utility expenses, this will also be in conjunction the transfer for \$15,000 from the general fund; and last is our USDA Bank Account, we are requesting a transfer to the general fund of \$906.42. This is due to a stipulation in the grant that requires us to have no funds in the account. We previously had bank accounts that charge monthly fees and usage fees so in the past we had to transfer \$1300 to cover those fees. Now that we had changed to the new bank do not have any of those fees. So this account would be a zero balance account and not an interest-bearing account.

Mayor Pro-Tem Whitehead moved to approve Resolution No. 22 16/17 Budget Adjustment and USDA Bank Account Funds transfer to the General Fund. Commissioner Hechler seconded the motion. Roll call vote was taken by the Clerk. Motion carried unanimously.

H. UNFINISHED BUSINESS

1. Discussion/Action: Punk Greer Rodeo Arena Improvements. Steve Green, Mayor

Mayor Green recognized Vice Chair Luna who is in attendance for this item. He spoke to her earlier at the end of last week and she said she would be in attendance in case any of the commissioners or city manager had any questions pertaining to this item. He asked Vice Chair Luna to take this information back for their meeting tomorrow. The fact that the county understands that there are certain countywide assets that just happen to be located in Truth or Consequences such as, the Airport, the Library, the Punk Greer Rodeo Arena and others, they greatly appreciate them entertaining the idea of partnering with the city on this asset that we take care of but has the potential to be used and enjoyed by all as a vehicle to bring people into our community for tourism. He received a postcard about the Clint Benjamin Roping Event that we had apply for Lodger's tax, we awarded \$1500 and they subsequently turned back in that money and the event is being held in the city of Socorro. Whether we missed it because the Sheriff's posse arena wanted to much rent or at the present stage of the Punk Greer Arena, he doesn't know what the reason is, but they left town and that's upsetting to him. Someone from Santa Fe gave him a heads up of what's going on with tourism and it's not a pretty picture up there. He believes we have to try to maximize the assets that we have, that will not only support the community as it exists but expose the community to people coming into events to help us build back the population we have lost in the last decade. He believes if we sit down and do nothing even though these are bad financial times, when is the right time? He believes we need to identify the problem and fix the problem and he truly believes this cannot be done on shoulders of Truth or Consequences. That's way appreciate sorts of County Manager Swingle and Vice Chair Luna, and this is something we can all benefit with in the cost sharing as we move forward. And it's not just throwing money on table, he wants to make sure it's money well spent. And he has heard in his conversations with people that maintenance is important and maintenance during the rodeo for the safety of the animal and the participants. Today he is hoping part of it will to have City Manager Juan Fuentes work very closely with the county. But someone has got to understand the ground they are working out there and not just hire a piece of equipment. We want to try to position ourselves to be a viable stop on these rodeo circuits. He understands Socorro has a newer facility, but we've got to start someplace. We either start with our arena make sure it's at least usable for competitive rodeos, and then we need help marketing it. We heard what it appears the county is willing to cost share, he doesn't know if that's the rainbow or the beginning of the rainbow, but at least it's a start. During the workshop he heard Memorial Day weekend is the potential for the first event to hold here, and what a great opportunity to showcase something that says we want your business and we want you to feel safe in our town and no concern of safety of your animals.

Commissioner Clark said one of the discussion we've had is we need to take care of our assets and this is an example of an asset that has come into a little bit of decay. And her experience has shown that when something is put back into an operative fashion that is well done, it's easier to maintain. There is not always a good idea to put a Band-Aid on it. She also understands we've lost a lot of events that have been in this

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community some at the rodeo and some are not. The Longhorns have brought a lot of people to our community. Being part of a small town rodeo is still a big part of our reality, where it isn't as big in urban areas any longer. But this is who we are. She asked Vice Chair Luna that she does believe we do have the support of 4-H and any other comments she would like to make.

Vice Chair Luna addressed the Commission stating herself and her Husband, and Ed and Nancy Edwards from the Armendariz Ranch put together the 4-H Board for future events. Their commitment is to use the city facility. They are preparing to finalize the application to host that rodeo as soon as this action was completed by yourselves and the County Commission. That commitment is there, as long as the improvements can be made. It is her understanding that if we get this done this week we can get the balls rolling very quickly. Also the 4H County Council committed themselves to painting the entire facility before the rodeo. So that facility will have a fresh coat of paint. There is some paint that has been done the last two years through volunteer work, but they want to complete the paint so the arena shines during our rodeo.

Commissioner Frankel wanted to use this as a platform for something else. He's fully committed to the rodeo project. But as you were describing the assets and marketing and all of those great features we're going to do for the rodeo arena, he was thinking about another city asset at this time that is not enjoying the same amount of freedoms. He wanted to point out how important it is to mention our City Golf Course and the possibility to partner with the county in the same manner. The Golf Course fosters a lifestyle. So much to a degree, they moved to a community for that reason. Snowbirds fill in houses during golf season. And he pointed out that it's such a part of our community that it's one of the symbols on our city of truth or consequences seal and flag. It shows one third of who we were showing the golf course, so we have a really amazing resource there and need to put attention towards there and the second floor also.

Commissioner Clark asked City Manager Fuentes if we were to go forward with this in a partnership with the county, do we have the magic box to find this \$25,000 in the budget. City Manager Juan Fuentes responded yes, we do in the budget.

Mayor Green asked Vice Chair Luna, if this moves forward who will be the face of the arena to go out and solicit business. Vice Chair Luna responded Rodeos are also a lifestyle. There are two people who put on roping throughout the state who are also involved in our 4H rodeo across the state. And it's highly likely they will be here and will get to experience the improvements firsthand. She plans on contacting those individuals specifically in making contact with them during the rodeo to show them the improvements made in the benefits of our location. And there's one thing Socorro doesn't have that T or C does and that's beautiful weather.

Mayor Green added when he visited there was someone pulling something behind a tractor. Was that a volunteer was that someone from the Sheriff's Posse. How about the effective maintenance to work the equipment and make it work.

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Vice Chair Luna added to think she sees that need to be followed up on, is 1) an individual within the group that is wrenching that facility to be responsible for the driving of the machine or to bring their own equipment in there. If an organization brings their own equipment every time it needs to be done there has to be some kind of offset on the fee for that rental facility. The Edwards have brought in their personal equipment for use at the Sheriff's posse they do not have any equipment to take care of the grounds. That has always been done by whoever is using the facility. Therefore, they waived the rental fee for the facility because it was argon that was paying for someone to use it. But we had a volunteer operating then equipment. No one who doesn't know how to operate that machine will not want to get on the machine, you will need someone who is completely confident to get on there and operate at. 2) we need to work on an alcohol special use permit for the property. She thinks that is something in the long run that will add use to the facility. Unfortunately, it's an attractor for the facility. Mayor Green added we have rodeo arena \$100 per event, will that keep us in the ballgame. Vice Chair Luna said \$100 is fine as long as you don't call a roping on Saturday one event and a roping on Sunday one event. They will often show up Thursday night or early Friday morning for a Friday, Saturday, and Sunday event. So \$100 for the entire event would be fine. The Hot Springs rodeo Association has a one-time event six times through the year. Currently, the Hot Springs rodeo Association is the group that uses that facility the most. So \$100 for five hours, six times through the year does not make sense. Previously the commission has graciously waive that fee for the local Association, she hopes that might still be agreeable.

Commissioner Hechler would like to see something on a more formal basis, if the City and County can generate a letter to invite these groups back to generate more business to coming back. If it's approved, it could be quite an accomplishment for our various commissions.

Vice Chair Luna added the reason other events go to communities is they have allotted General Fund money for them to come to lure and bait them. It's her understanding those restricted Lodger's Tax money is one of the reasons the Clint Benjamin rodeo agreed to move out of the community because Socorro gave them money to do it. It all boils down to the money and how they can spend it. As she said in her presentation, Lovington gave \$15,000 for a one weekend event. Gallup gave \$20,000 for a one weekend event. In one of the Association moved from Lovington to Gallup for that reason. And it's not restricted dollars it all goes into prizes for the event. She would be more than happy to work on a pamphlet or brochure to send out to organizations to accompany that letter. Just know the city and county commissions will be approached with what kind of dollars they can give in response to that. She thinks the roping producers who want to come here for the great weather are going to be our biggest asset and then the rodeo Association who are looking for somewhere inexpensive centrally located, will be the second biggest users of the facility.

Commissioner Hechler added perhaps with of our commissions can work on something together along those lines. Vice Chair Luna said with her vice chair hat on, she hopes this is the first of many partnerships we can work on in the future.

Mayor Green said this is a valid point. We don't have the dollars to go up against Gallup or Lovington. We hope that if we can put our dollars together that we would make sure we would not lose this opportunity. We need to go into it with open eyes and when we have that application for the Clint Benjamin, they were looking for \$3500 for a saddle for prizes. But as we just heard, that is not good use of Lodgers Tax as prizes. Hopefully we won't put the \$50,000 in and it won't lead us to the road to success if we don't put the other money in.

Commissioner Clark asked what kind of a bucket of worms will that open up for us. If we start looking for general funds for that kind of issue. Mayor Green said it is a little bit of a can of worms in bad financial times. But, it would be better in good financial times. Mayor Green said we can try to find money from local businesses and local support to be players in the rodeos.

Commissioner Clark moved to approve with respect to the Punk Greer Arena subject to approval by the county in a partnership authorizing City Manager Fuentes to work closely with County Manager Swingle on this improvement, keeping in mind the feasibility. Commissioner Frankel seconded the motion. Motion carried unanimously.

2. Discussion/Action: Welcome Information for new Utility Customer's moving into town. Steve Green, Mayor

Mayor Green notified the Commission a couple of things have happened since we met. Steve Rice who is the Executive Director of the Housing Authority have graciously offered to produce the bags. Steve Rice is a recycler that needs to be on that committee before he was promoted to executive director. He wants to use paper rather than plastic. Mayor Green suggested paper bags with handles on them on one side would have information about the Housing Authority and the other side would have the city insignia, our address, City Hall telephone number, and the city website information. Inside the packet would be a couple things. 1) the letter welcoming them signed by every city Commissioner, the city manager, and the city clerk. The next list your packet is the list of items to be included in the packet. He has been in contact with the Geronimo Trails Scenic By way group who agreed to have her volunteers, upon notification, assist with making more bags. He will make up the first 25. All we are asking of staff is to reach under the counter pick up a bag and offer it and say welcome to a new utility customer.

Commissioner Frankel thinks it's a great idea and he would like to see it in place. Having worked with chamber packets in the past, he recommended having a process where the contents are reviewed quarterly. It's frustrating when information is not up to date. For example the restaurants are open anymore or the hours have changed.

Mayor Green feels that's an excellent idea and that is one of the reasons he is going to start with 25 bags and can review at that time. Or if they would rather we could start with 15 bags to make sure to give out current timely information.

Commissioner Hechler asked for information for Service Groups to be included. Such as, Lion's Club, Rotary, Moose, and their contacts in case someone wanted to join one of those clubs. He added we could also include businesses to place items in these bags. He thought maybe we can do this on a general basis and send it on the utility bills. Mayor Green responded he thinks that's very dangerous when you start using city staff city personnel to distribute information about businesses. We've got 500 or more businesses. Commissioner Hechler the more like pens and swag items. Mayor Green said if he's not mistaken the service groups are noted in the Sierra County Visitor's Guide. It's an idea that will be on growing. If it's approved, he will take ownership of this project as long as he's a brand taking nourishment. But certainly he would want to, as it moves forward, and this times change that we're doing something positive for citizens in our community.

Mayor Pro-Tem Whitehead thanked Steve Rice from the Housing Authority, she thinks it's a great asset in welcoming new members to our community.

Mayor Green asked for the Commission to make a motion with the presentation of the final bag to the Commission.

Commissioner Frankel moved to approve producing the information packet for new residents contingent upon seeing the Beta Prototype with the amendment to include a periodic review for accuracy and partnering with the Housing Authority. Commissioner Clark seconded the motion. Motion carried unanimously.

I. NEW BUSINESS

1. Discussion/Action: Appointment to the Public Utility Advisory Board. Renee Cantin, City Clerk-Treasurer

Removed from agenda.

2. Discussion/Action: Approval to name the new Dog Park as the Firehouse Dog Park. Renee Cantin, Clerk-Treasurer

City Clerk Cantin added as you may recall at the last meeting Ms. Carol Wheeler give a presentation on PALS and included a request to rename the dog park as the Firehouse Dog Park and so we've added it to this meeting for approval and discussion.

Mayor Green announced the past practice of naming places has included names. He feels the very least we could do is have her name included. This community has a history, and he would hate to break that history of honoring those who feel so

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passionately about a cause and who will go the extra mile and surround themselves with people of like mind because usually one man or one woman can never do it alone. Eventually we find ourselves discussing the naming of a dog park. With this on anyone's agenda two years ago three years ago four years ago. He doesn't want to decrease the value of our volunteer fire department and not to embarrass Ms. Wheeler who is in the audience. But he feels the least we can do is add her name to this location.

Ms. Carole Wheeler came forward and was speechless and she didn't plan for this. Mayor Green said he knows she didn't but it's the least we can do. She came up with a couple suggestions but confessed she had not thought about it.

Mayor Green admittedly is a full-time volunteer. For him without volunteers the city isn't half as good as it is with volunteers. In the city would not be moving forward without volunteers. And he didn't mean to embarrass her but as he was driving around and realized all of our assets are named for people who go the extra mile and feel passionate and are willing to spend their time and their energy to get something accomplished. That's what it is. And it should be recognized and should be honored

Commissioner Clark knows the Firehouse Dog Park is very special to her heart. And she really appreciates what Mayor Green is saying. We do have this tradition so you have two choices. You can either jump on it right now or we can give you some time to think about it so you're very very comfortable with something like that being put in your name with honor.

Ms. Wheeler asked if we can compromise and name it Volunteer Firehouse Wheeler Park. Commissioner Clark is trying to say we put you on the spot and if it were me I would want a few minutes to talk to other people about it. If you would like some time to think about it just that we support you in any way shape or form.

Mayor Pro-Tem Whitehead suggested putting Firehouse Dog Park and underneath putting Carole Wheeler so you're noticed out there as well. But I know the firehouse holds the dear place in your heart. Ms. Wheeler said she has no ties to the Firehouse but when Chief Tooley put that up on the screen she thought it would be great to do that. But she added maybe the volunteer organization can put some funding together for a memorial to the firehouse on the Dog Park. She doesn't know what her answer would be if she thought another two or three days. She is just so shocked, she knows one thing her family and all of her friends she doesn't have time for because of the dog park really keeps a "You go and do what you love".

Mayor Green doesn't think it's critical to name the Park today. We could wait and maybe come up with some alternative suggestions. His personal feelings are it would be a slap in the face to Ms. Wheeler and her organization but her wishes are important to be heard.

Commissioner Frankel moved to postpone this and put it on the next meeting agenda. Mayor Pro-Tem Whitehead seconded the motion. Commissioner Hechler

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would like to have a recommendation from the workgroup. So she doesn't feel the pressure. **Motion carried unanimously.**

3. Discussion/Action: To authorize City Staff to advertise a request for proposals for Architectural/Engineering Services for the Regional Law Enforcement Complex. Juan Fuentes, City Manager

City Manager Fuentes said last year the Commission approved the conceptual concept of using the Law Enforcement Complex to have other entities like the Sierra County Regional Dispatch Authority and even the State Police. The SCRDA will be voting on that inclusion at their next meeting. However, we would like to proceed with forward going on parallel roads on this project. We have been working with an Architect with a preliminary design. But we will eventually need a Contracted Architect to really come up with a plan with the firmer figures to proceed forward with the financing of the project. We have some preliminary figures we have had George K. Baum locate which will come back at a later meeting. But at this time we are asking the Commission to proceed and to authorize City Staff to advertise a request for proposals for this project.

Commissioner Clark asked if this was money was coming out the ICIP Grant money that we received from the state. City Manager Fuentes responded right now there is only funding allocated for the Animal Shelter Project. This is separate from that project. We do have funds available for the Animal Shelter and there is a prebid conference today, he believes for that project. Right now we are looking at possibly using the PDGRT funds to allocate a portion of that money for a loan.

Mayor Green asked if he could give an estimated amount to see what we are talking about. City Manager Fuentes said Preliminary design would be probably under \$20,000 for the first phase. It depends on how much we authorize the architects to proceed forward. was in the neighborhood of \$2.5 million.

Commissioner Clark asked if the Police Department has the \$20,000 to come up with this or does it need to come out of the General Fund. City Manager Fuentes said we have something set aside in the PDGRT that can be used as the initial startup money for that. While we get moving on a bigger funding mechanism for the entire project.

Mayor Green asked about having the Border Patrol to also have an office there. They have a location out on the Highway and would that give them anything more by coming into a Safety Complex. Police Chief Alirez said this concept has really taken some traction across the state. This actually was brought up by Parks & Recreation with their Chief. The State Police is very excited about and we want to bring in as many organizations as we can. What we are doing has a mutual benefit for all Public Safety. Something can occur Countywide and the complex would become a staging area where anybody in the Public Safety area can come together to manage the incident. The United States has a process for Emergency Management, and as long as you comply with that process, these other agencies know that. They are excited and he has shared the plans with the other agencies.

Mayor Green asked if the Feds ever get involved. City Manager Fuentes said we have not explored the possibility of involving Border Patrol and others for Federal organizations at this time. There is room to grow and build on. The use of the space we have has really maximized the space for the entities we have identified so far.

Police Chief Alirez clarified what was mentioned to him was an MOU agreement so if something would happen, they would have access to the building. They do see the advantages to being there and if we did include Border Patrol we may open the door for additional funding as well. We are looking at three or potentially four entities going in there. That's maximizing the space that is there. It's going to be a beautiful building.

Commissioner Clark asked if she's misunderstanding that at one point we were discussing allowing Border Patrol to sleep there? Mayor Green doesn't remember that discussion, but he's not saying it didn't happen.

Commissioner Clark moved to approve to authorize City Staff to advertise a request for proposals for Architectural/Engineering Services for the Regional Law Enforcement Complex with the stipulation that the award does not exceed the money available in the Police Department's budget. Mayor Pro-Tem Whitehead seconded the motion. Motion carried unanimously.

4. Discussion/Action: DFA Quarterly Report. Melissa Torres, Finance Director

Finance Director Torres said prior to the meeting, she handed out the presentation with notes on the side so they can follow along. The second quarter is based on a 50% threshold for the quarter. Above our 505 threshold was our Capital Budget. This is due to a couple things. 1) Our Capital Budgets are associated with our State & Federal Funding. Usually, the first and second quarter is doing the paperwork and exhausting the expenditures. We predict on the third and fourth you'll see the balance of the revenue and expenditures. 2) The Utility Office has been a unique situation because of our bumps and bruises last year. When we started to do the Red Tags, we wanted to do customer service to inform our customers that we would be starting this. We predict in the fourth quarter, we will be in full force of the penalties, red tags, and late fees. So we are hoping to see the revenue for the Utility increase. 3) The Golf Course want another one that was below the threshold for revenues and maybe due to ongoing construction. 4) The Cemetery is one you cannot predict and the Airport sales are down quite a bit due to lack of customers/business.

For Capital Projects, the expenditures are also below the threshold during the first two quarters. And in the Utility Office they show high expenditures for several reasons. 1) We saw an increase in Non-Sufficient Funds (NSF) Fees on customer payments; 2) an increase in payments via credit card, which results in charges to us for each transaction; 3) we are looking at how we are using our accounting lines. We need to be more uniformed in tracking our expenditures. We are working on solutions for that. And the Final is the Golf Course and Contractual Services. We are still high overall.

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She went on to present the next slide which represents the General Fund. Again, we will see the State Grants & Federal Loan and License & Permits were below the 50% mark. Licenses and Permits fluctuate as you know and depending on the fiscal year it can be different. The revenue for the Fire Protection received more funds; Corrections for Municipal Court Fees; and LEPP and SW Collection Center are above the threshold. The GRT is up \$152,824. We are tracking that to the VA Construction. The next one is Lodger's Tax which is also up \$4,498 on the graph. One of the things we look for is whether our revenues are going up and expenditures are staying in that parameter. Our revenue has gone up 19.78% and our expenditures are up 10.28% which keeps us within the boundaries. Revenues are up overall. On the General & Enterprise Fund Expenditures, the NMSIF are up and benefits across the board for all departments. The Fire Department Services have been paid off during the 1st Quarter. And overall they are within the 50% threshold. That's one thing we ensure that we inform our Department Heads to stay within their budgets. On the Expenditures Actual Graph our expenditures are higher than our target. However, during the 3rd quarter we will work to adjust and reconcile. Adjustments will include special revenue due to the Fire Protection Capital projects.

Commissioner Frankel had a question on the Lodger's Tax and whether it includes the Convention Center Tax. City Manager Juan Fuentes said the line item is separate. So he believes this might just be the 5%.

Mayor Green is just wondering so when a Lodging establishment pays their Lodger's Tax, do they give you two checks or do they send you the money and you break out the 1% and the 5%? Finance Director Torres referred to the City Clerk who handles all of the cash and does all of the depositing and handling of the money and we are the balance on the Finance side of it. City Clerk Cantin notified the Commission, they do submit a separate card with each one and they go into a different line item. So we have a separate breakdown for the Convention Center Fee and the Lodger's Tax Fees.

Mayor Green said that was a very good point Commissioner Frankel made, that just because we add a new tax, we can't say look the revenue is up and everything is great because it's not a real picture. If we keep it separate like that, it is a real picture.

Mayor Pro-Tem Whitehead asked about the credit card fees and whether we are absorbing those or passing them onto the consumer. Finance Director Torres said on the online website, we pass them on to the consumer. However, those we do over the counter is an overall cost for the machine. It's a percentage of the cost of revenue that we are taking in. And from her past history, that is something most credit card companies charge which is based on their revenue. So that's normal.

Mayor Green asked if she knows what percentage of fee we are being charged. Finance Director Torres does not know but can look into it. Mayor Green said it might be something we can save down the line.

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Commissioner Clark asked if we are eating the credit card fees. Finance Director Torres responded it's based on the usage at the terminals. If we have over 70% of our customers that pay by credit card then that would be the base fee we pay for the previous month. And she believes online payments, we charge \$1.25 give or take every time they utilize their credit card. Mayor Green said it sounds like we are eating the over the counter fee.

Commissioner Clark doesn't understand why this can't be a 3% credit card charge which will buffer that cost. That's not fair for us to have to pay. City Manager Fuentes recalls this issue has come up in Association Meetings and there are some companies who do not allow the customer to be charged. But we can go back and look at it to see what options we have.

Finance Director Torres would agree with City Manager Fuentes and one of the obstacles we have run into is collecting additional fees from our customers.

Mayor Pro-Tem Whitehead moved to approve the DFA Quarterly Report as presented. Commissioner Hechler seconded the motion. Motion carried unanimously.

5. Discussion/Action: Legal Services Contracts with Holt, Mynatt, Martinez, P.C. Juan Fuentes, City Manager

City Manager Fuentes said the purpose of this item is to seek authorization to enter into a short term extension for this contract. Staff is in the process of issuing an RFP for legal services which he believes is due mid-February and one of our contracts expires at the end of this month and the Coppler contract expires in March. The current contract allows for an extension and we don't want any existing contracts to fall out of place.

Commissioner Clark asked if we can extend this to only those cases that are active and not give them any additional cases. City Manager Fuentes responded under Section 9 it states it can be renewed for three additional years and if it's not renewed the city may require the contractor to continue to handle the completion of any and all matters during the period at the rates set forth in paragraph 4. That's why under that provision he's asking for the Commission to authorize for that short term or until the RFP an the final Legal Services contract is awarded.

Commissioner Clark moved to approve Legal Services Contracts with Holt, Mynatt, Martinez, P.C be extended only as far as the current existing cases or until a new contract is put in place. Commissioner Frankel seconded the motion. Motion carried unanimously.

6. Discussion/Action: Letter of Support to the New Mexico Hospitality Association to remove the three room minimum requirement for Lodger's Tax at this Legislative Session. Steve Green, Mayor

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Mayor Green said Manager Fuentes brought this back generally from a conference he attended in Ruidoso. There was an initiative which was talked about to level the playing field related to some businesses who rent out rooms or houses who are not required to pay Lodger's Tax. Not only were there Lodger's Tax being missed but GRT that is probably not being collected. One of the businesses is AirBnB and the other is VRBO which is Vacation Rental by Owner who do not have business licenses either. It's not fair to the businesses we have in this community. She talked to Gina Kelley and they started out with 21 vacation homes for rent. Today on AirBnB and VRBO, there is over 129 homes. He asked City Clerk Cantin to go on to see if that was happening in our community. We found there were 12-14 homes and some were cross listed on both. It's not a level playing field. It's a smack in the face to our hotel owners. Right now, the 5% Lodger's Tax, the 1% Convention Fee, and the 8.5% GRT our hoteliers are starting out at a 14% disadvantage. As you all know he has a background in business and all he ever wants is a level playing field. They have a different playing field when someone owns their own home, but what he's concerned about is where we will be five or six years down the road. When we have big events in the future when we are expecting 1200 people, where are they going to stay. He just went these businesses to be in the same boat as the hoteliers and collect the GRT, the Lodger's Tax, the Convention Center Fee and they would have a business license. It's very simple to track that because we can go on the website. With that, he asked Gina Kelley to send him some information and then he got a phone call from Jen Shroer who is the President of the New Mexico Hospitality Association asking for support at the city level just one thing and that is to take out that three or less room exemption. You would no longer need to have more than three rooms to be eligible. They have a bill in the house that is doing this now and his personal suggestion is he would like to see how this plays out in the Legislature and if it passes with the Lodger's Tax ordinance in what they call the G exemption, which is the three rooms or less. It's a letter of support they are going to all communities and Lodger's Tax establishments to ask for this support. He added presently Truth or Consequences 19 listings on AirBnB, the VRBO has 10 listings. Some of the listings might be the same, but we know there are 19 businesses under the radar at this time.

Commissioner Clark added the city does require a homebased business license if the person is doing business out of their home. Many of these places have violated the home based business requirement the city has. It is the New Mexico Hospitality Association is one of the second largest organizations in the state. To push something like this is huge and she thinks it's ridiculous for us not to join in with them. Three, the Health Department requirement is five rooms where three is for Lodger's Tax. And she believes there is a 30 stipulation, if they rent it for less than 30 days then they don't need to pay GRT. With that being said, it's the best idea for us to hop on the back of the New Mexico Hospitality Association and we should take a look at the City's homebased business already.

Mayor Green assumed if he owned a house and was renting out his house that he would certainly want his house inspected by the Fire Chief for safety and to make sure if something happens nothing can come around and bite me.

Commissioner Frankel moved to approve Letter of Support to the New Mexico Hospitality Association to remove the three room minimum requirement for Lodger's Tax at this Legislative Session. Commissioner Clark seconded the motion. Motion carried unanimously.

If there are any specific points, they would like him to talk about please send them to him.

7. Discussion/Action: Selection of a Date for Public Forum for end of February, early March. Steve Green, Mayor

Mayor Green presented this Public Forum has been done back since Mayor Mulcahy was here. He liked the form City Clerk Cantin came up with to have them write down their comments and what topics they would like to discuss. He asked City Manager Juan Fuentes if he has any preference if it's in February or March. City Manager Juan Fuentes responded he did not have any preference. Commissioner Clark suggested holding it from 4-6 and reminded them we could also have it at the Commission chambers or the Lee Belle Johnson Center. They reviewed the schedule and selected Monday, February 27th between 4:00 p.m. and 6:00 p.m. at the Civic Center.

Mayor Green moved to approve the City Commission hold a Public Forum for input from the public at the Civic Center on February 27 between 4:00 and 6:00 p.m. Mayor Pro-Tem Whitehead seconded the motion. Motion carried unanimously.

J. REPORTS

1. City Manager

The water department is still working on a water leak by Tractor Supply for a number of hours. It's been difficult for them to isolate the area so they are still working on that. In regard to the question asked earlier about the Impact Fee Board, John Appel did meet with our staff regarding the Impact Fees and he will be meeting with him after this meeting to be able to move forward one step at a time.

2. City Commission

Commissioner Frankel has been in contact with Van Clothier and invited him to town to discuss the Water Report and Phase 1 of the drainage strategy. Mayor Green said to let him know if he needs help with a room.

Mayor Green asked City Manager Fuentes to check with Andy if there is money in his budget to absorb the cost and when would be a good time to hold the Spring Clean-up. So we can keep up with the clean-up Mayor Pro-Tem Whitehead started and Commissioner Hechler picked up on. And there was a March Saturday downtown that had about 150 people and he wanted to thank those who participated in that March

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because of the courtesy and respectfulness our citizens showed to everyone and it was democracy at its finest moment held here in Truth or Consequences.

K. ADJOURNMENT

Mayor Pro-Tem Whitehead moved to adjourn at 12:10 p.m. Commissioner Clark seconded the motion. Motion carried unanimously.

Passed and Approved this 14th day of February, 2017.


Steven Green, Mayor

ATTEST:


René L. Cantin, CMC, City Clerk