

**CITY COMMISSION MEETING MINUTES  
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO  
CITY COMMISSION CHAMBERS, 405 W. 3<sup>RD</sup> St.  
WEDNESDAY, JULY 12<sup>TH</sup>, 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 (Absent)

Mayor Green announced Commissioner Frankel is ill and is excused from the meeting. We wish him well.

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 and asked us to keep our veterans in our thoughts and prayers.

**3. PLEDGE OF ALLEGIANCE**

Mayor Green called for Mayor Pro-Tem Whitehead to lead the Pledge of Allegiance.

**4. APPROVAL OF AGENDA**

Mayor Pro-Tem Whitehead moved to approve the agenda for Wednesday, July 12<sup>th</sup> as submitted. Commissioner Hechler 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 next to the microphone.

Diane Lombardo, 704 Silver St. addressed the Commission related to:

- 1) She is here to talk about HR again and wonders if anyone talked to them about their deplorable and shoddy workmanship. Has anybody met with them and told them they are not doing their job completely and correctly.
- 2) The search they did on some of the past things had yielded a very sparse group of candidates. Few, if any that are even qualified. And let's talk about qualifications and minimum qualifications. Is it really in the interest of this city to hire somebody for a skilled position because they have minimum qualifications? Or is it better to say the search is ineffective and we need to do a better search. So how do you do a better search, well ok, the guidelines say ask the department head. In the case of the pool, who would be the department head who would know anything about the pool? Well probably not too many people. So who would you go to then? Well there are people who know about the pool so let's go talk to them to see where we can do a search. And then let's see, oh get on the computer and run a search of professional organizations. So we can get a professional person to run our professional or skilled position. That should take two hours and if you don't know how to do that I can get a third grader to look it up. She added to Mr. Fuentes, it is not his job to stamp shoddy incorrect work. It is your job to make sure they do their job correctly. It is not always best business as usual. And let's talk about minimum qualifications. You have a Driver's License, a diploma or GED, and you may have experience but you are looking for someone with higher qualifications. You need to expand your search and look elsewhere. There is a big difference between a Queen Bee and a Worker Bee. Not that they're both not necessary but there is a big difference. Qualifications count. Searches need to be done correctly. You are doing a disservice to this city and the citizens when hiring people to do a job they are not qualified to do.

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

- 1) He trusts they all received chart he spent many hours working on. He hopes they will peruse it and use it in making any further decisions on the Law Enforcement Complex.
- 2) Today he is here to speak about sidewalks. He congratulated Mayor Green for the self-deprecating article in the Herald, in which he almost took credit for the last ten years of bad street work. Because you have sat on this board for ten years and in that time, at a cost of anywhere between half a million and a million for our Street Department, we have very little to show for it. Currently we have lost seven, almost eight months of labor because they were working for the federal government on the highway project. This is beyond understanding. The contract is up, we are not done and the Performance Bond would normally cover what's left over that needs to be paid for. Where's the Performance Bond in this case? We are. The citizens of Truth or Consequences will be ponying up to finish the rather substandard sidewalk job that's being done on South Broadway. The North Date sidewalk job was done by a private contractor at twice the money and did maybe three times the work for a lot less area. They did 1.6 miles for \$700,000 and we are doing 1.8 miles for \$330,000. Where is the sense in that? Because we can work

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cheap. Kudos for helping the Federal Government with their budgetary concerns. Unfortunately he can't stay, he has other things to do today.

Undersheriff Dave Elston addressed the Commission related to:

1) Commented on part of the agenda about the City of Truth or Consequences maybe pulling out of Central Dispatch and maybe going to another system maybe MVRDA. What he would like to do is introduce to the Commission under the rule of 10-6-2-15, A the division requires the county and municipal Public Safety Answering Points (PSAP) within a continuous county boundaries consolidate the 911 calling and answering radio dispatch function within one consolidated PSAP in the county. Only the consolidated PSAP may apply to receive funding for E-911 Equipment, Maintenance, Training reimbursement, and E-011 taking calls and mapping equipment. The only exception to this is Bernalillo County and the reason for them to have separation is because of the size of the populations and how many officers per citizen. He doesn't have the exact numbers. But they have approximately one Officer per every 800-1000 citizens. Here in Sierra County we have approximately one Officer per every 400 individuals. The question he has is if the city decides to pull out, then the 911 calls would be directed to MRVDA and then back to the officers which will cause quite a delay in response. They do not know the area as well as our local Dispatchers who know the area quite well and can give better details to the officers.

2) The other issue is the consideration of using the old Armory which is an inadequate building and it probably needs to be demolished and/or replaced if that's the way the city goes. He thanked them.

Anne Gibson, Local Attorney addressed the Commission related to:

1) As she was a former Deputy District Attorney her concern about splitting up the Dispatch Services is we could have three different dispatch systems. The most effective way for Law Enforcement to be involved in the community is to keep it as narrow as we can as one unit. Having been a Prosecutor in both San Antonio, Texas and Albuquerque, NM, the most effective uses they were able to see as a Prosecutor and in Law Enforcement was that everybody was centralized. On top of that, you're looking at an additional cost. Now, we've got State Police who have their Office out of Socorro, we're talking about going to Las Cruces or Truth or Consequences just in keeping the Sierra County Sheriff's Department with SCRDA. We are not effectively supporting our Law Enforcement. It needs to stay as centralized as we can. If she thought she could go and wrangle State Police in on it, she would too. The more centralized we are the more effective we will be. We need to focus on what we need to do and to learn how to play in the same sandbox, if you will. Let's all work together. The city wanting to leave is not an appropriate way to protect the citizens of Sierra County. She encouraged them to take that into consideration. She encourages them to look at what we need to do to make sure people are safe. And not what's going to make one or two people really happy. It's the big picture. And having been a Prosecutor, she can tell them, the more they scatter this, the harder it is for Law Enforcement to be there at the time they need to be there, and be effective for the citizens. At the end of the day, you have control of this, but don't let one, or two, or three people control what's right for the rest of us.

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Ron Pacourek

1) Referenced his comments at the last meeting about how the new Member of the Impact Fee Board was appointed. They did not get to see an application, interview, or recommend the applicant. Because he got no response it appears there would be something underhanded going on here. He would like some kind of response to that.

2) He saw an article in the Herald on June 28<sup>th</sup> in reference to a ¼% interest tax for the Police Department for wages, and retirement and so on. It's in the paper that is supposed to generate \$275,000 a year. It said that budget for the Police Department for the five years was \$1.5 million that was the 2013 Fiscal Year. They spent \$636,000 and the question is where is the \$513,000? It goes on to say that the Herald sources say City Manager Fuentes wants to take half of the money to build the Police Department. Then it goes on to say there is an outstanding mortgage of \$127,000 and if this is true, then what are we doing and where is the optics there? And raising our taxes again, the Police Department has new cars and they look good. The other departments have new trucks. Yet, when it rains there is a river on Broadway.

3) Maybe on the agenda you could add comments on the previous meeting before regular comments. So if someone asks a question and you have an answer for it, you can stop pissing and moaning like he does.

Audon Trujillo, 506 W. Third

1) Speaking out against the Open Meetings Act Resolution and changing the meeting times to 9:00 a.m. He wants to speak against this resolution and ask why the Commission thinks 9:00 in the morning during the work week, is a good thing. Specifically meetings after 5:00 p.m. when workers are not working, is a good time for them. He never heard why the Commission moved them from holding meetings on Tuesday at 6:00 p.m. It wasn't because the City Manager had to get to his home in Sunland Park, so what was the reason for changing the Commission's meeting time? And why would the city attempt to bully an organization for changing their long standing meeting time because the city changed its meeting time and day? Frankly, he doesn't believe the Commission could adopt a more unsuitable time to hold their meetings, and obtain public participation from working adults who make up a large portion of the City's Voters. But after five years of attending meetings or listening to them on the radio, he doesn't think the City Commission is seriously open to public comment. It has been his experience that rarely do the Commission respond to public comment. He would estimate that less than ten percent of the time do Commissioner's respond to public comment. Instead they seem to tolerate it, sometimes openly resent it, but largely don't act on suggestions offered by the public.

2) On December 1<sup>st</sup>, 2016, he met with Mayor Green and Ariel Dougherty, and discussed a suggestion he had years ago about having the city write a letter of approval for an idea to improve access to the Rio Grande at four locations. Ultimately, this modest investment would reap benefits for more folks safely accessing to float the river, and more tourism dollars. Importantly, it would allow younger people and older people to enjoy the resources for the city. He has yet to get a response from Mayor Green. He would like a letter from the City Manager on this, but why doesn't the city have a special meeting for residents to come up with ideas to improve our community. Let folks develop their own powerpoints or slides or just present papers that would outline their ideas in detail the intended benefits from implementing their ideas. Some of these would be income

generating ideas, some will just improve quality of life ideas, some could be cost saving ideas that would benefit the City's coffers. Of course the city could just do what it is not doing, and discuss among themselves items they think would benefit the city and avoid input from the public.

3) He hopes the Commission has a meeting on Audit Findings for 2016 soon.

Sophia Peron, Truth or Consequences

1) She wants to talk about giving congratulations, she thinks we have way too many cops. But she doesn't interact with too many except the Chief. She tries to stay away from them unlike some colleagues of hers. If we need this many TCPD's let's get someone to subsidize it or something and then we can send these young cops on their way. The new Police Station is totally out of control. She read a couple of things that were talked about when Jaime Aguilar came to work in November of 2005. He met with Russ Peterson regarding presentation for the Kirikos site. No bid property purchase; then he met with Randy Ashbaugh; then he met with Earl Greer about the Nascar race track; then he met with Steve Roch who sold us the \$700,000 hospital property; then he met with Mike Kirikos again. Things are not as easy as they seem sometimes. When Mike told me he planned on carrying a note, she thought he owned the property outright. As it turns out, he had a mortgage on the property. Therefore, she is pursuing two different avenues for funding. No bid, \$300,000 purchase and it keeps going. By the next week, she's at Jaime Rubens office and he's writing the purchase agreement and it's on the next City Commission meeting for approval. So if your name is not Ashbaugh, or Whitehead, or Howell or whatever, you've got nothing to say here, so enjoy yourself.

2) As far as the lies that were spewed by Green & Hechler in the paper two weeks ago. At least this week, they quoted the real truth and what was said. And she also has the minutes that they attended and nothing derogatory was said about this town or anything else. They talked about how bad the Spaceport was being run. And the other day, a colleague said if a few people, half a dozen, poor retired folks put the kibosh on a \$250,000,000 project, they are going to pat themselves on the back. Community Activism.

#### **D. RESPONSE TO PUBLIC COMMENTS**

Mayor Pro-Tem Whitehead said all she can say is Wow, you folks have the audacity to come here and slam dunk us. She has to address Audon's question as to the change of the meeting times. She is the one who instigated the meeting time changes. And that's because she thought they, the employees, and everyone were fresher at 9:00 in the morning. Look around the room, here this morning is the same four or five people who attended our evening meetings. And you all are retired and don't work. And you all can get up in the morning and come to our meetings, unless you sleep in. So give us a break, this is why we changed our meetings to 9:00 in the morning. And about the river, she doesn't see anyone who is not floating the river and not floating safely. She floated the river a few weeks ago. She did not have a problem. Everyone she floated with enjoyed the day and they had a good time. So she said thank you and wow. And she IS a Whitehead, thank you! And she's proud of it.

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Commissioner Clark commented and thanked Undersheriff Elston for bringing that to their attention. She also read that statute and she had some questions that might be valid.

City Manager Fuentes wanted to put to rest the idea that Mr. Trujillo has been pushing for years. And that is that he doesn't live in T or C. He just wants to make it very clear to Mr. Trujillo that he has property in T or C and he has had property in T or C for the last six years. So put that thought to rest and please stop spreading the false rumor that he doesn't live here because he does. He's a property owner here and he's very proud of it. The other issue in regards to the SCRDA contract, he really would like to welcome the Undersheriff and the other individual to please stay for that item on the agenda for discussion. Because it's really interesting, the reaction that his email to the Commission and to the SCRDA Board has generated. He takes exception to the Undersheriffs representing the Sheriff's Department and undermining the vision of this Police Department and our Police Chief. He appreciates his thoughts but he disagrees with his analysis that that building should be demolished. That is the Sheriff's opinion but I think our Police Department and our Chief have a different vision. So please stay for that item. He thinks part of the information he is sharing will shed light on the situation.

Commissioner Hechler commented he has been paying attention to the hiring process in the city in the past year and the city has hired some exceptional people that he knows himself and he is proud that they are on board at this time. He thinks the city has done a much better job in the way they hired the candidates that have been selected. He thanked Mr. Fuentes for that. To Ms. Peron, he stands behind his comments 100%. He personally had a meeting with Mr. Ellengold and those are the comments that were made.

Mayor Green doesn't want people to think he's hurting capitalism in people wanting GRT. But he wants to save them some money. Don't go out and buy the newspaper looking for the article Mr. Fenn said he wrote. It doesn't exist, plain and simple. Yes, he was quoted in an article written by Mr. Archuleta. He did not write any article. And if Mr. Fenn can come and show an article that has his by-line on it, he offered to resign his position as Mayor and Commissioner immediately. He doesn't know what he is talking about and will just say things to stir the pot.

2) Mr. Audon, Mayor Green said he did meet with him to his idea about the ramps and he said he would check into it and another meeting was scheduled and he was stood up. And we had another meeting and he was stood up again. It was the third time he said to him, this is the last time. Then they did have a meeting, and he explained to Mr. Trujillo what the position was of the city and the Manager is, and why we felt it was not in the cities legal liable better interest to do what he wanted them to do. Now, he might not be pleased with the answer you got and you are entitled to that. But please don't sit here and tell one person that he blew him off and didn't respond to you. And if you don't remember the two dates at Denny's, oh thank you for that, you do remember. And you might remember that Mayor Montgomery, Mayor Mulcahy, Mayor Whitehead, and he have had town hall meetings open to the public for comment. He's sorry, but he's not going to give a personal invitation. Look it up and listen to the radio.

3) Enough of the snide remarks, you people are more intelligent than that. He knows that, he knows you. He knows you all from the community garden. He knows he busts his

hump for the community sometimes. Let's not be cute, it doesn't gain anything or bring anything to the table. Mayor Pro-Tem Whitehead called a point of order and asked the Chief to pay attention to Ms. Peron. Mayor Green continued we are open to suggestions and constructive ideas. Not one of us thinks we know everything. This is a partnership, who you elected to serve you. Let's focus on the message and not shoot the messengers.

#### **E. PRESENTATIONS**

1. Presentation of Medal, Award of Excellence to Officer Blacklock for his service to the City of Truth or Consequences. Lee Alirez, Police Chief

Police Chief Alirez presented a token of our esteemed gratitude to Officer Blacklock who will be going to the State Police Department. He talked about his tenure here, he's proved himself to be the right stuff.

Mayor Green said we are certainly thrilled, but not happy that we have lost him as a Police Officer, but thrilled that he will still be in town and keeping the GRT here.

Officer Blacklock said the last few years have been amazing working for the city, the Chief, Captains, and all of his fellow Officers. He has worked at a few different agencies and he hasn't had a Commission as supportive as ours. He appreciates that and wants to say thank you. He's disappointed that he's not going to be a part of the team of T or C PD, and where they are going to go. But he's excited to still be here to work with everyone and continue his career here.

Mayor Green wanted to comment it's always a pleasure to have Past City Manager, past Commissioner, Clerk, and past everything Evelyn Renfro to come to one of our meetings.

#### **F. CONSENT CALENDAR**

1. Public Utility Advisory Board Minutes, May 15, 2017
2. Accounts Payable for June 2017

**Mayor Pro-Tem Whitehead moved to approve the consent calendar as noted. Commissioner Hechler seconded the motion. Motion carried unanimously.**

#### **G. PUBLIC HEARINGS**

1. Public Hearing: Final Adoption of Ordinance No. 684 related to manufactured homes. Robbie Travis, Building Inspector

Building Inspector Travis presented the item that is before you is Ordinance No. 684 to provide for the additional placement of mobile homes in our city. Staff desires to amend section 11-11-2 to provide for tighter restrictions on mobile homes. They shall not be damaged and not older than 20 years old.

City Attorney Rubin said on Subsection B the "and" should be changed to an "or" which was the original consideration and should be included for final adoption. He read the entire section.

Commissioner Hechler thinks it's a great idea, but there is nothing if it's an immaculate condition to obtain a petition or inspection for approval in case there is an exception. Building Inspector Travis responded he thinks they can apply for a variance. One of the requirements is it has to meet HUD regulations. Commissioner Hechler said if we have that ability then he's fine with it.

**Opponents:**

Sophia Peron, homeowner and property tax payer of Truth or Consequences. She has lived where she is for 10 years. She has watched Randy Ashbaugh put in a trailer subdivision, she's watched Mario Maez put in a trailer subdivision, Ron Tenorio built a home across the street from her that's not finished in anyway, but he was allowed by Mr. Travis to pop in a mobile home. These mobile homes are not permitted anywhere on earth, but in T or C. They have lowered our property values and she doesn't see any records of property law some are in before 1980. Someone needs to study the state law and guidelines before they write up new T or C guidelines. It's a trash pit, they can't rent the houses we have now. We have a glut of homes and nobody's coming. Our Police Chief pulled out a dead man out of a trailer that's been rotting for 20 years that nobody will touch. We've got roaches and rot all over our neighborhood. Captain Morgan wouldn't go in there because he had a 45. She turned them into the state, they come in there once a month to see if it smells like he's dead or not. He owns a property next to the Brannon's down below them. They have a decrepit trailer there. Take the filthy unoccupied trailers off now before you put any more there. That's why everybody is leaving here. She does see any human input beside Fuentes and Travis who isn't an architect. She doesn't even know what he knows about building, he knows about moving trailers. She doesn't see any community involvement in this law. It's just a bunch of redlining because you guys don't have anything to do all day. So get a group together of people, get the P & Z Commission running. Running for the Peron's and the Fenn's, other people other than the Whitehead's and the Ashbaugh's. Thank you.

Mayor Green announced that is the only person who signed up. He gave others an opportunity to speak against the ordinance. Hearing none, he closed the public hearing.

**H. ORDINANCES, RESOLUTION, & ZONING**

1. Discussion/Action: Final Adoption of Ordinance No. 684 related to manufactured homes. Robbie Travis, Building Inspector

Building Inspector Travis had nothing more to add, they are trying to clean up mobile homes and he guesses she didn't quite get that and not let older mobile homes and trashy stuff in. He's here for any other questions they may have.

Commissioner Clark many years ago, she was concerned there were not subdivisions with mobile homes and other homes on the same block. She looked into that and had information from the state. She understands there has been a big push through the state



to allow them in residential areas. Building Inspector Travis confirmed and there are rules to allow them in the residential areas. He knows they do require them to be on a permanent foundation.

Mayor Green wanted to go on record there are three across the street from him which are in immaculate and he is proud to have them as neighbors. They are in better shape than some of the built homes we have here.

**Mayor Pro-Tem Whitehead moved to approve Final Adoption of Ordinance No. 684 related to restrictions on manufactured homes, including the change from “and” to “or” under item B of Section. 11.11.2. Commissioner Hechler seconded the motion. Roll call vote was taken by the Clerk-Treasurer. Motion carried unanimously.**

2. Discussion/Action: Resolution No. 01 17/18 Open Meetings Act. Renee Cantin, Clerk-Treasurer

Clerk-Treasurer Cantin presented Resolution No. 01, we made a change to this in April changing the meeting day to Wednesday. We generally adopt this resolution as the first one each fiscal year. She called their attention to No. 1 in the resolve clause, the second sentence says if the said meeting falls on a holiday, the meeting should be on a Wednesday following. We are requesting to change that to Thursday, since our meetings were changed to Wednesdays.

**Mayor Pro-Tem Whitehead moved to approve Resolution No. 01 17/18 Open Meetings Act, including the changing if the meeting falls on a holiday, the meeting will be held on the Thursday following. Commissioner Hechler seconded the motion. Roll call vote was taken by the Clerk-Treasurer. Motion carried unanimously.**

3. Discussion/Action: Resolution No. 02 17/18 declaring nonessential Surplus Property for August 2017 Auction. Renee Cantin, Clerk-Treasurer

Clerk-Treasurer Cantin presented the item, with the correction that it's actually Resolution No. 2 as the resolution reads. She read the list of items included and added that we have not received the Titles for the vehicles yet from Santa Fe, if we do not receive them, we cannot add them in the auction.

Mayor Green noticed there is no baseline value for the flatbed, Buick, and two Chevy's. Clerk-Treasurer Cantin said she will look it up on Kelly Blue Book. She will also add these are in somewhat poor condition. The vehicles that are useable have been transferred to other departments. Mayor Green thinks Andy Alvarez told him the cost of metal, and we could just sell it for the metal. We would just need a mechanism to pick up the car to put in their big open trailers.

**Mayor Pro-Tem Whitehead moved to approve Resolution No. 02 17/18 declaring nonessential Surplus Property for August 2017 Auction. Mayor Green seconded the motion. Roll call vote was taken by the Clerk-Treasurer. Motion carried unanimously.**

Mayor Green asked our City Clerk to introduce the young lady who is sitting behind her. City Clerk Cantin thanked the Mayor and introduced Mary who has been helping us in the Clerk's Office through Workforce Solutions. We are teaching her about records, how the Clerk's Office and local government works. So she invited her today to sit through the meeting and get more experience. Mayor Green said since he's technically challenged, she even helped with the copy machine.

## **I. NEW BUSINESS**

1. Discussion/Action: SCRDA Contract and future participation. Juan Fuentes, City Manager

City Manager Fuentes started off by adding that as well as the hospital, his job is to look out for the best interest of the city. And especially when it comes to financial matters. We have heard some of the comments from the Undersheriff and appreciate that. He shared the article that was in the Herald written by Mike Tooley with misinformation. He also read the email that was sent to the Executive Director requesting them to change their meetings due to the conflict with the City Commission meetings. The purpose was to discuss the city's future participation if there is no decision to change the date and time. The reason for putting this on the agenda is because of the financial obligation. Because they aren't willing to change the meeting, he is requesting that they bring any financial obligations to the City Commission for approval since they are the highest contributor. He read the email he sent to the Commission when he shared this information with them. Again nowhere in his emails did he say we wanted to move with someone else. He just doesn't want the city to be obligated if they are the biggest contributors to the entity. He showed in their books they have an ending cash balance of \$237,000, but you will see as a percentage, we are the biggest contributors to SCRDA. We contributed \$147,000 which came from the Police Departments budget. He showed the other entity contributions also. He asked them to keep in mind even the entities that contribute have two representatives on the board.

City Manager Fuentes also wanted to address some of the issues in the article. There was no place in the email where he talked about the agreement. He did talk about participation and not being obligated financially if we are not going to be there. There was a statement that we have to provide a year's notice. Nowhere in the agreement is there a section that states that. He read the section 8.3 in the agreement which states "a member entity may withdraw at any time from this JPA with the approval of the DFA." He just wanted to bring that up just for your information. He wants to make sure the public is not in the mindset that what he wrote is accurate, because it's not. The reason he presented this item, he stated in his emails.

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He also referenced the letter that was written by Chief Tooley. He also pointed out that neither Chief Tooley or Mike Tooley who wrote the article ever reached out to him for information or facts. They wrote it based on their own opinion or whatever information they used, but it was certainly not with his input. He wanted to address the issue of whether the ISO rating would be affected. He stated that is inaccurate. If you look at our ISO communications, it only represents 10% of the evaluation process. What he is stating implies that there is no other service provider that could provide either the same or better quality of service to our Police Department. He told the Commission, this was not the original intent in putting this item on the agenda, but he does want to bring it to their attention there are other providers that can offer a cost savings of over \$80,000 if the Commission decides to pursue that. Again, we just want to address our right to be involved in the decision making and if they don't consider it, then we want to reserve the right to have the Commission act on any financial obligation it may cause the city. The reason he is bringing it to their attention is if they see an agenda item for SCRDA request for funds, you will know why it's there. If we cannot attend you will have the City of Elephant Butte and the Village of Williamsburg obligating the city of funds when we are over 50% of the contribution. In regards to the issues with the Fire Department he will address it in his Manager's report.

Commissioner Clark first asked if SCRDA has always had their meetings on Wednesday, did it create the problem when we moved our meetings? City Manager Fuentes confirmed that is true.

Commissioner Clark's second question in the agreement when it says a notice is to be given, when she is reading the statute, she is understanding there is a requirement that the PSAP that has to be consolidated in the county. And when one is consolidated the PSAP has to be open 24 hours. So if we're required to participate and have it consolidated, is the JPA a conflict of what it says in the state. City Manager Fuentes responded before he answers that question or addresses that, he asked if it's something the Commission wants to consider. Commissioner Clark said it's a question that just came up, because she's wondering if we can even consider it. City Manager Fuentes brought that up because it was written in the article, not because we wanted to explore that. But if there could be a significant cost savings because of the participation, then we could go back and do research and look at those legal issues. City Attorney Rubin wanted to clarify which statute she referred to. Commissioner Clark said it was NMAC Title 10-6-2

Commissioner Clark continued and asked about the towers and wireless service that will need to be available. It has to be the best service and we were talking about a tower on water tank hill. Are we even capable of doing that?

City Attorney Rubin said his understanding is this is just on the agenda for discussion, and if they want him to he could do some research and bring that back.

Mayor Green has some concerns and stated, "If your grandfather is writing the check for \$40,000 a year to go to college and he asks you to do him a favor and get him a glass of

water, and you say No, go get it yourself." What a waste of time. What a waste of staff's time that we are even discussing this. Because the largest financial contributor to an organization is asking a simple request. We want to be there and want to represent our citizen's dollars responsibly and they won't even consider changing the meeting. He doesn't know who it was, but he would say it's one of the worst decisions they have made. You do not bite the hand that feeds you. He doesn't know who is advising this board, and he has nothing against the quality of the service they provide. He applauds it. We've always paid the money to the organization to exist. But not just because we decided to change our meeting date, which was needed. He feels they takes us for granted and he hates us being put upon over and over again and we don't have a voice at the table. No way! Not on his watch, not on his vote!

City Manager Fuentes thanked them for allowing him to present this item. He hopes the members and those present have heard this.

Mayor Green would like to have all of the facts so we have the best information for our Police Department and citizens.

**Mayor Green moved to approve investigating if there are other possibilities out there to perform the same services for our citizens, give the Police Department what they want and would not interfere with our ISO rating as eluded to in Mr. Tooley's email. Commissioner Hechler seconded the motion.**

**Mayor Pro-Tem Whitehead would like to add whether it will be an additional cost to the community because if we go out from SCRDA to anyone else are we going to have a bill that will incur because of this and will cost the city more. Mayor Green agreed to amend his motion and include this to give us a full blown picture and can make an intelligent decision. Motion carried with a 3-0-1. Commissioner Clark abstained.**

Mayor Green asked City Clerk Cantin about the ability to abstain without a conflict of interest. He was told by the Municipal League that unless there was a direct conflict of interest or an appearance of a conflict, it is a requirement of a Commissioners to vote. He knows we have had this at almost every Commission he has served on. City Clerk Cantin responded in our Rules of Procedure it does state that the Commissioner should cast a vote, and with an abstention, should be a reason stated for the record.

Commissioner Clark said she abstained because she has read the Administrative Code and she's not sure it's worth our time and effort and energy to determine whether there is another service provider until we answer whether we can even do it or not. And she would rather have the lawyer have that clarification for us before we spend the time and energy to do the research work and find out we possibly can't do it at the end of the day. City Attorney Rubin suggested wouldn't that be more accurate to actually vote against the motion then? Commissioner Clark stated if he would prefer, she would say nay. Her reasoning is she doesn't believe we have accurate information on the legality of what we are trying to do before we go forward with anything. City Attorney Rubin suggested then

maybe it would be better to have the nay vote and go from there. Commissioner Clark agreed.

**Motion carried by a vote of 3-1-0. Commissioner Clark voted nay.**

2. Discussion/Action: Creative ways to raise money to fix roads. Steve Green, Mayor

Mayor Green recapped it was brought to his attention that we have the lowest municipal property tax rate in Sierra County and there are 106 municipalities and on our Residential rate we are the 12<sup>th</sup> lowest and Non-Residential rates we are the 16<sup>th</sup> lowest. So he came up with a creative ways and he's had citizen's come up to him with an idea before on trying to privatize our solid waste collection system. And he did some work and it turns out it would cost our citizens a minimum of \$120 a year plus a subscription fee of \$130 a year. He didn't think we could sell our Solid Waste Division, or utilities, or water lines. He said boy you mention the word taxes and everyone leaves the room like you've thrown a grenade. But we've got to do something or we've got to do nothing. If we do nothing then we let the citizens know we aren't going to do anything and don't complain. A couple of thought. Do our streets need repaving, potholes fixed? He answered, yes. If we did this would it help maintain property values and possibly increase resale values? His answer was, possibly yes. Is it the Streets Departments fault? His answer was no. The reason is lack of funds.

Mayor Green said his suggestion is to put it on the agenda again and he will intend to put it on the agenda until we come up with something we can do to fix the roads. How do we do it? How do we get our hands on some money to fix the problem? Well we certainly don't want to mess with GRT. Because that's pretty high and he'll address that later on. Because once again there is misinformation in the Herald in the article Mr. Tooley wrote. So he thought we get \$146,000 a year of municipal property taxes with our Residential rate is 1.442%, Non-Residential is 2.180%; Williamsburg Residential is 1.587%, Non-Residential is 2.225%; Elephant Butte Residential is 4.225%, Non-Residential 4,225% So his thinking was simple. Who's going to gain the most using our roads? Who has the equity in our community but the people who own property in our community? The average for the state in Residential Property tax is 3.530% and we are 1.442%. We are helping keep that average low. 4.451% is the average for Non-Residential and we are 2.180%.

We are projecting a collection of \$155,000 for next year. He's not a wealthy man and he lives on a fixed income, but he can afford \$18.42 and not hurt his and Paula's lifestyle. He went on to state where we get our Street Department funding from this year's preliminary budget. He explained the Gas Tax we get 1% that goes to roads, we are eligible for Local Government Road Fund each year and we have a 1/8<sup>th</sup> of 1% earmarked for roads. When it comes to GRT, you have to be realistic. Eventually we will run out of hospitals to build and sewer upgrades that help our GRT and we'll be left with lower GRT. He explained it costs approximately \$60,000 to fix 800 feet of road. Foch St. took us five years on the LGRF where we did two blocks at a time.

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He would like to not spend a dime or money of staff unless that's the will of the Commission. He checked with Don Armijo how many miles of roads we have, approximately 48 miles; and we have 17 miles of dirt roads; if you include the land over the river that's about 22 miles. He gets that some people want to live on dirt roads but does that enhance the value of your property or do you any good. With \$60,000 we were able to do 800 feet of road this year. He gave some other statistics where dirt roads alone would cost \$6,800,000 and we haven't fixed one pothole yet. To just do Sims St. or McAdoo from Foch to Clancy and the little bit of Daniels is going to be \$175,000. So in his mind, he would love for a fellow Commissioner to come up with an idea, a plan, a program that would solve this problem as we move forward. He wouldn't even ask staff unless it's the will of the Commission to spend a dime of time, money, and treasure of staff. But if there is that will, he would ask Don Armijo to analyze what the streets department is capable of doing. He wants the money to be visually used. If it happens to be a property tax increase, they will see the work. He wants to know how many roads are really bad, how many potholes, what we can get done in one year, and how long it will all take. We can reduce the tax once the fix is over and will have a cushion for money for maintenance and for something that needs to be fixed.

Mayor Green added he also happens to know in the last month there are cents left in their budget because it's the end of the year. He doesn't want that to happen with us. That's his idea on how we move forward and if the Commission has the desire to move forward.

Commissioner Hechler has a couple of concerns. He agrees our property taxes are very low, but our other taxes are very high. When we look at our tax, it's all cumulative and it's all the same in that regard. He asked us to look at the debt service to see if anything is coming up and will be retiring anytime soon that might help us down the road. We should look at that first. Second, we as Commissioners make decisions all of the time, but we shouldn't make those absent of the public. We can have the Capital Improvement Plan and not make that solely as a Commission.

Commissioner Clark is not sure we have ever really looked or have seen different counties in the state. We are a impoverished county and she's not sure if it's an issue with other counties. Also is there something else we can use like we did for the sidewalk project on Broadway. Is there a possibility to do something like that on our city streets? City Manager Fuentes responded the pilot project on the sidewalks is we are trying to stretch the dollars the best we can. Once we complete that project we could look at similar funding projects. He believes Elephant Butte got a similar grant for sidewalks or roads, but we can certainly look at that.

Commissioner Clark thanked him, we have heard for years of people wanting us to pave their streets and having them think of what the answer may be to help fix our road. And you're taking the initiative to look and try to find a solution. Mayor Green mentioned he is not saying it's his way or the highway because he's only one vote. He just wanted to establish a dialogue with his fellow Commissioners. He's sick and tired of hearing people approaching the Commission saying they are poor. Yes, we have financial challenges in this community. They talk about the GRT is so high, etc. The paper talked about how we

are the 4<sup>th</sup> highest taxed and we are not. On the state website, we are the 14<sup>th</sup> highest and we are tied for 15 with three other communities. And this was effective July 2017. He read the exceptions which included pueblo land, water districts, and TID's. He reminded folks that if you're in a poor community the biggest expenses you have is food, prescription drugs, and rentals all of which there is no tax. He doesn't even like to use the word tax increase, but they are trying to do the best they can to look at everything. He continued with other suggestions to find funding.

City Manager Fuentes feels how we can put this in place is during our ICIP process that requires public input that prioritizes projects and try to have this inclusive to identify the issues. Mayor Green appreciates that and hearing that he will not put it on the agenda until we do that process.

Commissioner Hechler mentioned last year we found some funds when we needed to address the rodeo issues and asked if there is some residual revenue we can put aside for something like this. City Manager Fuentes said we are going to be working on the final budget in the next couple of weeks and we will identify that at that time. They were able to include one of the roads by City Hall but not both.

## **J. REPORTS**

### **a. City Manager**

- 1) City Manager Fuentes reported he and Traci met with the Architects on the Animal Shelter Project. It should be completed sometime in mid-September.
- 2) We do have a SVH Governing Board Meeting at 1:00 p.m. and he will be attending that today.
- 3) Friday is a statewide GRT Meeting with Taxation & Revenue and the intent of the meeting is how best to track and monitor the GRT because it is the major revenue source for all of the municipalities, as well as the Resolutions Committee meeting on Saturday.
- 4) In light of the SCRDA information, he'll be bringing a proposed ordinance in regards to the Fire Department because there seems to be some disconnect in regards to chain of command and also the accountability as to how it's operated and who oversees the assets of that department. One of the things that stood out in the letter he wrote to the Commission is towards the end of the paragraph, in the last sentence it states, they will continue to pay SCRDA even if the city decides to cancel the contract with SCRDA. He put it before them that the Commission oversees the finances and all of the assets. This is not a separate entity. He thinks to avoid any future conflicts, he wants to be able to clear that up not only for himself but for future managers and Commissioners, and where that volunteer organization falls within the city.
- 5) Finally, when we work on projects, he received a statement from a previous employee. Vision is not seeing things not as they are but as they could be. Sometimes it's difficult to see that when we are talking about the Law Enforcement Complex. He referred to the Armory and showed the potential for the new building, it's not the final, just a rendering. It goes to show, this is the potential possibility for this building. It's a great exciting project.

### **b. City Attorney**

City Attorney Rubin wanted to clarify where we are on the list of the highest taxes in the state. Mayor Green said there are 14 communities that are higher in GRT rates than Truth or Consequences and there are two others that are tied with us. He clarified we are not talking about property tax.

c. City Commission

**Mayor Green**

He appreciates the support on the welcome packets and the support in sending the thank you cards to each who request a packet. He read a letter received by someone who works for St. Jude Children's Research Hospital on receiving the packet. She thanked them and the Chamber for the packets and she is looking forward to moving here.

2) The other thing in the Article in Herald under Off the Cuff. Maybe you're too close to home for your sources. They talk about when the GRT ¼% tax was initiated, it was to be used for the purpose of salary, personnel, benefits, retirement, vehicles for the department and was estimated, and it goes on... And he thinks there was an IPRA request by Mr. Tooley, and he thinks he requested the minutes of the meetings that they discussed. Well discussion, is one thing, what you vote on and what the ordinance actually says is the law and the rule. The ordinance they voted for and was signed on June 14, 2011 talks about the ¼ of 1% dedication in Section 4 will be used for the purposes listed which is Public Safety. He was on that Commission and the reason they left it a little vague is because they felt the Police Chief has a better understanding of the department and what might be needed. So what Mike Tooley has spoken is only partial truth. Partial in that probably just discussions from one Commissioner talking to another. It's not what they voted on because they realized the Police Chief needed flexibility. So the snide remark of what happened to the \$513,894.90, and in that article Manager Fuentes' name appears, the Chief's name appears, and he is tired of it. Come on boys and girls we can do better than this. If you need to get more facts, he knows they are up against a deadline and want to produce a paper. So put it in next week's column and do your homework. He asked the Manager and Chief what this is about and if they were ever contacted about this. So, if you are going to write an article that throws two people under the bus, let's do the homework and do it right. He thinks that does not serve any purpose whatsoever.

3) He had a couple of questions on where we are with the Airbnb Ordinance and requested City Clerk Cantin to bring some information about the Airbnb ordinance and where we are with it to the next meeting. He suggested we ask people for their business license number and taxes are paid. We are looking for everything we can for funding. He also had some complaints about some unlicensed contractors coming into our community and doing business from legitimate businesses who are registered in our community and have paid the \$35 and are collecting GRT. He asked our citizens when you have them work on your property ask to see their T or C business license and if they don't have one, don't do business with them. They are defrauding the city of its rightful money. He would like to see a notice in the utility bills to all citizens. We are trying to look for ways that are honest ways to deliver better services. He reported at a COG Meeting he attended, the City of Las Cruces is looking at pop up businesses and those who set up as vendors for



an event to raise their GRT. They are going after food trucks, and flea markets to make sure they are all registered. He's seen tons of vendors and cars out there, are they covered, do they need a license, if they have one are they collecting GRT. It happens every Saturday. If we could do something or put a note on our utility invoices to have citizens check their contractors.

4) He reported this morning he was passed a business on Third St. with a trash can that was overflowing with recyclables. Remember we sell that. We need to pay better attention on recycling and use the resources we have in this community to make it better. We have our Building Inspector and other staff on one given day 50 people driving around doing their job, how long would it take to ship and email to Andy Alvarez, so he could notify the Recycling Committee to notify them what resources we have to make the community better. Shame on us if we don't follow recycling, it's a free gift.

**K. EXECUTIVE SESSION**

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

Mayor Pro-Tem Whitehead moved to approve going into executive session at 11:12 a.m. to discuss threatened or pending litigation (Hot Springs Land Development, pursuant to 10-15-1(H.7)). Commissioner Hechler seconded the motion. Roll call vote was taken by the Clerk-Treasurer. Motion carried unanimously.

Mayor Green reconvened the meeting in open session at 11:39 p.m.

Mayor Pro-Tem Whitehead certified 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 action was taken.

**L. ACTION ON ITEMS DISCUSSED DURING EXECUTIVE SESSION, if any.**

None.

**M. ADJOURNMENT**

Meeting was adjourned at 11:40 a.m.

Passed and Approved this 9<sup>th</sup> day of August, 2017.

  
Steven Green, Mayor

ATTEST:

  
Renee L. Cantin, CMC, City Clerk