

*Steven Green  
Mayor*

*Sandra Whitehead  
Mayor Pro-Tem*

*Kathy Clark  
Commissioner*



*Rolf Hechler  
Commissioner*

*Joshua Frankel  
Commissioner*

*Juan A. Fuentes  
City Manager*

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Truth or Consequences, New Mexico 87901  
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## REGULAR MEETING

THE REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO, IS TO BE HELD IN THE COMMISSION CHAMBERS, 405 W. 3<sup>RD</sup> ST., ON WEDNESDAY, JULY 26, 2017; TO START AT 9:00 A.M.

### A. CALL TO ORDER

### B. INTRODUCTION

#### 1. ROLL CALL

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

#### 2. SILENT MEDITATION

#### 3. PLEDGE OF ALLEGIANCE

#### 4. APPROVAL OF AGENDA

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

### D. RESPONSE TO PUBLIC COMMENTS

### E. PRESENTATIONS

1. Presentation of the FY 2015-2016 Audit. Chris Garner, Axiom

### F. CONSENT CALENDAR

1. City Commission Budget Workshop, May 3, 2017
2. City Commission Regular Minutes, June 14, 2017
3. City Commission Regular Minutes, June 28, 2017
4. Public Utility Advisory Board Minutes, June 19, 2017
5. Impact Fee Advisory Board Minutes, June 19, 2017
6. Airport Advisory Board Minutes, April 4, 2017

CONSENT CALENDAR *(Continued)*

7. Fourth Quarter Lodgers Tax Quarterly Reports for FY16/17 and Third Quarter Reports for Chamber of Commerce, Veterans Park/Museum
8. Acceptance of the FY 2015-2016 Financial Audit. Melissa Torres, Finance Director

G. PUBLIC HEARINGS

1. Public Hearing: Final Adoption of Ordinance No. 685 for the sale of 1310 Nickel. Robbie Travis, Building Inspector
2. Public Hearing: Special Use Permit for a Woman's Recovery Program at 819 N. Date St. Robbie Travis, Building Inspector

H. ORDINANCES/RESOLUTIONS/ZONING

1. Discussion/Action: Special Use Permit for a Woman's Recovery Program at 819 N. Date St. Robbie Travis, Building Inspector
2. Discussion/Action: Final Adoption of Ordinance No. 685 for the sale of 1310 Nickel. Robbie Travis, Building Inspector
3. Discussion/Action: Resolution No. 03 2017/2018 for FY 2016-2017 DFA4th Quarter Report. Melissa Torres, Finance Director
4. Discussion/Action: Resolution No. 04 2017/2018 approving the Final Budget for FY 2017-2018. Melissa Torres, Finance Director

I. UNFINISHED BUSINESS

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

J. NEW BUSINESS

1. Discussion/Action: Lease Agreement between the Southwestern Area Workforce Development and the City of Truth or Consequences. Juan Fuentes, City Manager
2. Discussion/Action: Appointment of a Voting Delegate for the NMML Annual Conference in Clovis on August 15th - 18th. Renee Cantin, Clerk-Treasurer
3. Discussion/Update: Update on the short term rental ordinance. Renee Cantin, Clerk-Treasurer

K. REPORTS

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

L. EXECUTIVE SESSION

1. Sale, Acquisition, or Disposal of Real Property (T or C Airport) *Pursuant to 10-15-1(H.8)*

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

N. ADJOURNMENT

**NEXT CITY COMMISSION MEETING AUGUST 9, 2017**

E.1



CITY OF TRUTH OR CONSEQUENCES  
COMMISSION ACTION FORM

**ITEM:**

Presentation of the FY 2015-2016 Audit.

**BACKGROUND:**

Chris Garner, from Axiom will present the Annual.

**RECOMMENDATION:**

None. Presentation Only. Action Item to accept the audit is under New Business.

Submitted by: Renee Cantin, City Clerk-  
Treasurer

Meeting date: 07/26/2017

# 2016 AUDIT RESULTS

August 26, 2017



# TRUTH OR NEW MEXICO CONSEQUENCES



Certified Public Accountants  
& Business Advisors LLC

## Our responsibility under U.S. and Government Auditing Standards

As stated in our engagement letter, our responsibility, as described by professional standards, is to form and **express an opinion** about whether the financial statements prepared by management with your oversight are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles. Our audit of the financial statements **does not relieve you or management of your responsibilities.**

Our responsibility is to plan and perform the audit in accordance with generally accepted auditing standards issued by the AICPA and the Comptroller General of the United States, and to design the audit to obtain **reasonable, rather than absolute, assurance** about whether the financial statements are free of material misstatement.

Our audit of financial statements includes **consideration of internal control** over financial reporting as a basis for designing audit procedures **but not for the purpose of expressing an opinion** on the effectiveness of the entity's internal control over financial reporting. Accordingly, we considered the entity's internal control for the purpose of determining our audit procedures and not to provide assurance concerning such internal control.

We are also responsible for **communicating significant matters related to the financial statement audit** that, in our professional judgment, are relevant to your responsibilities in overseeing the financial reporting process. However, we are not required to design procedures for the purpose of identifying other matters to communicate to you.



## Auditor's Reports

- Opinion on the Financial Statements
- GAGAS Report on Internal Controls Over Financial Reporting and Compliance and Other Matters



## CURRENT YEAR FINDINGS

- Design Deficiencies in Internal Controls Over Financial Reporting
- Capital Assets
- Financial Close and Reporting
- Travel and Per Diem
- PERA Reporting
- Late Audit
- Procurement
- Impact Fees



*Thank you!*



F1



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

**ITEM:**

Approve the minutes of the City Commission Special Budget Workshop for May 3, 2017.

**BACKGROUND:**

None.

**STAFF RECOMMENDATION:**

Approve the minutes.

Submitted by: Renee Cantin, City Clerk-Treasurer		Meeting date: 07/26/2017
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CITY COMMISSION MEETING MINUTES  
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO  
CITY COMMISSION CHAMBERS, 405 W. 3<sup>RD</sup> St.  
TUESDAY, MAY 3, 2017

**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.

**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 asked to let the record show Commissioner Frankel is excused and will make every effort to attend this afternoon.

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

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

**DEPARTMENT HEAD PRESENTATIONS & FY 17/18 BUDGETS**

**Overview of the day's events/format – Juan Fuentes & Melissa Torres**

Finance Director Torres began by presenting the overview of the days events and the basic overview of the budget. Their presentation is included in the agenda packet.

City Manager Fuentes wanted to emphasize is we want to make sure we are meeting the public and Commission's expectations for the next fiscal year. We want to make sure we are including those requests and the will of the Commission, as well. He asked them to jump to the page with the preliminary figures.

Finance Director Torres continued they wanted to highlight our estimated revenue. At this time its \$3,671,083, the shortfall is \$1.6 million, our net transfers are \$1.1 million, the preliminary expenditures is \$5.3 million. She showed the graph with the 9 year trend. She explained how the numbers for the Preliminary Revenues are projected. We have to be careful not to put unreachable numbers so we have conservative numbers.

Transfers in are 32% of our General Fund and we are trying to wean ourselves off of the transfers. Salaries and Benefits are at 59% of our budget and 31% is for operations. She explained the transfers for certain departments for example, Phase 3 at the Airport has to be completed; and the Streets projects for repaving. Finance Director Torres pointed out the salary increases which represents some higher rates to help us be more comparable with other entities to draw employees.

City Manager Fuentes went over the FYE 2017 Projects that were completed and the FYE 2018 projects and where we are with those. Starting with this year, we completed the Healing Water's Plaza; Wastewater Treatment Plant – Phase 1; Fuel Farm – Phase 1; Landfill Closure; Water System Per/AMP; Electric System PER/AMP; USDA Vehicles & Equipment; Rodeo Arena Improvements (ongoing); Fire Dept. Admin. Office; Phase 4 of the Polycart Transition; FEMA Floodplain Update; 2015 LGRF Project; City Hall Roof; Louis Armijo Park Scoreboards (partnership with Rotary); Louis Armijo Little League Field; Airport Runway/Taxiway Improvements; Recycling Grant Equipment; and Electric Department Storage building (by June 30<sup>th</sup>). He continued coming up the list we have includes: Sims/McAdoo Rd. Rehab (local/private funding); Animal Shelter (local/state); Law Enforcement Complex (local); Wastewater Treatment Plant – Phase 2-A; (local/state colonias); CDBG Sewer Rehab Project (state/local); Fuel Farm – Phase 2 (state/local); Water System Phase 1 (federal/local); Fuel Farm – Phase 3 (state/local); Electric System NMFA Application (state/local); Dog Park (local); Water/Electric Meter AMI (local); Soccer Field (local); Ballfield Improvements (local); Turtleback Mountain Landfill (local); SJOA Legislative Appropriations (state); Local Govt. Road Fund Project (local/state); Broadway Sidewalk Project (state); USDA Water System Phase 1 (federal); Veterans Wall (state/local); Electric Capacitor Upgrades (local); Electric Testing & Maintenance (local); Electric Battery/Enclosure (local); IT Police Dept. Upgrades (local); IT Municipal Court upgrades (state/local); IT City-Wide (local); and New School Road Radar (local). Those are the projects we have on the list, and Melissa notified him that's not enough, so we will put more up there.

City Manager Juan Fuentes continued the next slide shows the city's debt as requested by Commissioner Hechler. We do have some high interest loans that are due for refinancing for instance the Police Department Loan, we have an outstanding balance of \$140,000 and we are looking at moving forward with the Law Enforcement Complex. But some of it our debt is so low that it's not worth refinancing it, we are just going to pay it off. He reiterated if the Commission doesn't see something on the list that has been discussed, to please let him know. They look as much as they can for grants, but the reality is grant funding outside of Water & Wastewater & Public Safety are very limited. This means we are going to have to get some low interest loans. The just got an email from the Clean Water Revolving Fund letting us know they lowered the interest rates to around 2%, so that would be great to go for some of our projects, but not yet because we are working on the USDA Application for Phase 1 of the Water System. It's hard to get away from loans, he let them know which projects may require a loan.

Commissioner Clark had brought up the cost of health insurance from the State of Utah that looks like it could shave off about 10%. She also said on the recap it shows \$812,000

in debt service and the presentation shows \$635,958. So we need to take a look at that. It seems to her we have to be careful how much more we put on ourselves because we also have to be fiscally responsible.

City Manager Fuentes clarified where the \$812,000 in debt service is. He believes she was looking at the budget recap which is the estimate ending cash balance and is not the debt service. Commissioner Clark asked how many years we are set for debt payment. City Manager Juan Fuentes said most of them are still out 5+ years, with the exception of a small one for water that is just a couple of years.

Commissioner Hechler wants to make sure when we do the IT upgrades, we incorporate fully upgraded system so everyone could talk to each other and have similar software so everyone is on the same thing. He would also like to see more Christmas lights for the north and south ends of town and some that go across the streets. So we can welcome our visitor's on the outside of town.

City Manager Fuentes let them know the IT upgrades for the PD and Court will be specifically for them. The PD will be so they can do license checks and nobody can have access. The Court is also to provide security as well. But some of those will be networked so everyone will have access.

Mayor Green thought it might be useful to write an article to list projects completed in 2017 titled "your tax dollars at work" or "your dollars at work" to the citizens of Truth or Consequences.

Each of the following departments presented their budget. A hard copy of the preliminary budget they presented from and any presentation they may have submitted for the meeting is a part of the agenda packet at the Clerk's Office.

#### **City Clerk's Office – Renee Cantin**

City Clerk Cantin presented the changes which included an increase for the March 2018 Election and the addition of the searchable online Code of Ordinances fees.

Mayor Green asked about travel, City Clerk Cantin let them know it's under Mileage reimbursement, per diem, and training and split between those. Mayor Green asked if there is any piece of equipment that is missing that would make life easier for the Clerk's office? City Clerk Cantin said they got a new computer for the scanning station so a new scanner would be nice, but she didn't include it. She added some shelving for records is important and she does see a need for money for the records destruction. Mayor Green asked some questions about how long records need to be kept. City Clerk Cantin responded it varies depending on the record, but we are way behind. Mayor Pro-Tem Whitehead asked how much a new scanner would cost. City Clerk Cantin responded for a high volume scanner it would be between \$2,000 - \$2,500.

Discussion was held related to travel and if it would be better for us to have a new vehicle for travel instead of mileage. City Manager Juan Fuentes let them know some prefer to take their own vehicles. It was also mentioned guests cannot ride in city vehicles. Discussion was also held about allowing employees to do actuals due to the increased cost of hotels and the daily per diem of \$85 does not even cover the room anymore and most employees pay out of their pocket to travel. City Manager Juan Fuentes added each department has the flexibility to transfer more funds to the travel line items and if they use it up in the first few months, they may have to take a city vehicle to save money. Commissioner Hechler asked how they go through the process of the amount of training. City Manager Juan Fuentes said for the most part it's the trend of how much travel was used before. Commissioner Hechler feels it's good to see the certification that goes along with that training. City Clerk Cantin added she does look very closely at the trainings they will be attending and explained the Clerk's Institute and Academy where three people were traveling and had to leave at different times so mileage would be required.

### **Library – Pat O'Hanlon**

Ms. O'Hanlon presented her budget which has little to no change other than payroll has decreased by about \$20,000 because they adjusted personnel. Instead of running 4 Full Time and 1 Part-Time, they are running 3 Full-Time, and 3 Park-Time. The flexibility is really paying off. Their state accounts are fuzzy because of what's going on in the state. So far the Governor hasn't vetoed any state library grants.

Mayor Green asked about the other city's contributions and whether it's a combined contribution. Ms. O'Hanlon said that is the amount she has requested and it may or may not come in.

Commissioner Clark brought up the increase in health and insurance. The difference in health insurance is huge even with payroll going down.

### **Municipal Court – Beatrice Sanders/Margaret Clanton**

Court Administrator Margaret Clanton presented their budget is pretty close to last year other than an increase in insurance.

Commissioner Clark asked if we have any idea why insurance has gone up so much. Finance Director Torres said our insurance is based on the rates for the State of New Mexico. City Manager Juan Fuentes added we pay 80% of the insurance for employees and some of the employees may have opted out of insurance and if we have a new employee and they choose to have employee plus family and that will show an increase. Commissioner Clark said that is a hit. Ms. Clanton added the AOC also went down. City Manager Juan Fuentes added those expenses are reimbursed by the state.

### **Service Center – Joe McDonald**

Mr. McDonald reported nothing has really changed, they can operate basically on the same thing they did last year. They have a few newer vehicles so they will have less break downs. They have cut down on mileage and oil changes which helped.

Mayor Green asked if there was any equipment that would be useful for his department to make it more effective or things we could do in-house because we have the capability but we don't have the equipment. Mr. McDonald said they aren't looking at purchasing anything new this year. He doesn't feel there is anything his department needs and the roof is doing well.

Commissioner Clark was concerned about the capital outlay from the last two years was \$19,000 and this year there is nothing. City Manager Juan Fuentes said in regards to Capital Outlay he didn't have any new requests. Last year he purchased the lift. He had a scanner previously that was separated between departments. Commissioner Clark was asking about some departments taking a cut to fund other projects. City Manager Juan Fuentes let them know this budget he commended the departments who have stayed within what they have. There is still a possibility for some adjustments. Joe said the reason he cut that out was because right now, he doesn't need any big purchases. Mayor Green added they wanted to make sure this wasn't reduced to pay for some Non-Profit.

#### **Fire Department – Paul Tooley**

Fire Chief Tooley submitted a presentation. He requested line item for telephone to be removed and put into the state fire fund for charges. He also reviewed the State Fire Funding, he is anticipating a carryover because of the changes where they may not receive any money until October or November. He also reviewed the addition of the New Administration Station which will bring more revenue, minus the payment for the New Truck. Capital Outlay will fluctuate according to what they receive and they will adjust the expenses according to that also.

Mayor Green asked under fuel if its diesel, Fire Chief Tooley confirmed they are all diesel. Mayor Green asked if buy the diesel through the Government Contract. Fire Chief Tooley said no, they buy it through a third party, Testin Chevron. And the reason is, there are times at 2 or 3 in the morning they will need to fill up. They had an account at B & H oil and it was a real pain.

Mayor Green asked for clarification on the math with the addition of the new Admin. Office. Fire Chief Tooley explained the amount and the difference which includes subtracting the truck payment. They worked hard to increase the revenue so they don't have to come and ask for money from the city. Mayor Green asked him to extend the Commission's heartfelt appreciation for everything they do to for our community.

Mayor Pro-Tem Whitehead asked about the traffic on Date St. and how we can make that a better area for an emergency. Fire Chief Tooley said the light has been damaged for two years and they finally got the Highway Department come in and take a look at it. They do have the capability of turning it red from their Fire Truck for about 45 seconds and then

it goes back to flashing yellow. Right now, it just flashes off instead of yellow. They are working on that. They would love to see that go to a regular stop light which they can control. Mayor Green said it was brought up at a meeting the DOT attended and they reached out to the Engineer in Deming.

**Recessed at 10:19 a.m. and reconvened at 10:26 a.m.**

### **Electric Department – Bo Easley**

Electric Department Director Easley presented his budget. The Gross Receipts for yard lights and electrical has gone up a little bit. The Utility Services has gone up a little bit, they are doing more services for everybody. The Merchandise and Jobbing includes two big projects including the Hospital and the High School Fitness Center which should be starting somewhere around August. The Miscellaneous pole rentals, are TDS and Windstream, they are looking to issue new contract for that. Expenditures basically stayed the same. Maintenance on vehicles has gone up, and they bought a new bucket truck this year. Safety equipment went up to purchase newer equipment this year and telephone went up to add a cell phone instead of using his personal. Franchise tax has gone up because of the agreement with Williamsburg.

Mayor Green asked about the franchise tax, he knows we supply Williamsburg and we're responsible for the maintenance of the poles and wires involved in the delivery. He asked why Franchise Tax went from \$2200 to \$18,000. Finance Director Torres said one of the things is we are collecting more. Our billing is collecting more money from our customers, so we turnaround and show that as an expense. Mayor Green added so they are charging us to come into their community, a certain franchise tax on the billing. Finance Director Torres confirmed it is being added to the customer's bill. City Manager Juan Fuentes added it's not coming out of our pockets. Finance Director Torres added it's what we collect we turnaround and show it in expenses. Commissioner Clark asked if the pass-through is built in the Utility Services and goes out as Franchise Tax. City Manager Juan Fuentes confirmed that is correct.

Commissioner Clark asked for clarification on the more for Utility Services. Electric Department Director Easley let them know it's for new meter cans and water. Commissioner Clark also asked Electric Department Director Easley to explain the Merchandise and jobbing. Commissioner Clark then asked about what we were paying interest on and there is no more for this year. City Manager Juan Fuentes said they will check on that number. Last year they included a number of investments that we had for Electric. Discussion was held about an estimate for the Hospital and Fitness Center. Finance Director Torres mentioned one of the new rules they learned at the DFA training is until a project is signed, sealed, and delivered, we are not to put it in our budget. At that time we will bring it to the Commission for approval.

Electric Department Director Easley went on to bringing back training for his employees. To become a Journeyman it's a 4 year class. He went over the cost of tuition and books. They would move from Apprentice to 3<sup>rd</sup> Class, then 2<sup>nd</sup> Class, then 1<sup>st</sup> Class, then

Journeyman Electrician. For all three people they are looking at a little over \$3,300. They want to buy and F150 for the Meter Reader Truck, he has already bought two trucks this year and is working on getting their Fleet upgraded because it's in really bad shape. They also need a new Vector Truck for the Water Department. They are in the process of putting up a new building to reconstruct the current building into offices and a conference room. Tesla is coming in to put in a charging system at the Holiday Inn. We wanted to put it in downtown, but they want it at the end of town so people have an on and off the highway to charge their vehicles. He also wanted to look into an electric car to use for training and building a charging system to put around the Healing Water's Plaza. City Manager Fuentes added if you looked at the city we are rather compact and these vehicles would be a great benefit in not having to use fuel and we would pay ourselves back for the electric. This is a beginning proposal to see if we want to move forward. Finance Director Torres added for Administration we have two vehicles, the Taurus is at 1990 and the van is 2000. This would be a great thing to get new vehicles.

Commissioner Hechler asked if there is any potential to move the facility to another location that is not in the middle of a housing area. City Manager Fuentes says he's brought that up, but it goes back to where we get the money. He talked about a consolidated facility by the Service Center for all of the Enterprise Departments that may also be able to share staff and support each other. There is also space by the Wastewater Treatment Plant that could be use. That would be combination of in-house financing, and loans. So he agrees with him 100%. Commissioner Hechler suggests that we put something like that together 4-5 years down the road. Electric Department Director Easley said his only problem is the substation is right there, so the location works for them.

Mayor Green complimented Electric Department Director Easley and his staff for putting money in to get them certified and give them an opportunity to increase their work skills and possibly for promotions. He asked City Manager Fuentes if there is a direct correlation of a decrease in our budget for them getting certification. City Manager Fuentes responded it could affect the NMSIF experience modifier. Mayor Green asked if we have any type of reward program to make staff understand that if they are safe and cautious they have the power to make a difference. City Manager Fuentes said through the trainings they offer he feels they are aware and there is not a widespread carelessness in any department. During evaluations we emphasize the importance of safety training and that makes a difference.

### **Sanitation & Recycling – Andy Alvarez**

Sanitation Director Alvarez gave his presentation which is part of the agenda packet. He's looking at two new Supervisor positions, one is the Sanitation Supervisor, and another one for the Scale House position.

He began with the 505 Account which takes care of the Solid Waste Department.

He reported on the Govt. Gross Receipts TR-Joint Utility which is 5% GRT from Business in the City; Utilities Services which is Revenue from Trash Collection from Residential and

Commercial Business; Non-Payment Penalty 8% which is Revenue Collected from Late Fees and Red Tag Fees; and Misc (Recycling) which is Revenue from Vendors who pay us for Recycling Material (Metal, Aluminum, Shredded Paper, Mixed Paper, & Cardboard).

Sanitation Director Alvarez added the revenues are up because of the collections and the Village of Williamsburg. The in-house dumpsters have been nice and have people on staff who can repair them. He change shift times to save money on expenditure for overtime. Mayor Green asked when you make that decision to change hours, how do you notify the public. Sanitation Director Alvarez confirmed we do PSA's through the Sentinel and the Herald and they can put it on the bill. Commissioner Hechler also suggested that we post the days and hours we will be closed on the Website.

Sanitation Director Alvarez went on to the 507 account which is the Collection Center. He explained each of the Revenue items which are included in his presentation. Revenues are currently up this year.

Mayor Green asked what we have done with all of the dumpsters we have taken out of the alleys. Sanitation Director Alvarez responded a quite a few of them were sold in the auction last year. The majority of what is left is at the collection center and they are going to refurbish them instead of replacing them new.

Sanitation Director Alvarez continued some of his goals are to replace one of his side loader dumpster trucks. The oldest is a 1995 and two are in the shop and two are in the field. He needs three to keep operating. He has a price of \$170,400 which is something he's got to have. Now that he's down two trucks he is going to start running a cardboard route until they are up and running. Mayor Green asked what he does with staff who don't have a vehicle to keep going. Sanitation Director Alvarez responded they work on the yard, clean weeds, paint, and he keeps them busy.

Mayor Green asked when they will be working. Sanitation Director Alvarez said one should be ready next week. Older trucks can be taken here and newer trucks need to be shipped to El Paso.

Sanitation Director Alvarez continued one of his goals is to get some property for a composting facility. He would like to keep a lot of this green waste from going south which would save in transportation. He explained the process to get this done. He also needs a nice sized chipper to save some money. Also in the future a computerized scale attachment for the poly cart truck for weighing residential waste to lessen the customer cost and help to implement curbside recycling. He explained how it works, it will let them know the weight of the trash so they can keep the cost down to help them increase recycling. They also need a second backhoe, one works six days a week, all week long. If it goes down he has to borrow one and it can be costly. Traci is help and look at a USDA grant to assist in purchasing one for them. He also mentioned a GPS System for the Trash Trucks for time management, fuel consumption, preventive maintenance, and location where they will be able to track the trucks. He is looking at a company that

contracts for around \$3,000 a year which would help him track the trucks to see where they are at. If they stay on their routes, he can save gas, wear and tear on their tires, etc. Mayor Green asked if he is hearing that he feels not all members of his staff are giving him 100%. Sanitation Director Alvarez responded when he gets a Second in Charge he will be able to send him with the drivers to make sure they are making it through the routes in a timely manner. City Manager Fuentes added this system will just maximize the routes and is a management tool a lot of services are implementing. It will help to better manage their resources. Sanitation Director Alvarez added he will be looking for funding for the BLM Landfill to restore it.

Commissioner Clark asked 507 nothing for maintenance vehicles and 505 has plenty for vehicles. Sanitation Director Alvarez responded, the 507 will need maintenance line item in there. Right now, maintenance is coming out of the 505 and needs to be moved to the 507. It's for everything.

Mayor Green noticed on diesel fuel, it's down almost \$9,000, he wondered why he is projecting a smaller amount. Sanitation Director Alvarez responded in looking at his budget he didn't use that much last year and it was moved to another line item. Finance Director Torres responded with information about the accounting line items. When working with the departments we went over what it should have been moved to instead of doing it in the middle of the fiscal year.

Mayor Pro-Tem Whitehead had a question on 505 Dues & Subscriptions has a big increase. Finance Director Torres responded it is used for the bonds and was one of those lines that was in the wrong accounting line so they made that adjustment.

### **Police Department – Lee Alirez**

Police Chief Alirez presented his proposed budget. The presentation is part of the agenda packet. He talked about Community Orientated Policing and Problem Solving. "*A philosophy that combines traditional aspects of law enforcement with prevention measures, problem-solving, community engagement, and community partnerships to address quality of life issues*". He also talked about the broken window theory where you consider a building with a few broken windows. If the windows are not repaired, the tendency is for someone to break a few more windows. Eventually, they may even break into the building, and if it's unoccupied, perhaps become squatters or light fires inside. That is something we have seen here. Consider a vacant lot or property. Some litter accumulates. Soon, more litter accumulates. Eventually, people will start leaving bags of refuse and the area surrounding this will eventually mirror this property. Some of these scenarios sound familiar in our community. There has been serious discussion of joining Code Enforcement with the Police Department starting in July of this year. This would be a welcomed addition, and falls in line with our Community Orientated Policing Philosophy. Whether or not people have paid attention or noticed, we have already engaged this. We have seen a very impressive property declines in the last seven months. That's because we are doing something different, our cars look professional, our Officer's look professional, they all have the right uniforms. When they get out of their vehicles they

look respective and that helps with Community Orientated Policing. It was not unusual to have people under the influence of drugs walking around here at night. If they are walking around at night they are looking for opportunities. You won't find that now, because they will find themselves in contact with one of our Police Officer's. That all goes into Community Orientated Policing. Including Code Enforcement, where they would be responsible for working with other departments in taking care of these issues. Ray would be held accountable for updating the software and doing letters daily. In short they would work hand in hand in getting these areas cleaned up in a timely manner. It's an unreasonable expectation that one person can handle all of it on their own. He believes this concept will work and Ray seems very motivated to get this started because now he will have a small force to accomplish this. It is a team effort but the biggest part is we have transitioned to having great uniforms instead of used uniforms that may not fit. This budget he proposed there is no pay raises for the Police Department because we have a lot of projects and need to stay thrifty to stay with those projects. He's talked to his staff about better ways to create a retention policy. State Police are offering an \$8,000 starting bonus, \$24/hour to start and allowing them to stay in their area. That's pretty hard to beat, however he is confident we can create incentives to keep them here and have a huge impact on the morale basis. He has done optimal scheduling with has been appreciated. There is no major changes expect Animal Control and Code Enforcement. He also added \$130,000 for Capital Outlay for the purchase of three new vehicles. Two for Animal Control and one for Code Enforcement.

Mayor Green asked if the Sheriff's Department also trying to recruit and take some of our staff away and how do we fight that. Police Chief Alirez responded although it would be quite an honor if we had that problem, but they have not. He has one now that has been recruited to the State Police. Part of that retention is keeping that morale and providing advancement to them. The thing that was enticing to him is \$24/hour and an \$8,000 signing bonus. He's so happy we have not been losing 7-12 officer's a year. To have a group of people who look at is as a career and not a stepping stone has been a challenge, but we are there.

Mayor Green asked about using part of the  $\frac{1}{4}$  of 1% GRT to keep them here. Because we don't want to lose that talent in becoming a training force and not a police force. City Manager Fuentes responded the Chief has done a great job in staying within the budget, but the City Commission approved the GRT and the General Fund was providing x amount of dollars and above that is the GRT. It was not just for salaries, it was for equipment and other things like the Animal Shelter. So he just wanted to make that very clear. Again the Chief has done an incredible job in using some of the resources he may have. Police Chief Alirez is looking at a transition in the department of Officer's who are looking at retirement and he's confident that we have the staff and talent within our ranks to fill those positions. He explained some of the changes in positions they will be looking at which will create a great potential for movement within the department. One of the things that have allowed him to be thrifty is not having turnover. They are now at competitive wages and make more that the Sheriff's Department which will help us retain them. He explained they have truly become a family and you will always see at least a handshake when they enter. Going back to retention it's important and he believes we

have the resources to keep them here. He reported on the personal touches they have worked hard on.

Mayor Green asked if he has heard anything Elephant Butte knocking on our door for Police Services. Police Chief Alirez responded he has, but nothing official. Also there is another option to call the State Police to find out what it would cost them for those services. He would not even entertain a meeting without keeping the City Manager critically informed or putting it on his plate. He is happy where he is and he would highly encourage them to contact the State Police.

Mayor Pro-Tem Whitehead asked about Professional Services, there's an increase. Police Chief Alirez explained the difference. We are going through some growing pains with our IT. Bob Hupp worked with the best that he had, however, they did not have a budgetary line to address the needs and concerns. He put that in there now so in the event it's needed, we will have it there.

Commissioner Clark asked about the difference in the wages. She asked if this was because he has been able to fill the positions that are vacant and now we have the full staff we need, or an increase to the people. Police Chief Alirez responded it represents an accurate figure, the only change was a part-time position. He explained it's based on an 83 hour pay period and the overtime budget. They have a lot more special events to include to utilize overtime hours. He explained some of the special events they included. Commissioner Clark asked for clarification that these 16/17 numbers could actually change. City Manager Fuentes confirmed this is just the preliminary until we do the final. Commissioner Clark commented on the State Police trying to hire people, she's concerned they will try to hire Chief as a motivational speaker. Police Chief Alirez is honored and takes that as a compliment.

Mayor Green noticed health insurance went from \$8,000 to \$30,000 is that because of the transfer of Ray. Police Chief Alirez said yes and also the Animal Control Manager that's an estimate that could change. That's because we went from 2-4 and the salaries and benefits.

Commissioner Hechler asked if Code Enforcement will be moving there. Police Chief Alirez confirmed and he will be able to have help so he won't be working alone anymore. He will make sure Ray is generating those letters to be sent out. He explained the process they plan to use. Our job will be to assist them.

Commissioner Hechler also asked if there are other opportunities for them to earn overtime for a little extra money that we don't have to pay for. Police Chief Alirez said yes, he has been in contact with the U.S. Marshalls Office. They had a Garth Brooks concert and they got the first call for the Officers who were off duty to go and they paid for it.

Mayor Green brought up Prisoner Care and transportation to Deming. Police Chief Alirez responded it is not 100% on our dime. We have a contract with the county, our job stops

when they are accepted here at what used to be the Detention Center. That's why the whole issue of indigent care came up. We have provide Medical Treatment or access to that treatment, if they have high blood pressure or diabetes, or some medical condition. But once they accept them, we are done.

12:00 P.M. LUNCH BREAK

**Recessed at 11:59 p.m. and reconvened at 1:16 p.m.**

1:15 P.M. RESUME PRESENTATIONS

**Water & Wastewater – Jesus Salayandia/Arnie Castaneda –**

Water & WW Supervisor Castaneda gave the presentation. Both presentations are part of the agenda packet. They started off with the Water Department. They have six employees responsible for the production of potable drinking water; maintenance and repair of water distribution lines; meter reading; maintenance of wells, booster and storage facilities; and monitoring and testing. They can now say they are an award winning system. Their projected revenues just hit the \$1 million mark. They are trying to present an increase in rates just like they did with the Wastewater rates and it will be presented to the Commission. They want to track the sale of water to Williamsburg. They want o add a line item so next year they can actually give numbers next year on the breakdown. Their employees were presented and they are well staffed as far as certification is concerned. In personnel, they made some changes between Water & Wastewater. When he first sat down with Jesus, there are a lot of things Water and Wastewater share. They transferred Ruby from Wastewater to Water, although she works under both departments. They do have a vacant position which will eventually be under the Utilities Office to do meter reading and other duties. We only had a 4% increase even though we did the switch over of one meter reader.

Water & WW Director Salayandia went over the salary requests. They recently had one employ who obtained is Level 1 in Water so they are going to get him a little money. They transferred Ruby from Wastewater to Water and they share that employee. She has been a lifesaver and recently she got more involved in our reporting and is very deep into all we need to get done electronically and is well verse with the State Engineers office and the NMED. She is worth a lot to us and he's requesting an increase for her.

Mr. Castaneda continued they did a lot of streamlining on both the Water and Wastewater and some of the cost sharing in utilities or supplies, such as, pipe or fittings. They have a slight increase of 4% but they try to keep it as close to the previous year as possible. They are pretty steady. However, they are requesting three Ford F150's (\$66,464), their newest vehicle is a 2007, so it's time to upgrade the fleet. When the employees take the trucks out to a water leak they need better vehicles. They also need a new Vactor Truck which needs to be retired for a price of \$182,500. Total Capital Equipment Requests are \$248,968.

Mayor Green asked about the potential rate increase which would be presented to the PUAB. Will the rate increase be enough to accomplish the purchase of the equipment? City Manager Fuentes responded as they did with the USDA funding for Wastewater, they

will require a Rate Analysis to be done. When we did the water we gave a little bit more so we would have a little more room. We will take a similar approach with the Water and do the analysis\ per USDA requirements.

Commissioner Hechler asked about what the rate increase who be per household. City Manager Fuentes responded it would depend on the rate analysis. Right now it doesn't have an automatic annual increase built in. That hasn't happened for a number of years.

Commissioner Clark said if she recalls correctly that we could go through the process of increasing the rates provided we didn't go over a certain percentage without have to go through the USDA analysis. Where she is going with this is if we need the capital outlay for the Vactor Truck and the Electric Department already has the money in this year's budget and you guys don't, and we could go ahead and do it without losing that time, then we might want to consider what happens if we go ahead and do a 4% raise and the 1% every year that we can do and would it be enough to cover the cost of this truck. She is suggesting we could have the Electric Department front the money for the Vactor Truck and put the 4% increase without having to go through the USDA process.

City Manager Fuentes responded the way it's proposed in the preliminary budget, the Electric Department has his own expenses and his own projects. Commissioner Clark is just trying to propose we could very quickly put in that 4% increase through the Commission without going through USDA. City Manager Fuentes feels we are missing the process. If the Commission approves and says we want to contribute a portion to the Vactor Truck, then under their ending cash balance, the Water Division can provide that. They have enough to pay for half of that truck. If we want to increase rates now, that would be great but USDA will still require a rate analysis. Commissioner Clark said that will be a process and a timely process. We could go ahead and raise them now if we wanted to. City Manager Fuentes is saying they can fund their portion of the Vactor Truck through their own funds without taking additional money from Electric. Commissioner Clark said she wasn't asking to take more money out of the Electric Department, she was just suggesting if we could raise it now, there might be more capital or extra revenue coming in to the Water Department for them to fund their portion. So if we put a pencil to it, it might be a good idea to bring this to the Commission and knock this one out. City Manager Fuentes reiterated but the money is already there Commissioner. She asked so they have the money in the bank already to do this and City Manager Fuentes confirmed that. Commissioner Clark added so then the idea of raising the revenues is not coming through too clearly because she's understanding that raising the revenues is to get this capital outlay. City Manager Fuentes clarified he thinks Arnie was looking at when he mentioned the rates was the revenue portion which didn't increase much but going into next year with a possible increase there will be more money there. Commissioner Clark asked what the cash balance is? City Manager Fuentes referred them to the first page of the budget under 504, the beginning cash balance for them is over \$465,000. He asked them to keep in mind that we are going after the Water System Improvements, Phase 1 which may require some match of local money. They might have other means as well. All of that has to be factored in to find the funding to provide that. So if it's a one-time expense we can take it out of the ending cash balances. This is going

to be their number one request to purchase that. He explained the process and how staff finds a way to fund the priority. If you spend all of the ending cash balance on the capital outlay requests, you might need some of the Water Project. Commissioner Clark is still concerned we pass the budget for half of the truck instead of the whole truck. City Manager Fuentes responded it would not be half funded, it would be funded completely. Commissioner Clark went back and forth with City Manager Fuentes on this issue and the selection of a capital outlay projects. He added at the end of the day, it's about what resources we have available. If we use all of the ending cash balance, we will have very little reserve for a project or an emergency. Water & WW Supervisor Castaneda said that is where we are in knowing we need this piece of equipment and we are referring to the City Manager and Commission

Mayor Green asked about the water tap fees on page 51 revenues. Somehow he was expecting a bigger number than \$2,700 because of the Alzheimer Build out at the Veterans Home. What about all of those taps? Water & WW Supervisor Castaneda responded he thinks we have built and it is completed but you won't see that this fiscal year, it will be next fiscal year. Mayor Green asked if we have collected that money yet. City Manager Fuentes said we have not collected it but it goes into a separate fund. That column in your budget doesn't show actual activity, it will be in the final. Water & WW Supervisor Castaneda said other than that there will be few connections for those revenues.

Mr. Castaneda continued with their projected revenues. Without the capital outlay they will still be in the black to keep it from being funded with the actual budget.

Water & WW Supervisor Castaneda started with the Wastewater Dept. Their projected revenues are also above the \$1 million mark. About a 16% increase in projected revenues is included. They will be adding a line item for Williamsburg sewer as well and the sales revenue to break it down for next year's budget. He explained they have six employees and their responsibilities. And each of their certification levels. Again, they moved Miss Ruby from Wastewater to Water. Water & WW Supervisor Castaneda explained the Wastewater Treatment Plant upgrades from this fiscal year. There are intricate parts they are still projecting on that. They are working on cleaning up the purchase so they come out of the right fund. They still try to keep budgets close to the same as last year. There is a only a 5% increase in their budgets.

Mr. Castaneda went on with their capital requests. They are requesting two new trucks. One of the newest vehicles are from 2007 so they need new ones. He's been bugging other departments about getting their used vehicles when they purchase the new ones. Mayor Pro-Tem Whitehead asked why they buy Ford's instead of Chevy's? Water & WW Supervisor Castaneda responded because they are \$5,000-\$6,000 cheaper and off of the State Contract.

Mayor Green wanted to follow up on City Manager Fuentes's point of buying electric. He asked if there is any other possibilities in looking for a electric vehicle. Water & WW

Supervisor Castaneda said he was probably right in looking for a hybrid or electric car. But he was looking for upfront cost.

Water & WW Supervisor Castaneda went on to old equipment such as the Telescoping crane and body and a new Boom Truck. They can put the crane and body on an existing truck so the cost would only be \$25,000. They also need to do work on Well #2 and #3 which is non-potable water which has a lot of minerals and clogs up the screens. Every so often they need to be pulled and cleaned. They are shallow wells at only 65 ft. so we need to pull them, clean them, and put them back in there. This water is used for irrigating the Golf Course. If we don't meet the requirements for the effluent and right now we are down and don't expect the quality to change anytime soon. But we will need them eventually. So the cost for pulling them and doing the repairs will be approximately \$21,000. So the Total Capital Equipment request will be \$90,312.00. With the projected revenues, including the transfers out, personnel, and operating expenditures, minus the Capital Outlay Request, they will still have over \$100,000.

City Manager Fuentes appreciates the work Arnie and Jesus have done on this. He explained the Directors of these utilities have been doing a great job in looking at what their needs are and how they can pay for them. If there is a project they have to match or equipment they need. As the year's go by, they have to look at how they are going to fund their requests. It just means they have to be more mindful of the ending cash balance. Water & WW Supervisor Castaneda added that's why they presented the Water first and then the Wastewater. Water & WW Director Salayandia added this is the first time we have ever been in the black for the Wastewater.

Mayor Green had a question about the Chevrolet Dealer in town and not a Ford Dealer in town, but we all want to support local businesses. Is it legal to go to Whitehead Chevrolet and see if they can meet the price. City Manager Fuentes responded we can go out and get quotes, but what we cannot do is get a quote that is x amount of dollars, and take it somewhere to see if they can give you a better price. What we do with all vendors and contracts is contact them to say give us your best deal or quote and if they are the lowest quote then we go after that. Mayor Green asked if it's a normal course of business to bring in our local businesses in for a quote. Finance Director Torres said you will have to provide the correct specs for each vehicle. So if it's a Ford there will not be spec for a Chevy. Water & WW Supervisor Castaneda said we have to follow the Procurement Code no matter what we are purchasing. Mayor Green added for an economical stand point and since we have a dealership in town, it would be nice to use them. He senses it's the will of the Commission whenever it's possible to give our local businesses the opportunity. City Manager Fuentes asked if that is the will of the Commission then we could require any purchase of vehicles to be published. Finance could come back with a resolution that will memorialize that policy. In certain departments they like Ford and in other cases, they like Chevy. But the policy by the Commission would be that we want Chevy because that is what we have here. And anytime we want vehicles we would have to come up with specs of what we would want and would have to reach out to other dealerships for Chevy like Las Cruces or Albuquerque. Mayor Green added that's why Southwest Airlines have one airplane. And to Melissa's point, sure our

GRT is up because of the Alzheimer, and it is not always going to be up for our GRT and anything we can do legally to support our local businesses, that's what we should do. City Manager Fuentes said our staff does what they can to maximize their budget and that's why they go for state contract because they can get a better deal. But if that's the will of the Commission, we can bring a resolution to do that. City Manager Fuentes added a lot of time staff does the best they can with what they have to work with. That's why they use the state contract because the cost is better. Mayor Green would like that to be put on the next agenda for discussion and maybe we can coordinate when departments are looking for trucks. Finance Director Torres wanted to notify them Andy did get his three quotes and the Ford they got is pretty comparable to the Chevy and they got a good price for it.

Commissioner Hechler added if we are operating in the black, why are they requesting a rate increase? What he is hearing is we are operating ok, and we are able to save money. So shouldn't we wait another year and see how we end up with cost saving measures.

City Manager Fuentes responded in the Wastewater Department we are only operating in the black because of the last rate increase. For many years we were subsidizing the Wastewater. And it's already built in the ordinance so it's an automatic increase. In regards to the Water, you can see \$42,000 in the black which is not a lot when you have infrastructure. We are now trying to focus on the funding for the water system which will be a high priced ticket item for the Cook St. pump station which is just a start of what they will be presenting to the Commission for improvements. He added even if it was \$100,000, it's not enough. And one thing that is not in there, although he appreciates Jesus thinking of staff, those increases do not include all of the staff. When we start chipping away at that \$42,000, we won't have that much money left. One of the things Arnie picked up on is we have a lot of old water lines that we need to be replacing.

Commissioner Hechler said if that's the case he would suggest we bite the bullet and consider building in a small increase every two years. Instead of waiting a long time and asking for a bigger increase. Mr. Castaneda wanted to add these enterprise funds are aging and getting old. We cannot afford a big project ourselves. And what the funding agencies want is to make sure the system can stand on its own once it's done financially. That's why USDA does a study on the rates to make sure it's enough for the city to pay back the loan component or for maintenance.

Commissioner Hechler said another thing he noticed is why are we buying five vehicles in one year when they should be spread out? It's more expensive to buy five at a time. Water & WW Supervisor Castaneda reminded him that is for two separate budgets. But they are at the point where nothing has been done for so long, that they need to replace them. Commissioner Hechler would consider that down the road so we don't have to do it all at once. He also asked what we will do with the vehicles that are being replaced? Are they going to the auction or what will happen to them.

City Manager Fuentes responded once the new vehicles are in service we are looking at the needs of other departments and will transfer when we can and then put that

departments old vehicle in the auction. Even the Police Department will potentially have vehicles to transfer to other departments. That's how we have been trying to provide some new vehicles to other departments.

Mayor Green said he thinks the minimum billing for water is about \$9.00 per month. It would be like a \$.40 increase a month. This increase would really be pennies. Commissioner Hechler added the reason for the question is to get these things on record. Mayor Green thinks the citizens will see where the money is going so we can fund these major projects. Everyone has got to do the best they can.

Mayor Green added he senses the direction the City Manager is going. It's so natural for these two departments and it's an outstanding move to put Ruby's position in the other department. He said they are to be congratulated for their work.

### **Public Works – Don Armijo**

Public Works Director Armijo started with the Parks and Recreation Department. The highlights of his presentation are included in the agenda packet. They are looking at turning two of the Part-time positions into Full-time positions so they can cover the weekends also.

Mayor Pro-Tem Whitehead asked why the health insurance has gone up 3732% on page 17, it went from \$266 to \$10,193. Mayor Green wonders if that was a typo. City Manager Fuentes responded it should be a couple of thousand, we are taking two part-time employees and moving them to full-time. Mayor Pro-Tem Whitehead said but we do need to check that because it should not be that much of a difference. Public Works Director Armijo added it could have been because some of the spouses were in with the Veterans Home and they have benefits so our guys.

Mayor Green asked when someone rents a park, the revenue for the clean up after the event falls on this department. So does the revenue get credited to this department or does it go to the General Fund? City Manager Fuentes confirmed it goes to the General Fund. Mayor Green then asked when we provide a service to a non-profit, for example, Fiesta, does the overtime expenses for staff, do we just bite that bullet and is it just a part of the service the city performs or does that department have the right to bill that organization for the cost of that service. City Manager Fuentes responded we try to help the best we can, and any expenses for Fiesta, the Parks Dept. has been out there picking up trash and now that we implemented fees for reserving the parks, those do not cover all of the expenses but it will help with some. If they want additional services, we will probably have to say sorry, we can't help you. But other upkeep and assistance we give them, we incur the cost.

Commissioner Clark added last year we only budgeted 455 for health insurance. Somewhere in there we passed it somewhere in the budget so it was a good catch. Public Works Director Armijo said it could also be for the time we didn't have someone in that position or if we transferred one from another department.

Public Works Director Armijo presented the operating expenses. And mentioned Ms. Franke has been looking at what we can be doing in a better manner

Mayor Green said he can understand recreation supplies and catching up. What he can't understand is the Maintenance Vehicles are up to \$10,000. Do we have vehicles that are so old, they are in the shop all of the time? Parks Supervisor Franke confirmed that is true, they basically have a vehicle at the service center all of the time. They've replaced two fuel pumps since she's been here in five months for one truck. We've replaced two batteries in one truck and she's asked why and if it's something else. One of our newest trucks is having multiple problems. We have had wear and tear on our fleet and their ATV is old and the shifter has been re-welded a couple of different times too. Even with the mowers they only have one good mower and need to have enough for the parts to keep it going. A new mower is one of their requests.

City Manager Fuentes said for so long we didn't have a good sense of a true picture of where we were and she is trying to go into next fiscal year with some history on where we are with them. This includes what do we need, what do we have, and where do we want to go.

Mayor Pro-Tem Whitehead commented we have employees who have been here for a very long time and have operated these businesses for a very long time. And all of a sudden we hire a new Supervisor who everyone says is doing a great job, but we have great big increases. We have astronomical increases and she asked why was this never pictured before? City Manager Fuentes responded the reasons they weren't presented to the Commission before was because in the past we've had the supervision where we just looked at keeping up with what we did and now we are getting the picture of what needs to be done. Mayor Pro-Tem Whitehead asked why we didn't get that picture before. City Manager Fuentes responded because it wasn't brought to the attention of staff. We always relied on what needs to be done. Gloria now is getting assistance from some of our contractors for maintaining the plaza and Evelyn Renfro, and they are doing a good job, and that's factored in here. We are going to be looking at how to maintain the sprinkler system out there; we are doing the ball fields which need to be worked; equipment needs to be assessed; rodeo grounds need to be worked. Those are all things that throughout this time, we've done complaints about the condition of the fields, over and over. And now we are getting to the point of really addressing some of the needs, but it's going to require these additional resources. Public Works Director Armijo added every time we asked, if you stopped by to look at the parks a number of them are weeds. Now she's buying the chemicals we need, getting the licensing we need to apply it. Basically the things we were using would do just one park and now to make everything run right, she has a better picture of what we need to get it done.

Mayor Pro-Tem Whitehead asked them to explain contractual services. It went from \$11,500 to \$35,000. We have a contractor that's doing all of our parks and weeds and why aren't we doing it ourselves.

Parks Supervisor Franke said the contractor services is split up into three parts. The Port-a-potties at the Tennis Courts, the Gun Range, and Rotary Park. It makes sense if you look at how much they would be running around to take care of those. Also the other reason was before they weren't coming out of the right line item numbers. The Veterans Wall was coming out of field supplies. Then the basic contractors that help out with the Plaza, they have been a great asset and she has been learning a lot from them on what's needed because of their background and experience. She feels the downtown should be the most addressed because that's where people visit and it should look the best.

Commissioner Clark said the field supplies, and dues and subscriptions, she wondered what that is. And if it were her from \$2,000 to \$10,000 for maintaining vehicles, wouldn't it be better to put a Capital Outlay and get you a couple of new pieces of equipment and go back to the \$2,000 and put in a new truck purchase request and a new ATV. She remembers having the conversation about doing more with parks. So it has been heard. She is very impressed with how they look now as opposed to two years ago. So to Mayor Pro-Tem Whitehead it seems like an extravagant increase but maybe it should have been done two years ago. Again she would like to put money for equipment and keep maintenance down. City Manager Fuentes asked them to keep in mind these are funds in the General Fund, so they have limited resources and it's hard to find that balance. He had the same tough questions when they met with staff on this and went through the same things. Our goal is to try to improve the ball fields, there's a big patch for the soccer fields and he's expressed interest in getting that done. Commissioner Clark's question is if we go ahead and do this, this year, and make that upgrade, will we have less expense in the maintenance. Parks Supervisor Franke responded she understands what she is saying, it does make a difference but you still will have to put the seed and the mulch on the field. The other thing is getting with Jesus to use some of the material they have for fertilizer, but you have to be careful with the sprinkler system. For the most part, some of it should decrease after it's established. It's always going to be a never ending battle. Public Works Director Armijo would step out on a limb and say it wouldn't decrease, once you get one park seeded and fertilized, there will be another field or park that will need to be done.

Commissioner Hechler added what we are experiencing is sticker shock. When you have neglected something for a period of time, it will take more to bring them back up to par. But this is a more true picture as to what it will take to maintain these parks and you're still understaffed. He would like to see them request a new vehicle for capital outlay. And a new ATV. We should try to take care of our employees the best we can.

Mayor Green mentioned if we were to take that \$10,000 projected and if you take the \$3000 each year you would eventually have a new truck. He agreed with Commissioner Hechler this is the blood that keeps this community alive. He's sorry and is concerned that the lines of communication broke down in the past so the Manager never got a true picture of what was needed. He is glad and thankful they are getting a handle on this and getting real numbers to move forward. It's visual to the citizens.

Finance Director Torres added the numbers you are seeing are the approved numbers from 2015-2016, but as of April she was already over that budgeted amount. She had to figure where she was going to take that from or to move it to the accounting line.

City Manager Fuentes mentioned towards the end of the presentation, he would like the Commission to make a note and add the items that we can at the end of the presentations. Electric, Water, and Wastewater are different because they generate funds. The other such as Parks are in the General Fund where they don't necessarily generate funds. We need to take a look at it and see how we can make it work. And include possibly transferring vehicles.

Commissioner Hechler mentioned when parks would get ATV's they were able to use those on State Roads to travel from one place or another. He asked if they were street legal and able to use on city streets. Public Works Director Armijo responded he wants to say yeah because of Golf Carts. City Manager Fuentes said that was just for Golf Carts and the state passed a law where a municipality can adopt an ordinance to allow off road vehicles but it's not a very popular issue. Mayor Green believes it falls under the Golf Course ordinance that you cannot drive on Date, Main, or Broadway, but you can cross those. Public Works Director Armijo said it would be something to check into, so we will be legal.

Subscription and dues is for Tyler and the IT Contract. Finance Director Torres added that determination is that Administrative Services will take that cost now.

Public Works Director Armijo added we did have a couple of capital outlay for a new grasshopper and an ATV.

### **Cemetery**

Public Works Director Armijo reported everything there was the same unless they have any questions on those. Finance Director Torres reported that one is hard to do a projection because it's just the revenue coming in and out, so we just estimate it. Mayor Green asked what utilities we have for the cemetery. They responded that's the water. City Manager Fuentes elaborated a little on the numbers for that budget.

### **Facility Maintenance.**

Public Works Director Armijo presented the budget. The wages are showing a 9% increase because of one of the personnel we moved and transfer it in there. He explained the other highlights of their budget.

Mayor Green asked where the swimming pool expenses are. Public Works Director Armijo said it's in a separate budget.

Finance Director Torres wanted to remind them the numbers are not the final numbers, they are based on this year's actuals which we won't know until the end of the year. She

also explained the differences in insurance between one employee or employee plus family. This is just showing what was approved and not what is being spent at this time.

Mayor Green asked if there is any piece of equipment they need. David Johnson responded as far as equipment they are in good shape, but they do have a need for capital outlay and a Vector Spray Equipment which is past its time. Mr. Johnson said the good thing is we might be able to get funding for that because of the zika virus. It's an open grant until that problem is taken care of. He added the other request is for a sound system at the Civic Center. We constantly have complaints on our current system and we can compensate those costs by the rental fees for the civic center. It would help make a better environment at the Civic Center.

## **Pool**

Public Works Director Armijo presented the revenues for the pool.

Mayor Green asked about using the geo thermal water to use as a heat exchanger to heat the pool. Not in competition with our spas, but they were going to come up with a methodology to use the well to heat the water. City Manager Fuentes said we haven't even looked into that and it's not on our radar. It hasn't been formally presented to the Commission. Public Works Director Armijo said when they tasked him with that question he turned it back to them to make a proposal.

Commissioner Clark said she would hate to put that kind of money into our old pool. But if we built a new swimming pool, we could use the hot mineral water to save a substantial amount of money by putting money into a new pool. But she wouldn't put a heat exchange on our old pool.

Mayor Green asked if the Manager position has been filled.

## **Streets**

Public Works Director Armijo started with the expenditures.

Mayor Green doesn't think the city should react, just because one person yells fire. We are getting hammered about what a citizen perceives to be a messy yard. He would like them to be cognizant of the fairness of the residents in the area.

Public Works Director Armijo responded  
Mr. Johnson said they are in the process of doing that today.

Commissioner Hechler gave his comments before he had to leave the meeting, He would like to see the capital outlay in mind and that as an entity, he would like us to look more professional. He would like to see some salary increases for staff. And maybe looking at making it incremental.

Mayor Green wanted to go on record to support that sentiment.

**Administrative Services, Utility Office – Melissa Torres**

**IT**

One of the things we discovered was the way our system was set up. If your server is on the left side and something happens, everything shuts down. We are looking at redesigning and upgrading our system. We currently have Systems MD who are contracted to do the IT services.

Finance Director Torres said one of our ultimate goal is to have the same applications and we currently have different things on each computer.

**Utilities Office**

They requested an increase for equipment, 3 new computers, a copy machine, and to purchase the folding machine outright.

**Human Resources**

Finance Director Torres presented their requests.

**Payroll**

Finance Director Torres presented their requests.

**Purchasing**

Finance Director Torres presented their requests.

**Support Depts., City Manager/Community Development – Juan Fuentes**

**Commission**

Increase in Legal Services.

**City Manager**

Slight increase was the Boys & Girls Club for the JJAC Grant.

City Manager Fuentes said unless they have any questions, he would like to go back to the Capital Outlay requests and how you want us to sleep. He went to the Projects and Equipment.

Commissioner Clark still has an issue with the Vector. But she would like them to do the analysis as to whether it's important for them to have the equipment. Look at Parks &

Rec. \$10,000 maintenance and purchasing a lower mileage used vehicle. Facilities Management, put up \$16,000 for mosquitos. \$4,500 speaker system for tourism director. Pool vs. McAdoo/Sims project is something that weighs on her. Putting \$103,000 into resurfacing... or repaving downtown. She will leave in the Commissioner's hands but it seems like downtown is the better options. Employee raises is important. She liked Commissioner Hechler's idea of those getting paid less would get more. Or a biennial pay to look at closer to the end of the year.

Mayor Green wanted to put on the table on the projects list to his mind, we are advertising for a tourism/event coordination position and one of the hooks we are going to use is the Civic Center. Depending on our fee structure, he's concerned we have taken one building away from Senior Activities and now we are going to hire someone to fill the Civic Center. We should look at the Water building on 4<sup>th</sup> St. to see if we can find the money and convert that building into a Senior Center for all of the things we are getting nailed on every month of every year.

Commissioner Clark discussed a dedicated place for our Senior's.

### **QUESTIONS & ANSWERS**

City Manager Fuentes said they will take some of these suggestions. This is just the preliminary and they will come back with the final.

### **ADJOURNMENT**

**Meeting was adjourned at 3:14 p.m.**

**Passed and Approved this \_\_\_\_ day of \_\_\_\_\_, 2017.**

\_\_\_\_\_  
Steven Green, Mayor

ATTEST:

\_\_\_\_\_  
Reneé L. Cantin, CMC, City Clerk

F.2



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

**ITEM:**

Approve the minutes of the City Commission Regular Meeting for June 14, 2017.

**BACKGROUND:**

None.

**STAFF RECOMMENDATION:**

Approve the minutes.

Submitted by: Renee Cantin, City Clerk-Treasurer		Meeting date: 07/26/2017
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F.3



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

**ITEM:**

Approve the minutes of the City Commission Regular Meeting for June 28, 2017.

**BACKGROUND:**

None.

**STAFF RECOMMENDATION:**

Approve the minutes.

Submitted by: Renee Cantin, City Clerk-Treasurer		Meeting date: 07/26/2017
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CITY COMMISSION MEETING MINUTES  
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO  
CITY COMMISSION CHAMBERS, 405 W. 3<sup>RD</sup> St.  
WEDNESDAY, JUNE 28<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 (Absent)  
Hon. Rolf Hechler, Commissioner  
Hon. Joshua Frankel, Commissioner

Mayor Green asked for the record to reflect Commissioner Clark is ill and will be excused from this meeting.

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 led the Pledge of Allegiance.

**4. APPROVAL OF AGENDA**

Mayor Pro-Tem Whitehead moved to approve the agenda to include removing Item E.1 Presentation from the agenda. Commissioner Frankel seconded the motion. Motion carried unanimously.

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

## CITY COMMISSION JUNE 28, 2017 REGULAR MEETING MINUTES

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

Diane Lombardo, Silver Street addressed the Commission related to:

1) Here to talk about the HR Department. She hasn't been paying attention to Ron Fenn and Audon Trujillo. She believes the HR Department has to be desperately retrained. In order to get qualified people in this town to run things properly, you cannot look for supervisors for the Wastewater Treatment Plant or any other supervisor positions, by putting it in two newspapers and the NMML. Half of the people are retired, 1/3<sup>rd</sup> are kids, another 1/5<sup>th</sup> maybe are professional, such as Doctor's, Teacher's, etc. and the rest are pretty much unskilled and not qualified for these positions. Workforce Solutions is a good place to say they went out and looked for a job. The Municipal Paper goes out by email and not everybody reads it and not everyone we are looking for works for a municipality. If you are looking for a Water Treatment Supervisor ask Jesus where to look. If you're looking for a pool manager ask Destiny. And then you need a board who knows something about the subject. Are you organic, if not, what pesticides do you use? And what are the repercussions from those pesticides, if you use them. We need someone desperately that knows their job if we want T or C to move forward.

Jason Lanning, 702 Locust addressed the Commission related to:

1) His complaint is on the entirety of the T or C Utility Department. He introduced his Mom who is disabled and his Dad who is a Senior Citizen and he works at the hospital. About seven days ago, they were cut off from electricity. Last time he checked it was illegal to disconnect for disabled people. Not to mention when his mother went down to make an arrangement, they asked for half of the bill down. He checked the Public Utility Commission Board and you are only allow to charge a certain percentage of the bill which is not 50%. He also asked what is the current state of the Power Grid, because no matter how many times they ask the utility company employees, they always get some type of misdirect or different answer for the same question. This has been happening since July of 2015.

Mrs. Lanning addressed the Commission related to:

1) She added this was during the heatwave. They had over \$1,000 worth of meat which was damaged. She made many attempts to try to get this handled. But she gets whispering or lies saying her son is on the bill or he's on the contract. According to the T or C Electric Company, they stated "you have to show your license in order to be put on the bill." Well Jason never showed his license to be put on that bill and his name is on that bill. Original payment arrangement was \$300 plus \$80, the letter she got in the mail said it is now \$550. She never signed the contract because she felt one, it wasn't her screw up and she didn't cause the damage. She didn't misread a meter, why is she paying for someone's damage? She asked, "What is a converted charge on a T or C Electric Bill?" \$818. One lady told her she owes that and no they don't. Their payments aren't even adding up. They keep giving different numbers and she doesn't agree with them. Over \$1,700 of payments and she doesn't even know what's going

on. Meanwhile, they're disconnected and a \$1000 of meat is gone. She claimed nobody is returning her calls. Maybe she needs to get an attorney because something is really wrong and nobody is getting back to them. Then the Finance Director, told her when they pay a bill online you have to pay the credit card fee. When she asked about it she was told something about them rounding down for the payment instead of rounding up. Then they whispered right in front of us as to why they round down. It's like \$4-\$5 down which is a big amount. And again nobody got back with them. That's her beef.

Ron Pacourek addressed the Commission related to:

1) As a citizen and a Public Utility Advisory Board Member, he realized that WW and Solid Waste was going up 5% next month in July which is automatic every year. He has no idea why we did that. He believes we need to review that every year and some of the verbiage needs to be changed or come up with a dollar figure. The Electric Department has a surplus of almost over \$2 million annually, why aren't we talking about reducing that rate. We have one of the poorest counties in New Mexico. He read from a document that said Sierra County median income was less than \$599 per month and we are a retirement community. He got a raise this year, of \$5, but then they took it away or paid for his medicare. So the last time he got a raise was in 2015 of 1.7%. And we are talking about increasing these rates every year by 5% automatically. He doesn't think that's right. We need to discuss this again. So he is going to try to get this on the Public Utility Board to discuss it.

Carole Wheeler, Corbett St. addressed the Commission related to:

1) On behalf of the Dog Park. Her comment was in response to public comments from a couple of weeks ago about damage the Dog Park will do to the area. She has many pictures of dogs running lose and leaving their messes everywhere and she's gone and cleaned it up and Cheryl has cleaned it up. When the facility is up and running there will containers in each area she believes there will be less mess than there is now and she doubts it will be that much and can't imagine that it would be able to run down into the pond. And by the way, at 9:00 p.m. she finally got the grant submitted last night. She had technical difficulties.

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

City Manager Fuentes wanted to inform Mr. Pacourek when we went to USDA and State Colonias for funding, they would never adjust their water or sewer rates. The Enterprises would operate without the sufficient revenue, when the study was done it was being subsidized for many years by the Electric Department. It has to be an adjustment those funding agencies will look at that. And he can tell you, the Wastewater is doing much better. Maybe we should give a little more information as to why it is the way it is.

Mayor Green added from what he understands is USDA does not allow a different enterprise fund to subsidize another enterprise like the Wastewater Department. He also had a response to a comment made at the last meeting. He first wants to give a

disclaimer that he has had a member of his family who is no longer with us, who was in Law Enforcement who might be a little reactive to what Mr. Fenn said, but it has weighed heavily on him for the last two weeks and he wants it to be on the record of the City of Truth or Consequences. At the last meeting Mr. Fenn was talking about our new Safety Complex, new home of our Police Department and other entities. When he mentioned the location was at a place near the Circle K, he mentioned about cheap coffee and donuts. He thinks that old saw has long ago been put to rest. He knows he thinks it's clever, but he would like to point out to him that this is the same department, if you had an emergency that rapid police response, that you would call. Demeaning the Police Departments Men and Women Officer's that literally put their lives on the line every day for our protection, is offensive.

#### **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 asked this item to be removed from the agenda.

2. Presentation related to Smart Recycling. Steve Green, Mayor

Mayor Green gave some statistics related to recycling and the cost between NM Waste Management; Southwest Disposal; and T or C. He also read some of the costs involved in our recycling. This is not about making money. It's not about saving the planet; and it is. It's not about extending a landfill in Las Cruces; and it is. It's about the ability for our own citizens to try to be in control of a financial service that a city gives and that you pay for to its citizens. He added there are two types of recycling. One is where you take the recyclables and separate them; that is called Great, Smart Recycling. The other kind is called Single Stream, where you have a polycart in front of your house, take every bit of recycle material and throw it in that cart; the city collects it and they separate it by bales. They income the average for each bale and they pay you back. We happen to do the Smart Recycling in T or C.

He referred to the recycle trailer in front of SJOA and a bag that was in there had aluminum cans, white cardboard, mixed paper, plastic, and paper. That is not Smart Recycling. We are asking the citizens to try to help themselves and the city. Every truck we send averages about 20 tons. It doesn't make sense for a community to complain about fees but not trying to help yourselves and work with us. He would like to eventually cut those 6-7 trailers that go a week down to 2-3 trailers. And rather than get a loan or grant to buy new equipment, he wants to go out and finance the equipment on our own with no interest rates. He wants to make it easier to reduce solid waste rates. Let's try to work together, it's an opportunity. There are a few things in life you really have the ability to control, and this is absolutely one of them. It is a gift we are not taking advantage of. And if we don't, shame on us.

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

## CITY COMMISSION JUNE 28, 2017 REGULAR MEETING MINUTES

1. Authorization to re-invest balance amounts of maturing Certificates of Deposits for the R&R Sewer, R & R Water, and Pledge State Accounts.
2. Fourth Quarter Subrecipient Reports & Third Quarter Reports for CAAT & MainStreet.
3. Contracts with Lee Deschamps and Steven Sage for Public Defender Services for indigent defendants.

City Attorney Rubin commented the contracts are the same as last year and the name is Lee Deschamps.

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

### **G. ORDINANCES, RESOLUTION, & ZONING**

1. Discussion/Action: Ordinance No. 685 for publication for the sale of 1310 Nickel. Robbie Travis, Building Inspector

Building Inspector Travis announced before them is Ordinance No. 685 for the sale of 1310 Nickel. He turned it over to City Attorney Rubin and will be here if they have any questions.

City Attorney Rubin presented whenever we are proposing to sell property we are bound by provisions of NMSA 3-54-1 and the key question you look at is what the appraised value of the property is. If it comes higher than \$25,000, we can't do an informal private sale, you have to go through the ordinance procedure. Although this property was appraised at \$29,000, the proposed sale is for \$20,000, so even though the proposed sale is below \$20,000, we have to do the ordinance procedure because of the appraisal price. He prepared a proposed ordinance and he also prepared a detailed written explanation because Section 3-54-1 requires if we are going to sell the property below the appraised value, it's permissible but you have to release why you are doing it. We have a proposal of only \$20,000 cash. We have to approve the ordinance for publication, then we will come back for final adoption at the last meeting in July and assuming there is no opposition or reasonable objection, it will be adopted. Then we will have to wait for 45 days after the adoption of the ordinance before the ordinance actually takes effect. So that will take until September. He brings that up because if you look at the ordinance sale, he attached the counter offer document and the request to close it by August 10<sup>th</sup>. We will have to make a determination if we want to do that at that point. He referred to and reviewed the detailed explanation which includes the factors and reasons to accept the offer lower than the appraisal. The property was advertised at \$29,000 and no offers received, then \$25,000 and no offers received. If we were to hold on to the property it would require extensive repairs. We also consulted a local realtor and she believes this is a reasonable sale. He asked if they have reviewed it, he recommends approving it.

**Mayor Pro-Tem Whitehead moved to approve for publication Ordinance No. 685 for the sale of 1310 Nickel by amending the Code of Ordinances by adding a**

**section that authorizes, Pursuant to Section 3-54-1 NMSA 1978, the sale of real property and improvements. Commissioner Frankel seconded the motion. Motion carried unanimously.**

**City Attorney Rubin recommended they adopt the detailed written explanation. Mayor Pro-Tem Whitehead moved to approve adopting the detailed written explanation as presented by City Attorney Rubin. Commissioner Frankel seconded the motion. Motion carried unanimously.**

2. Discussion/Action: Resolution No. 40 16/17 Budget Adjustment Resolution. Melissa Torres, Finance Director

Finance Director Torres wanted to notify the Commission they are requesting the year end transfers from late yesterday. They were trying to get the payroll numbers from the last accounts payable. The last one in front of you is the final revision. She read them from the revised Commission Action Form.

Mayor Green asked for clarification. Finance Director Torres pointed out the other part of the second page was at the bottom of the first page.

**Mayor Pro-Tem Whitehead moved to approve Resolution No. 40 16/17 Budget Adjustment Resolution. Commissioner Hechler seconded the motion. Roll call vote was taken by the Clerk-Treasurer. Motion carried unanimously.**

3. Discussion/Action: Resolution No. 41 16/17 related to Parks Fees. Renee Cantin, Clerk-Treasurer

City Clerk Cantin stated after the comments made at the last meeting, we met with the Sierra Racquet Club related to the issues at the Tennis Courts with the City Manager. We have made a change for the night use fees for the Gene Speer Tennis Courts as you can see. And all other suggestions have been worked out with the Manager and staff. So at this time we are proposing to remove the \$5 per night fee for the use of the Tennis Courts.

**Commissioner Hechler moved to approve Resolution No. 41 16/17 related to Parks Fees where we remove the \$5 a night fee as presented. Mayor Pro-Tem Whitehead seconded the motion. Roll call vote was taken by the Clerk-Treasurer. Motion carried unanimously.**

## **H. UNFINISHED BUSINESS**

1. Discussion/Action: Revisit Lodger's Tax Guidelines. Steve Green, Mayor

Mayor Green distributed a document and didn't want to get to into this until we get a new Tourism Director and stated there seems to be some confusion that 75% must be spent out of town and no more than 25% can be spent locally. The confusion that has

arisen is that there is up to 20% allowable for promotional items. He gave an example of going out to buy T-Shirts or cups for the event which is 20% maximum of the award. The confusion was that this particular entity spent 25% of their award locally and then they wanted to spend 20% for promotional items and thought they could not because they would be in violation of the award. He said the question was banners and what they can fall under. Promotional items are a thank you or a smile, which they can take away for a wonderful memory of an event. There seems to be some confusion with the 25% for advertising and 20% for promotional items. He would like the new Tourism Director to meet with those people so there won't be any confusion in the future. No action is needed. It was just brought for informational.

### **I. NEW BUSINESS**

1. Discussion/Action: Lodger's Tax Funds request by MainStreet Truth or Consequences. Linda DeMarino, Executive Director

Kay Miller, Board Member came forward and read the letter that was included in the agenda packet. She added the Hot Springs Festival brings in a significant amount of people.

Mayor Green asked if the name Truth or Consequences was on the bottles. Ms. Miller did not believe it did have the name. It could be a great memento but it should have the "where it is".

Commissioner Hechler suggested if we do henceforth they should include the name on there.

Mayor Green also mentioned we should accumulate these ideas for the new person who comes on board. And they also should meet with the Lodger's Tax Board.

**Mayor Pro-Tem Whitehead moved to approve the reimbursement for \$200 as requested by MainStreet. Mayor Green seconded the motion. Motion carried by a vote of 3-0-1. Commissioner Frankel abstained because he is a MainStreet Board Member.**

2. Discussion/Action: Public Arts Advisory Board Member appointments. Renee Cantin, Clerk-Treasurer

City Clerk Cantin presented this item with the information provided in the packet. We have three members of the board who are interested in being reappointed. We will have one more vacancy that will need to be filled, but at this time they have a meeting schedule for July and we are requesting the reappointment of these members to continue to serve on the Public Arts Advisory Board.

**Mayor Pro-Tem Whitehead moved to approve the reappointment of the three members including Sid Bryan, Eduardo Alicea, and Jagger Gustin. Commissioner Frankel seconded the motion. Motion carried unanimously.**

3. Discussion/Action: Preliminary discussion of Truth or Consequences Property Tax. Steve Green, Mayor

Mayor Green presented the item. It was brought to his attention when he was out for a cup of coffee with a concerned citizen. The conversation started with "Did you know that Elephant Butte's budget is \$262,000 in their portion of property taxes, and T or C gets \$149,000?" So he talked to their City Clerk Karen Reith who confirmed this, and they collected around \$247,000. Ours collected is \$149,000. They are a community of roughly 1,400 people and we are a community of 6,500 people. Don Armijo let him know the city was about 48 miles of streets, and 15 miles were dirt roads, not paved. But if you consider the land across the river you are up to about 22 miles of dirt roads in the city. A couple of meetings ago he referred to his son who is the Chief of Staff for the Mayor of San Jose, he's a lawyer, and he asked him going into their budget this year, what is their focus. He said the three P's, you can't go wrong. 1) Public Safety; 2) Parks; and 3) Pavement and Potholes. So when Commission Richter was here he started a conversation about Taxing Paving Districts, and it didn't work out.

He is not advocating that we raise property taxes tomorrow. He is saying that we take a look at what's available for us. In our budget we have 1/8<sup>th</sup> of 1% dedicated to our streets. If we have about \$210,000 to invest in our streets that are horrific. It's gone on and on and nothing has been done. Our GRT is up, our Lodger's Tax is up and boy is that a great indicator to all of our hotels and they are doing it right. Is this the message that we want to have for new businesses or visitor's coming for the Hot Springs or the Lake to think about moving here? Our streets look like a third world country and it's not our fault because we have never been able to get a large sum of money to do it right the first time. So how do we get our hands on a reasonable amount of money without punishing our citizens? They probably have a car and are using our roads. This will probably take some time, and he suggested that if our budget comes into \$149,000, we redline the \$150,000 and if we increase our 1.442% to 4.225% and take the additional revenue and earmark it only for roads, it would be a restricted fund. He would like to split the city into separate districts and start with each one to make a difference. If we could get our hands on an extra \$500,000 a year, in three years he guarantees our city would look better. John Arthur Smith is lobbying against Capital Outlay and we won't end up with a dime of it, so where is the fix going to come from. It will have to come from us. He did a quick number on his house where the increase for his house is \$1.44 per thousand for our homes. We have worked with the county to get the Rodeo Arena done and we appreciate it, but we are the county seat. At the end of the day we have to take care of our own house to beautify our city and make it safer. All he wanted to do is start a conversation.

Commissioner Hechler asked if he could give us a general idea what the increase would be per household. Mayor Green responded that's a good point, we are at \$1.442% and if you look at the value, we are going to have to reach into our own pockets to do this. And if we don't do this at some particular level it's just going to get worse. How about

the kids that are graduating from Hot Springs High School and maybe coming back, how are we leaving it for them and what are we going to do about it.

Mayor Green doesn't expect anyone to say let's bring it back right away. He thinks if the citizens know we will put it towards a specific thing, it would not be as bad. He suggested maybe having a workshop on this. You've got to step up and do it. Next time you go to Las Cruces to do some shopping, think of what it would do for T or C if you stayed here.

## **J. REPORTS**

### **a. City Manager**

For the workshop at 1:30, Mr. Griffith will be attending, as well as, one of the vendors. He will not be able to attend because he will be at a Hospital Board meeting and for those on the JPC they have a 4:00 p.m. meeting.

He also announced George Lee from Sierra County DWI is planning a free Safe ride program for this weekend who will be bringing people to Truth or Consequences to promote our town and bring people downtown safely.

### **b. City Attorney**

None.

### **c. City Commission**

**Mayor Pro-Tem Whitehead wished everyone a safe and Happy 4<sup>th</sup> of July.**

**Commissioner Hechler** had the opportunity to participate in the Experimental Sounding Rocket Association (ESRA) program at the Spaceport with over 1,100 students who launched 63 rockets some went as high as 100,000 feet. The City of T or C experienced some of the impact through some of the convenience stores and some teams stayed here at some of the hotels. He got an email regarding McDonalds where there were so many kids the Manager got out and started handing out free pies. He explained we have had some negative comments that were made by citizens that extremely impacted how much we involved. He thinks we have an opportunity with our new Marketing and Event Coordinator, and hopefully a new appreciation for this special event at Spaceport to try to groom this group to come in next year and put more of an economic impact on our community and grow the event.

**Mayor Green** thanked Commissioner Hechler for saving the cities bacon. He's all for public comment and free speech, but be careful what you wish for. When some people bad mouth the community and the ESRA Representative was there at the Spaceport meeting, the words uninviting and unfriendly were bantered around. He would caution the citizens that everything you put on facebook and the internet could come back and

CITY COMMISSION JUNE 28, 2017 REGULAR MEETING MINUTES

bite you. He reported which hotels said they booked hotels for that event. He also noted the food, restaurants, gift stores, and even McDonalds where they visited. Those people were so impressed with the outpouring of appreciation that they contacted the Vice President of Operations, and he had a call from Chris Lopez thanking the community for "Stepping up Big Time." For those who stepped up thank you and a special thank you to Commissioner Hechler. Commissioner Frankel added that reunion was a big family, it was the Trujillo's.

Tourism grant was awarded for \$16,600. Great team effort!

Welcome packages, they have used up the first 25 and we put together 25 more. They went to Texas, Connecticut, Colorado, Michigan, Illinois, Indiana, and Arizona. He hope whoever is the Mayor in the future will carry on with it. He had one person call him and thank him for the personal note.

Lastly, there is an Art Place Grant, which will try to solve some of the problems we have. There is some big money you can apply for with no match and this funder is going out of business so they have to spend the money by 2020. MainStreet held a workshop and there were 1,000 applicants and we made the cut down to 75 out of 1,000. Of the 75 they will fund between 25-30 projects. With special attention given to New Mexico communities and rural communities. He read some of the names of the people who were involved in the interview process.

**K. ADJOURNMENT**

**Mayor Pro-Tem Whitehead moved to adjourn at 10:30 a.m. Commissioner Hechler seconded the motion. Motion carried unanimously.**

**Passed and Approved this \_\_\_\_ day of \_\_\_\_\_, 2017.**

\_\_\_\_\_  
Steven Green, Mayor

ATTEST:

\_\_\_\_\_  
Reneé L. Cantin, CMC, City Clerk

F.4



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

**ITEM:**

Approve the minutes of the Public Utility Advisory Board for June 19th, 2017.

**BACKGROUND:**

**STAFF RECOMMENDATION:**

Approve the minutes.

Submitted by: Renee Cantin, City Clerk-Treasurer		Meeting date: 07/26/2017
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**CITY OF TRUTH OR CONSEQUENCES  
PUBLIC UTILITY ADVISORY BOARD  
MONDAY, JUNE 19, 2017**

**REGULAR MEETING**

Action Minutes

Regular meeting of the Public Utility Advisory Board of the City of Truth or Consequences, New Mexico to be held in the City Commission Chambers, 405 W. Third, Truth or Consequences, New Mexico, on Monday, June 19, 2017 at 5:39 P.M.

**INTRODUCTION:**

**PRESENT:**

George Szigeti, Chairman  
Jeff Dornbusch, Vice-Chairman  
Ron Pacourek, Member  
Gil Avelar, Member  
Randy Ashbaugh, Member

**ALSO PRESENT:**

Juan Fuentes, City Manager  
John Appel, City Attorney  
Renee L. Cantin, City Clerk  
Robbie Travis, Building Inspector  
Melissa Torres, Finance Director  
Andy Alvarez, Sanitation Director  
Jesus Salayandia, Water/Wastewater Admin. Director  
Bo Easley, Electric Division Director  
Arnie Castaneda, Water/Wastewater Department Supervisor  
Traci Burnette, Grant Project Coordinator  
Ruby Otero-Vallejos, Water/Wastewater Administrative Assistant  
Tammy Gardner, Electric Division Administrative Assistant  
Sonya Williams, Utility Office Manager  
Angela A. Torres, Deputy City Clerk

#### **APPROVAL OF AGENDA:**

Member Pacourek moved approval of the agenda.

Member Avelar seconded the motion. Motion carried unanimously.

#### **APPROVAL OF MINUTES:**

##### **Regular meeting of Monday, May 15, 2017:**

Chairman Szigeti asked that the request for materials be added to the minutes.

Vice Chairman Dornbusch moved approval of the May 15, 2017 minutes as amended.

Member Pacourek seconded the motion. Motion carried unanimously.

#### **COMMENTS FROM THE PUBLIC:**

Klaus Wittern - Requested that the agenda packet information be provided to the Board at least 72 hours prior to the meeting. He feels that will help the Board make an informed recommendation to the City Commission.

#### **RESPONSE TO COMMENTS FROM THE PUBLIC:**

City Manager Fuentes – Mr. Whittern is completely misinformed and inaccurate in his assumptions that he is making in regards to the meetings. This project that will be discussed with the City Commission on the June 28<sup>th</sup> has been in the works for going on 3 years. It has been discussed with the Public Utility Advisory Board and the City Commission on multiple occasions. And the City Commission through the recommendation of the Utility Board did proceed forward with the IGA which is being finalized. All of that information will be presented at the Joint Workshop. What we've experienced in the past is having a Joint Meeting to share information and data, works best for everyone. He understands that Mr. Wittern has his own opinion, but he is off kilter on this one.

#### **NEW BUSINESS:**

##### **Discussion/Update: Explanation of Utility Bills – Melissa Torres, Finance Director & Sonya Williams, Utility Office Manager:**

Utility Office Manager Sonya Williams- They are here today to explain the utility bills to the Board. They've looked at other utility bills, like for instance, Sierra Electric Coop, and El Paso Electric, because we want our bills to be comparable. We want everyone to be able to understand our bills. She has requested several changes from Tyler that have been recommendations requested by the Board.

Ms. Williams reviewed her PowerPoint presentation with the Board which included the following:

***Changes made by the request of the Advisory Board:***

- *Separated out the Electric and Pass Through Charges*
- *Added Water and Electric Graph of Consumption*
- *Added Sewer Average*
- *Added the word "Average" to Sewer.*

*Please note – These changes were made free of charge by Tyler (City Financial and Utility System); however, any future changes will be charged to the City starting at \$5,000.00 per change.*

Ms. Williams provided an example of the city utility bill as well as examples of bills of other entities and included them in her presentation.

***Conclusion:***

***The City of Truth or Consequences includes the following information on our Utility bills:***

- *Account number*
- *Billing, service, and due dates (including penalty dates)*
- *Current charges, including penalties*
- *Payments received and balance due*
- *An information section for customers*
- *A 13-month graph depicting usage*

*These items are comparable with the information that other local service providers include on their bills.*

Utility Office Manager Sonya Williams- Advised the Board that all changes to the utility bills were made free of charge from Tyler. However, from here on out, to have the layout of the bill changed, we will be charged a starting price of \$5,000 for any additional changes.

Finance Director Melissa Torres- To add to what Ms. Williams stated, each of these changes were individual changes, these were not all at once. Maybe it would be something different if all of these requests were done at the same time, but these were individual requests that we have made for these changes.

Chairman Szigeti – So if we do this again, it would be in our best interest to collect several changes, and do it all at once? In that case the charge would be \$5,000, but if we came in and did it five separate times, then it would become costly.

Member Pacourek – Asked how often does the city re-calculate customers on budget billing?

Utility Office Manager Sonya Williams – Budget billing is re-calculated every August, in April they re-calculate the sewer average, sewer base fee and in July they re-calculate the sewer cost per 1000 gallons and the trash rate by 5%.

**Discussion/Update: Sanitation Department – Andy Alvarez, Sanitation Director:**

Sanitation Director Andy Alvarez reported the following:

- He hired Kirsten Weddle for the scale house attendant position and the Sanitation Supervisor position is still open. Advertisement has been advertised in the newspaper, posted on the city website and also broadcast through KCHS Radio.
- They received three new trucks for his department, and three are going to other departments.
- The engine blew on his backhoe last week so he has to send it up to Albuquerque, to Wagner Equipment, to see if it is still under warranty. He is in the process of requesting three quotes for a new backhoe to use as a backup.

Chairman Szigeti – Made suggestions on different places the city could advertise for open positions.

Jeff Dornbusch - Asked Mr. Alvarez if the wood chipper is up and running.

Sanitation Director Alvarez – As of right now, we do not have the personnel to do wood chipping. However, we do receive it from the Bureau of Reclamation, and it is available at the Recycle Center.

Member Avelar asked if the residential trucks are holding up.

Sanitation Director Alvarez – One of his priorities for the new Fiscal Year was to replace one of his side loader dumpster trucks but then his backhoe blew up so he will have to wait on that. Maybe he can look into a new side loader truck the following Fiscal Year.

Member Pacourek- Asked where we were with the Butler Mobile Home Park. In the code of ordinance Section 11-14, it states that “in circumstances determined by the Solid Waste Department that a residence will be better serviced with a dumpster.” But it doesn’t say “and billed appropriately”. About 23 people in that particular Mobile Home Park are being charged for Poly-Carts that they don’t have. They have 5 dumpsters, and the owner of the property is not being charged for those dumpsters. It does not say anything in that section of the code of ordinance about being connected to an electric bill.

Utility Office Manager Sonya Williams - She knows in the code it does say that if you are provided with an electric or water meter you are to be billed for trash. As far as that Mobile Home Park, it is...

Member Pacourek- This is just an example of a situation that needs to be corrected as far as he’s concerned.

Chairman Szigeti – Asked member Pacourek to please let Ms. Williams finish.

Utility Office Manager Sonya Williams - As far as the Mobile Home Park, each customer if they have an electric meter, they are being charged for trash. Now if you remember, not too long ago, everyone was being charged for trash, and there was one dumpster in the alley. For a lot of these places it is the same

way. A lot of those residences don't want to have to push the Poly-Cart all the way out to the road every week, and that is something between the renter and the landlord. It's not our decision to make. They sign something when they move into the property regarding whether they are going to be charged for trash or not.

Chairman Szigeti advised Member Pacourek to add that as an agenda item if he would like to further discuss it.

**Discussion/Update: Electric Department - Bo Easley, Electric Division Director:**

Electric Department Director Bo Easley reported the following:

- The Paragon Transformers should be here tomorrow, and will be ready next week then hopefully the electric car charging system will be up for Tesla cars.
- They built the 3 Phase line at the Hospital and they are now waiting on the contractor to start the construction so we can get the underground put in.
- Bids close on June 21<sup>st</sup> for the Fitness Center at the High School.
- There will be a Joint City Commission/PUAB meeting on June 28<sup>th</sup> with YESCO.
- He and Robbie Travis have been working with Sunstate for a Verizon Tower at the Ball Fields.
- The contractors have been working on the Animal Shelter. They already have a 3 phase line built for that.
- He has contractors replacing 3 poles going up Carrie Tingly hill from Broadway, to Van Patten. They are also replacing 4 poles north of Caballo. They already have three of them done, and they still have one left to do.
- The price to test the poles that are rotting will be \$12.00 per pole, which comes out to \$6,000 for 500 poles. They will move forward with that in July.

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

Water/Wastewater Director Jesus Salayandia reported the following:

- They've been having a little bit of trouble maintaining the water level on the upper zone. We dropped down as far as 15 ft.
- Arnie has been working on some quotes for well #7. We received two quotes. One came in and was outrageous. It was \$79,000 just to acidize a well, flush it and clean it. The other quote that came in was for \$19,000. We went with the second quote and are hoping that they will be in sometime next week to start on that.
- Phase 2a at the Wastewater Plant has been set back until September, or whenever the river goes down. It turns out that the water table has come up quite a bit.
- 3 out of 6 wells are operating at the moment. They are averaging about 1800 gallons a minute, which isn't too bad for only operating on 3 wells. We are a bit lower than usual this year, but there is plenty of water and there is no need for concern.

Member Avelar asked if the contract for Phase 2 was time sensitive.

Water/Wastewater Director Salayandia - No, not on this project.

Chairman Szigeti- Asked if they were having trouble with the water line a week or so ago up by Morgan Street.

Member Ashbaugh- It looked like a pipe broke or something, on the East Side of Morgan Street.

Water/Wastewater Director Salayandia - That was just an air release valve, and sometimes it gets stuck. We are looking at getting that replaced.

Brief discussion ensued regarding acidizing the wells.

**Discussion: June 28, 2017 Joint PUAB & City Commission Meeting – George Szigeti, Chairman:**

Chairman Szigeti - As a board member, he felt that the way these Workshops were conducted, is that the participation of the Advisory Board was somehow minimized. He doesn't have an objection to having a joint meeting. However, he does request that the information for this meeting be sent to them as far in advance as possible so that the new members of the board have a chance to look over the documents. He specifically requests, when they have this meeting, the floor be turned over to the Public Utility Advisory Board to allow them discuss and question the presenter before the City Commission has a chance to give their input.

City Manager Fuentes recommended that Chairman Szigeti reach out to Mayor Green to express his concerns. He does not believe that Chairman Szigeti's request will be an issue because the intent of the Joint Workshop is to receive everybody's input.

Member Pacourek- Is the Water Department capable of replacing water meters on a regular basis?

City Manager Fuentes – Those questions will be addressed during the Joint Workshop on the 28th. That would be the appropriate time to discuss and address your question.

**Discussion/Action: Standardizing language in City Ordinances concerning Utility Rates – George Szigeti, Chairman:**

Chairman Szigeti- He was looking through the City Utility Ordinances and there is quite of a variance on how items are discussed. Last week there was a pass-thru which was related to fuel costs, and operational costs, and there is discussion for each of the utilities of a pass through charge, but it is not uniformly handled. He would like to start looking at the code where they discuss utilities, and try to standardize things.

Member Pacourek volunteered to help Chairman Szigeti with Standardizing language in City Ordinances concerning Utility Rates.

**COMMENTS FROM THE BOARD:**

Member Ashbaugh- Asked that his fellow members take a little bit of time to review, and study the New Mexico Development Fee Act.

Member Pacourek- Asked where we are at with a formula for the pass-thru rates.

Chairman Szigeti- He brought that before the City Commission last week and they approved the name change and formula. The only change they had was to re-calculate it once a year, so it does not place an undue burden on staff.

Chairman Szigeti compared the City of T or C Utility Bill to Sierra Electric Coop's Electric Bill to show that the City's rates are in fact cheaper than Sierra Electric Coop.

**COMMENTS FROM STAFF:**

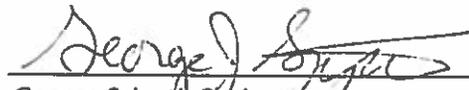
There were no additional comments from staff.

**ADJOURNMENT:**

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

**APPROVAL:**

PASSED AND APPROVED this 17th day of July, 2017, on a motion duly made by Jeff Dornbusch, seconded by Ron Pacourek, and carried.

  
George Szigeti, Chairman  
Public Utility Advisory Board



F.5

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

**ITEM:**

June 19, 2017 Impact Fee Advisory Board Minutes

**BACKGROUND:**

None

**STAFF RECOMMENDATION:**

Approval of minutes

**SUPPORT INFORMATION:**

June 19, 2017 Impact Fee Advisory Board Minutes

Submitted by: Renee Cantin	Department: Clerk-Treasurer	Meeting date: July 26, 2017
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**CITY OF TRUTH OR CONSEQUENCES  
IMPACT FEE ADVISORY BOARD  
MONDAY, JUNE 19, 2017**

**REGULAR MEETING**

Regular meeting of the Impact Fee Advisory Board of the City of Truth or Consequences, New Mexico to be held in the City Commission Chambers, 405 W. Third, Truth or Consequences, New Mexico, on Monday, June 19, 2017 at 5:00 P.M.

**INTRODUCTION:**

**PRESENT:**

George Szigeti, Chairman  
Jeff Dornbusch, Vice-Chairman  
Ron Pacourek, Member  
Gil Avelar, Member  
Randy Ashbaugh, Member  
Sid Bryan, Member

**ALSO PRESENT:**

Juan Fuentes, City Manager  
John Appel, City Attorney  
Renee L. Cantin, City Clerk  
Robbie Travis, Building Inspector  
Melissa Torres, Finance Director  
Andy Alvarez, Sanitation Director  
Jesus Salayandia, Water/Wastewater Admin. Director  
Bo Easley, Electric Division Director  
Arnie Castaneda, Water/Wastewater Department Supervisor  
Traci Burnette, Grant Project Coordinator  
Ruby Otero-Vallejos, Water/Wastewater Admin. Assistant  
Tammy Gardner, Electric Division Admin. Assistant  
Sonya Williams, Utility Office Manager  
Angela A. Torres, Deputy City Clerk

## **APPROVAL OF AGENDA:**

Member Pacourek moved approval of the agenda.

Vice Chairman Dornbusch seconded the motion. Motion carried unanimously.

## **COMMENTS FROM THE PUBLIC:**

Klaus Whittern - During the last PUAB meeting, the members asked for information regarding this Board and that information was not provided. Mr. Whittern insisted that information be submitted in a timely matter which would be no later than the Thursday prior to the meeting. He also believes that the information provided to the Board for this meeting is out of context.

## **NEW BUSINESS:**

### **Discussion/Action: Consideration to approve reimbursement request – Arnie Castaneda, Water/Wastewater Division Supervisor:**

Chairman Szigeti- Informed the Board that Ashbaugh Construction has a lawsuit against the City of Truth or Consequences in regard to Impact Fees. He feels that this puts the Board in a rather precarious position, as Mr. Ashbaugh is part of the Impact Fee Advisory Board. It seems to him that Mr. Ashbaugh has a substantial conflict of interest which would put the city in a very bad position if Mr. Ashbaugh continued to participate in discussions related to Impact Fees since this lawsuit basically addresses everything that the city does with Impact Fees.

City Attorney John Appel – Yes that statement is correct. Mr. Ashbaugh is a member of this Board and the signatory for his company that has pending litigation against the City. City Attorney Appel recommends that Mr. Ashbaugh step down from his position at this time, while this particular item is being discussed and he should not participate either in discussion, or in a decision on this pending item.

Member Ashbaugh – Would like to discuss the information brought forth, but will recuse himself from voting on this information.

City Attorney John Appel –Mr. Ashbaugh does not need to recuse himself. However, he does recommend that he do so.

With that being said, Arnie Castaneda, Water/Wastewater Supervisor reviewed the following presentation with the Board.

### **Wastewater upgrades Phase 1:**

- New Belt Filter Press
- New Aerators
- New Ultraviolet system
- SCADA System upgrades
- Laboratory Upgrades

- Administration Building Rehab
- TOTAL IMPROVEMENTS
- \$3.5 MILLION plus \$900, in city matching funds.
- Project is close to completion. Should close-out by the end of June 2017.

**Wastewater upgrades phase 2a:**

- Excavate and construct two new 55 ft. diameter clarifiers
- New splitter box for flow control to new units
- Equip new clarifiers with required gear
- Installation of new PVC C-900 lines for RAS/WAS and valves.
- The lowest bid came in from Smith Co. in the amount of \$1,888,670.35
- At the recommendation of the Smith Engineering, the project was awarded to Smith Co., the low bidder.
- However, due to a mathematical error on Smith Engineering's spreadsheet the bid exceeded the available amount for Phase 2A by \$335,237.89
- According to records, the City currently has \$302,868.00 in Impact Fee funds that qualify for reimbursement back towards the Wastewater Budget.
- The Wastewater Budget fronted the funds to pay for the projects listed in the next slide. However, only the projects highlighted in green qualify for reimbursement.

**Impact Fees Reimbursement:**

- Mr. Castaneda reviewed a listing of the Impact Fee Reimbursements.

**Preliminary Opinion of Probable Cost:**

- Wastewater Treatment Plant Upgrade Project
- Total Construction \$9,399,170.00
- Water System Upgrade Project
- Total Construction \$859,694.00
- At this time we are asking the Board to approve the reimbursement of the maximum allowable amount up to \$302,868.00 from the Impact Fee Fund to the Wastewater Budget.

Vice-Chairman Dornbusch – Asked questions about the mathematical error of \$335,000 on the Smith Engineering spread sheet, and why the city had to front the money in order to get this project completed. Why was the error not paid for by Smith Engineering?

Water/Wastewater Supervisor Arnie Castaneda- The city asked that question. However, Smith Engineering was not willing to come up with that amount of money to cover what was in the negative. They looked into it legally, and there wasn't anything binding that would make Smith Engineering pay for that \$335,000.

Chairman Szigeti – Where did the error appear? Was it in the calculation in the funds available, or in the cost?

Water/Wastewater Supervisor Arnie Castaneda – It was due to the budget that came up two or three years ago. Once the project was up for approval, two or three years had passed and costs for that project increased.

Grants Projects Coordinator Burnette – The way the PER was written back in 2014, when it was time to bid out for phase 2a, the cost had increased. So in essence, when they were re-doing their cost within their spread sheet, that's when their error occurred.

Member Ashbaugh – They should check to see if they have error in omissions insurance. He recommends that the city make a claim.

City Manager Fuentes- We are dealing with two different issues here. One issue is in regards to the issue of the discrepancy in the funding that has already been looked at by legal, but that's a whole separate issue. The fact of the matter is, as Arnie presented, there is a list of projects that do qualify under the Impact Fees, and that's what is before you for reimbursement. And the other matter has already been reported to legal, and has been reviewed.

Chairman Szigeti - I agree. It falls more under the purview of the Public Utility Advisory Board rather than the Impact Fee Advisory Board.

Grants Projects Coordinator Burnette – Please keep in mind that the funding we received does have a deadline. We have to move forward on the project the expend funds within a certain time frame or we will lose those funds.

Chairman Szigeti- Asked if anyone has any issues with the items brought forth for reimbursement.

Member Ashbaugh – He has a complete issue with everything on the list. Neither he, nor any of the members have any meeting minutes nor do they know what the Capital Outlay Plan says. Nobody on this Board was here when that was discussed.

Chairman Szigeti – Mr. Ashbaugh you are not recognized at this point. Please...

Member Pacourek –He thought that items for the SCADA System upgrade did not fall under Impact fees.

Member Ashbaugh – We need to review the 2006 or 2007 Capital Expenditure Plan that the city has. We have to follow the Capital Outlay Plan by exact, to be in compliance with the New Mexico Development Fee Act. He would like to read and study the New Mexico Development Fee Act to see what is authorized to be expended. This Board cannot expend one penny, unless it complies with the CEP, and it has to be done by a professional, in a timely matter.

Member Ashbaugh requested that a copy of the Capital Outlay Plan be sent to him.

City Manager Fuentes - Mr. Chairman, allowing Mr. Ashbaugh who has a clear conflict of interest, to continue to make comments, and influence the Board, or suggest any information... again there is pending litigation that Mr. Ashbaugh has filed, and our legal counsel has recommended to the Board that he recuse himself for discussion under this item. Clearly he is not doing that, and in essence, he is basically trying to influence the Board.

Vice Chairman Dornbusch - It is apparent to him of Mr. Ashbaugh's denial that anything on this list is applicable, with maybe the exception of the upgrade to the SCADA System, but the SCADA System

upgrade includes the new filter press building, which is not an upgrade, it is an addition to the improvement of the project. So by Mr. Ashbaugh voicing his disconcert for this, tells him that Mr. Ashbaugh has a conflict of interest, and he does not want to here anymore from him.

City Attorney Appel- The upgrade to the SCADA System was to bring in parts of the system that needed to be monitored.

Member Pacourek – Under Section 5-8-5 it states that upgrades updating expansions or replacing capital Improvements... that's not a payable item.

City Attorney Appel – There is a section that refers to upgrades to the status, which in this case was the new parts of the SCADA system, to handle additions to the sewer plant. That's why it is allowed because it is part of the actual increase capacity, not just the original system.

Chairman Szigeti – As everyone remembers, at the last PUAB meeting where they were discussing scheduling this meeting, he asked that the Board be provided the data pertaining to the Impact Fee laws, and the Impact Fee collections, which they did not receive. Whether this is a time sensitive issue, or not, the members of this Board have not had the time to review and understand this data, as evidence by Member Pacourek's confusion over this issue. He is having a little bit of difficulty justifying whether or not he is ready to make a decision on this item, or if the other members feel the same way. He knows that Member Ashbaugh is familiar with all of this, but it is unclear as to the other members of the Board, especially Board Member Bryan who recently was appointed to this Board. He asked the Board if they are prepared to discuss and vote on this issue at this time.

***George Szigeti, Chairman – Stated no***

***Jeff Dornbusch, Vice-Chairman – Ste no***

***Ron Pacourek, Member – Voted no***

***Gil Avelar, Member – Voted no***

***Randy Ashbaugh, Member - Abstained***

***Sid Bryan, Member – Voted no***

Member Pacourek – Requested that the Capital Improvement Plan be provided to the Board members.

Chairman Szigeti – He would like to request the audit that was carried out on the Impact Fee Board. No one has seen that either. He thinks for the integrity of the individuals on this Board, he does not feel they can proceed until they have seen that information, and had time to adjust it, and act upon it. Right now all they have is a figure of \$302,000 that was presented to them, and they have no idea where that figure came from. He personally would like to see the documentation behind that.

Water/Wastewater Supervisor Arnie Castaneda - He would like to pass along some information. The FY is about to end, and they have a new FY coming up. Right now they are down one pump in one of their lift stations which is about \$8,000. Well equipment at the Wastewater Treatment Plant is corroded and

the cost to replace that is \$5,000 each. They have equipment throughout the system, for whatever reason has been neglected, is old, and needs to be replaced. So from this point of view they are asking for this refund, I guess you could say to fix these ongoing problems. Right now he is at the point where some of this information is coming from Jesus and he is trying to compile this, and they haven't even started the new FY, and he

knows that they are already in the red. So it might not be a time sensitive issue from the project point of view, but from operations, we are stepping on a thin line because of some of the equipment that might go down, and we have no money to replace it, and then what are they going to do.

City Attorney Appel – He thinks staff will be able to provide the Board with more of the backup documentation for some of these particular items. They thoroughly went through each that was given to them and basically crossed off those items that they felt did not fit within the Capital Improvements. The \$302, 000 was the remainder of what was left. The capital items that fit within the scope of the present Capital Improvements Plan were actually expended.

Chairman Szigeti- Asked if the balance in the Capital Improvements fund could be used for these expenses. Do we have anyone here who could tell us whether the \$302,000 can be covered by the money in the Impact Fee fund? But again, since this item has already been tabled they can provide all of that information at the next meeting.

City Manager Fuentes- Believes the majority of that fund will be covered.

Member Pacourek- Asked when they will be receiving information for this item.

City Manager Fuentes – The information will be sent out in a timely manner.

Chairman Szigeti – As soon as possible would be great.

Chairman George Szigeti moved to table this until item until Tuesday July 11<sup>th</sup> at 9:00 am.

Vice Chairman Dornbusch seconded the motion.

*George Szigeti, Chairman – Voted aye*

*Jeff Dornbusch, Vice-Chairman – Voted aye*

*Ron Pacourek, Member – Voted aye*

*Gil Avelar, Member – Voted aye*

*Randy Ashbaugh, Member - Abstained*

*Sid Bryan, Member – Voted aye*

*Motion carried.*

**COMMENTS FROM THE BOARD:**

There were no additional comments from the Board.

**COMMENTS FROM STAFF:**

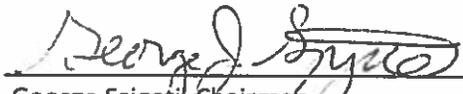
There were no additional comments from Staff.

**ADJOURNMENT:**

There being no further business to come before the Impact Fee Advisory Board, George Szigeti, Chairman, declared the meeting adjourned.

**APPROVAL:**

PASSED AND APPROVED this 11th day of July, 2017, on a motion duly made by Jeff Dornbusch, seconded by Ron Falcurek, and carried.

  
George Szigeti, Chairman  
Impact Fee Advisory Board

F.6



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

**ITEM:**

Approve the minutes of the Airport Advisory Board for April 4th, 2017.

**BACKGROUND:**

**STAFF RECOMMENDATION:**

Approve the minutes.

Submitted by: Renee Cantin, City Clerk-Treasurer		Meeting date: 07/26/2017
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**AIRPORT ADVISORY BOARD  
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO**

**REGULAR MEETING**

**ACTION MINUTES**

**TUESDAY, APRIL 4, 2017**

**TIME & PLACE:**

The Airport Advisory Board of the City of Truth or Consequences, New Mexico, met in Regular Session in full conformity with the law and ordinances of said Board, at the Truth or Consequences City Commission Chambers, 405 W. 3rd St. Truth or Consequences, New Mexico on Tuesday, the 4<sup>th</sup> day of April, 2017, at 4:00 pm.

**PRESIDING OFFICER:**

The meeting was called to order by Chairman Gerald LaFont, and Angela A. Torres acted as Board Secretary.

**ATTENDANCE:**

Upon calling the roll the following members were reported present:

**Present:**

Gerald LaFont, Chairman  
David Senn, Vice Chairman  
Chuck VanGelder, Member  
Dennis Anderson, Member

**Also Present:**

Juan Fuentes, City Manager  
Angela A. Torres, Deputy City Clerk  
Mark Bleth, Municipal Airport Attendant  
Traci Burnette, Grants Coordinator  
Julie Thiessen, Delta Airport Consultants  
Paul Tooley, Fire Chief

**Absent:**

Ronald Phillips, Member

**QUORUM:**

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

**APPROVAL OF AGENDA:**

City Manager Fuentes asked that items 4B & 4E to be removed from the agenda.

Vice Chairman David Senn called for approval of the agenda.

Member Anderson moved approval of the agenda with the revisions mentioned.

Vice Chairman Senn seconded the motion. Motion carried unanimously.

**APPROVAL OF MINUTES:**

**Approval of Regular Meeting of Wednesday, October 4, 2016:**

Chairman LaFont called for approval of minutes for October 6, 2016.

Vice Chairman Senn moved approval of the minutes as submitted.

Member Anderson seconded the motion. Motion carried unanimously.

**COMMENTS FROM THE PUBLIC:**

There were no comments from the public.

## **NEW BUSINESS:**

### **Discussion/Update: Fuel Farm Project; Julie Thiessen, Delta Airport Consultants:**

Julie Thiessen - The Fuel Farm Project has a few different phases that have been currently worded in phase I. The contractor is just a little over half way through their contract time. Yesterday, they poured the containment slab where the tanks will actually be sitting in, and then they will be pouring the walls on Friday. After that, they will be pouring in the section where the trucks pull in, in order to load the tanks. They lost a couple of days due to some bad weather, but all of that will be within the contract allowance for that type of item. The schedule 2 contractors, who will be installing the pumps, and the tanks, are starting to submit their submittals showing their shop drawings for those items to be approved, and they are moving along on getting things ordered. The tanks have been ordered, and she anticipates that portion of the project will probably start the middle, or perhaps late June, depending on when the equipment comes in.

Vice Chairman Senn- Asked where the fence will be located.

Ms. Thiessen - It will be located around the Fuel Farm which will be outside the safety area for the Taxiway.

Member VanGelder- He noticed in the contract it said that the contractors will haul off all of their excess material. Right now they are stacking the dirt. There has been an ongoing problem of more and more materials being left out there from construction projects, and when the wind blows it's a real mess for the hangars.

Ms. Thiessen - They are aware that they need to haul things off. They are waiting to get closer to the end of the job so that they don't have to haul multiple times. Some of those materials may be used to dress up some of the areas along some of the Taxiway edges that have had some erosion. And the contractor would do that for no extra cost.

Member VanGelder - Asked about self-service fueling and credit card readings at the site.

Ms. Thiessen - She spoke with FAA and they are interested in funding that part, but it all depends on how the funding lines up. The good thing is that the plans have already been designed, and they will have to go back out for bid, but it is basically considered a "shovel ready project." So there is no design time left, and it is a really quick turnaround which puts us in a really good position with the FAA. They offer something called end of year money which is basically money that is left over. They want to keep that money in the region, and specifically in the State. That is actually how the fuel Farm was funded. For this phase, it could be a Federal FY Grant for 2017, but right now we have it in the ACIP for the 2018 Grant. The second tank was funded by the State and the Federal did not provide any funding for that second tank. Unfortunately, the State is out of funds right now, but come next year that might be a different scenario. Their back up plan is to see if the State could fund the self-serve tank.

**Discussion/Update: Review of Final Business plan completed by Delta; Julie Thiessen, Delta Airport Consultants:**

This item was removed from the agenda.

**Discussion/Action: Re-purposing the Fire Department Building for Airport Operations; Juan Fuentes, City Manager:**

City Manager Fuentes - Currently Airport staff is using one of those hangars as a maintenance shop. Their goal is to ultimately increase revenue streams, and hangar fees at the Airport. He and staff looked at the building, and the possibility of having it re-purposed as a maintenance shop so that they can free up hangars to be rented out. They did some research in regards to the history of that building and there was no history in regards to the FAA so there are no strings attached to it.

Fire Chief Tooley - He did some research, and they had to go back in time to figure out when it was done, and it was actually a match brand they believe it was with DOT and not the FAA. The City did the "in kind" work on it. We did not receive any funding from the State Fire Marshal's Office as an actual substation in that area. So technically we didn't use any State Fire Funds for it. They don't have a problem with that for the re-purpose. They have one of the older trucks that they are going to auction with. One of them will come back into town, and the only thing they need to work with the city, is they have they have to find a home for a command trailer that they use for fire training safety and a command center. They don't have any room in the other Fire Stations for that.

Member VanGelder moved to accept the re-purposing the Fire Department Building for Airport Operations.

Member Anderson seconded the motion. Motion carried unanimously.

**Discussion/Action: Donation of T33 to Vietnam Aviation Veterans of Arizona Memorial Museum; Juan Fuentes, City Manager:**

Mark Bleth provided a slide show of a suspended T33, and what they look like. City Staff has decided to keep the T33 that is at the Airport and do some renovations to it. He had a discussion with some people who have a front end loader with a 10,000 lb. capacity lift on it. They estimate the T33 to be about 7,000 lbs. without its jet engine. Therefore, they will be able to pick it up and move it into the pippin hangar to do a restoration project on it. Not a museum grade restoration project, but straighten it out, polish it up, add new decals on it, and fold in the landing gear. While it's in the pippin hangar doing that, they can erect some sort of post, up

front where it currently sits then use Bar 2 to place it back up 15 to 20 feet depending on what the best vantage point is from the Interstate. Once they get it up in the air 15 to 20 feet then it could be seen from the Interstate, and if it is nice and shiny, and has nice decals on it, then it's a great view point for people passing by. It will also show people that we exist, and what we do out there. They are not looking at spending much money in this process. The canopy that is existing they are looking at painting the interior black, since people will not be peering inside of it, and they will just black it out so that the resin deposit that's on the side (where it was glued together) is not seen anymore. They will probably also pull the seats and have them displayed inside one of our areas.

Vice Chairman Senn moved to keep the T33 Aircraft and revamp it in the Phippen Hangar.

Member Anderson seconded the motion. Motion carried unanimously.

**Discussion/Action: Phippen Hangar Rental; Juan Fuentes, City Manager & Mark Bleth, KTCS Airport:**

Item was removed from the agenda.

**Discussion/Action: Proposed plan for camp site development; Mark Bleth, KTCS Airport:**

Mark Bleth - Showed a slide of camp grounds. They are trying to market themselves with the four airstrips within the Gila that are now opened up to the public. People need a gateway into that, where they'll either do some training on our dirt runways, take on fuel, or just prepare for what they are going in to. So they might want to prepare for that in a camp ground setting or just people who are doing cross country that want to camp. We do have the space there but there's really not much in the way of funds to do this. Ty downs exist from some previous activity that was there, we just need to re-anchor chains back into those existing concrete pedestals that are sitting there, and do some cut-ins for some camping. In the end what this is doing is not just an amenity to the Airport, but it drives traffic, and when we drive traffic to the Airport, we drive fuel sales as well. So this is just a low cost way of maybe getting some marketing hits. He will be going out with Michael Hudgens on Thursday to go through some of the strips that are out there; specifically in Beaverhead, to get a bigger tie into the Gila, and see how we can work together with the Forest Service. The Forest Service is supportive of this activity; even if there is no direct benefit to them they want to see partnerships with the communities.

There is a process to this, and the staff from Delta has looked into this for us, so it's not like I will start advertising for this tomorrow. What we are asking for is your recommendation to move forward with this process.

Member Anderson moved to proceed with the proposed plan for camp site development at the Municipal Airport.

Vice Chairman Senn seconded the motion. Motion carried unanimously.

**Discussion: Re-instatement of Sunday operations; Mark Bleth, KTCS Airport:**

Mark Bleth – The Airport staff will be going to a 7 day week schedule, so that the Airport can be open on Sundays. This schedule will start on the 1<sup>st</sup> of May.

**Discussion: Aerobatic Box; Mark Bleth, KTCS Airport:**

Mark Bleth - With the low traffic we have in the area this will be a great project. However, somebody has to own the box, take care of the coordination of it, liability, and those types of things. Dr. Brown is interested in being the owner of that box since he will probably be taking delivery of an RV in the near future, with a 300 horse engine in it, with the intention of doing Aerobatics in it. This project wouldn't necessarily be just for one tenant of ours to enjoy, and practice in, but if we can get on the map then we can support competitions. And any kind of competition or event is good for business. We do not have anything committed as of yet, but he feels that it is a worthwhile thing to look at.

Member VanGelder – Would like to see them as a part of the discussion of the addition of a designated practice area for the Airport.

**Discussion: EAA Chapter; Mark Bleth, KTCS Airport:**

Mark Bleth – We have an opportunity here to get a chapter started. They have been in discussion with the people out of Oshkosh, on what the steps are. One of the items that were discussed was the lease of the Pippin hangar. So whether that lease moves forward with Dr. Brown, or whether it stays with the City, would be the place we hold that chapter. Dr. Brown has also agreed to host that and be the Chapter president. The main idea is to help the youth in the community.

**Discussion/Action: Airport Website; Chuck VanGelder:**

Mark Bleth - Informed the board that he will soon be making updates to the City Airport Web page.

No action was taken on this item.

**COMMENTS FROM THE BOARD:**

Vice-Chairman Senn –Does the Fire Department hangar have power and everything they need for what they are storing in hangar #3?

Mark Bleth – Yes, the size of the hangar is 30 x 60 ft. so it is plenty big.

**COMMENTS FROM STAFF:**

Mark Bleth – Airport staff will be doing an inventory and safety inspection of all hangars starting June 1<sup>st</sup> in order to know if the hangars are being used for aviation or non- aviation purposes.

**ADJOURNMENT:**

There being no further business to come before the Board, Chairman Gerald LaFont asked for a motion to adjourn the meeting.

Vice Chairman David Senn made a motion to adjourn the meeting.

Motion Seconded by Member Chuck VanGelder. Motion carried unanimously.

Meeting adjourned.

PASSED AND APPROVED this 11th day of

July, 2017, on a motion made by

Chuck VanGelder and Seconded by

David Senn and carried



Gerald LaFont, Chairman



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

F.7

## COMMISSION ACTION FORM

### ITEM:

*4th Quarter Lodgers Tax Reports, FY 16/17  
3rd Quarter Lodgers Tax Reports for: Chamber of Commerce, Veterans Park/Museum*

### PURPOSE OF ACTION:

*Review*

### BACKGROUND:

*Contract requires that recipients of Lodgers Tax Grants submit a quarterly report to the City by the 15<sup>th</sup> of the month following the quarter.*

### STAFF RECOMMENDATION:

*Not Applicable*

### SUPPORT INFORMATION:

*Quarter Reports and Summary Sheet*

Name of Drafter: Linda Sparks	Department: City Manager's Office	Meeting: 7/26/17
E-mail: <a href="mailto:lsparks@torcnm.org">lsparks@torcnm.org</a>	Phone: 575-894-6673 Ext. 320	

**LODGERS' TAX RECIPIENTS**

Reports due by 15th of month following quarter.

**FISCAL YEAR: 2016/2017**

Updated: 07/17/17

NAME OF ORGANIZATION	ALLOTMENT	1ST QTR. REPORT		2ND QTR. REPORT		3RD QTR. REPORT		4TH QTR. REPORT		
		YES	NO	YES	NO	YES	NO	YES	NO	
Chamber of Commerce	\$11,500	X	10/03	X	03/08	X	05/01		X	
Clint Benjamin Memorial Team Roping	\$1,500		X		X			No response from contractor. JAF: Rodeo moved to Socorro.		
Friends of Elephant Butte LK ST PK	\$700	X	10/25	X	12/12	X	04/07	Zero Balance		
Geronimo Springs Museum	\$10,000	X	09/26	X	01/12	X	04/11	X	06/01	
MainStreet Truth or Consequences	\$10,000	X	10/12	X	01/12	X	03/30	X	06/02	
New Mexico Old Time Fiddlers	\$1,000	X	12/12		X		X		X	
Sierra County Arts Council	\$3,000	X	10/13	X	01/13	X	04/14	X	06/01	
T or C Fiesta, Inc.	\$4,000	X	10/14	X	01/17	X	04/13	X	07/06	
Veterans Memorial Pk/Museum	\$4,300	X	12/15 *	X	12/30 *	X	05/10		X	
<b>COOP GRANTS</b>										
Geronimo Trail Scenic Byway	\$6,000	X	10/07	X	01/09	X	04/04	X	07/05	
Sierra County Recreation & Tourism	\$16,000	X	10/04	X	01/03	X	04/06	X	07/14	

\* Corrected copies received 1/11/17.

1ST QTR:	JUL, AUG, SEP
2ND QTR:	OCT, NOV, DEC
3RD QTR:	JAN, FEB, MAR
4TH QTR:	APR, MAY, JUN

Copies to LTAB 10/27/16.  
 Copies to LTAB 01/26/17.  
 Copies to LTAB 04/27/17.  
 Copies to LTAB 07/27/17.

Copies to CC 11/15/16.  
 Copies to CC 02/14/17.  
 Copies to CC 04/25/17.  
 Copies to CC 07/26/17.

**LODGERS' TAX  
QUARTERLY WORK/SPENDING REPORT**

FY: 2016/17

NAME OF GRANTEE: Chamber of Commerce of Truth or Consequences & Sierra County

THREE MONTH PERIOD OF REPORT: 01/01/17 TO 03/31/17  
(mm/dd/yy) (mm/dd/yy)

PLEASE PROVIDE A DETAILED STATUS OF ACTIVITY FOR REPORTING PERIOD.  
(If no work has been done, explain why work has not begun.)

*website work done*

*distribution complete*

05-01-17P03:40 RCVD

*Visitors Guide reprinted*

*Sierra County App build in progress*

ITEMS AND AMOUNTS FOR WHICH REIMBURSEMENT FUNDS WERE REQUESTED DURING PERIOD:

<u>ITEMS(S)</u>	<u>AMOUNT</u>
<i>Visitors Guide Distribution</i>	\$ <u>738.91</u>
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
NM GRT	\$ _____ (if applicable)
<b>TOTAL</b>	<b>\$ <u>738.91</u></b> <i>OK / J.S.</i>

ANTICIPATED COMPLETION DATES OF TASKS NOTED ABOVE:

<u>TASK</u>	<u>ANTICIPATED COMPLETION DATE</u>
<i>Sierra County App in progress</i>	<u>04/30/17</u>
_____	_____
_____	_____

  
SIGNATURE

575 894-2239  
CONTACT PHONE NUMBER

04/28/17  
DATE

**LODGERS' TAX  
QUARTERLY WORK/SPENDING REPORT**

06-01-17A10:11 RCVD

NAME OF GRANTEE GERONIMO SPRINGS MUSEUM

THREE MONTH PERIOD OF REPORT: 04/01/17 TO 06/30/17  
(mm/dd/yy) (mm/dd/yy)

PLEASE PROVIDE A DETAILED STATUS OF ACTIVITY FOR REPORTING PER  
(If no work has been done, explain why work has not begun.)

Constant Upgrading of Web Site

Radio Ads for Large Events

Ads in Regional Publications

Printing of Cards and Information Materials, such as maps

Advertising in Conjunction with other Organizations, Events/Celebrations

Development of Brochure for El Camino Real Special Show

ITEMS AND AMOUNTS FOR WHICH REIMBURSEMENT FUNDS WERE REQUESTED  
DURING PERIOD:

<u>ITEMS(S)</u>	<u>AMOUNT</u>
<u>Radio Event Ads</u>	\$ 412.50
<u>Socorro Guidebook/Event Ad</u>	\$ 688.96
<u>Web Site</u>	\$ 1,999.89
<u>Craft Show Advertising</u>	\$ 74.21
<u>Artist Directory</u>	\$ 150.00
<u>con't on 2nd page</u>	NM GRT \$ (if applicable)
<b>TOTAL</b>	<b>\$ 3,325.56</b> S/B \$8,010.34 J.A.

ANTICIPATED COMPLETION DATES OF TASKS NOTED ABOVE:

TASK ANTICIPATED COMPLETION DATE

End of Fiscal Year

  
SIGNATURE

575-894-6600  
CONTACT PHONE NUMBER

05/30/17  
DATE

Additional detail for Reimbursements Funds-

Advertising-Elephant Butte Lake State Park/Elephant Butte \$858.00

Advertosomg fpr Annual Banquet 509.08

Advertising for Community Events 542.71

Printing-El Camino Real/Supportive Materials 2,775.00



A handwritten signature in black ink, consisting of several loops and a long tail.

**LODGERS' TAX  
QUARTERLY WORK/SPENDING REPORT**

**RECEIVED**  
JUN 02 2017

NAME OF GRANTEE: MainStreet Truth or Consequences

THREE MONTH PERIOD OF REPORT: 03/01/17 TO 06/30/17  
(mm/dd/yy) (mm/dd/yy)

PLEASE PROVIDE A DETAILED STATUS OF ACTIVITY FOR REPORTING PERIOD.  
**(If no work has been done, explain why work has not begun.)**

*All work has been completed. Funds were used to promote the Hot Springs Festival and Second Saturday Art Hop. Banners were produced to support Old-Fashioned Christmas and Second Saturday Art Hop. We also paid for graphic design and the website, which is utilized to promote all of our events.*

ITEMS AND AMOUNTS FOR WHICH REIMBURSEMENT FUNDS WERE REQUESTED DURING PERIOD:

<u>ITEMS(S)</u>	<u>AMOUNT</u>
<u>Publishing- Hot Springs Festival/ Art Hop</u>	\$ <u>1,023.03</u>
<u>Banners/ Promotional Items/ Graphic Design</u>	\$ <u>3,300.00</u>
<u>Radio- Hot Springs Festival</u>	\$ <u>525.00</u>
<u>Advertising- Hot Spring Festival/ Art Hop</u>	\$ <u>3,401.33</u>
<u>Website</u>	\$ <u>699.86</u>
	NM GRT \$ _____ (if applicable)
	<b>TOTAL</b> \$ <u>8,949.22</u> \$9,691.21 O.S.
	<u>-57.64</u>
	<u>\$8,911.58</u> 

ANTICIPATED COMPLETION DATES OF TASKS NOTED ABOVE:

<u>TASK</u>	<u>ANTICIPATED COMPLETION DATE</u>
_____	_____
_____	_____
_____	_____

*Jenita V. Peterson*  
SIGNATURE

575-740-6180  
CONTACT PHONE NUMBER

06/02/17  
DATE

**LODGERS' TAX  
QUARTERLY WORK/SPENDING REPORT**

06-01-17A10:57 RCVD

NAME OF GRANTEE: Sierra County Arts Council

THREE MONTH PERIOD OF REPORT: 04/01/17 TO 06/01/17  
(mm/dd/yy) (mm/dd/yy)

PLEASE PROVIDE A DETAILED STATUS OF ACTIVITY FOR REPORTING PERIOD.  
(If no work has been done, explain why work has not begun.)

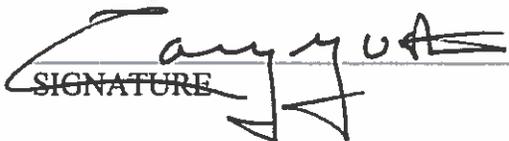
*The program of work utilizing The City of Truth or Consequences lodgers Tax funds awarded for 2016---2017 have been completed. The funds awarded have been used to promote art related events, musical performances, etc for the city of Tor C residents, visitors and area school students.*

ITEMS AND AMOUNTS FOR WHICH REIMBURSEMENT FUNDS WERE REQUESTED DURING PERIOD:

<u>ITEMS(S)</u>	<u>AMOUNT</u>
<u>The Herald Newspaper</u>	\$ <u>1,058.90</u>
<u>Sierra County Sentinel</u>	\$ <u>254.98</u>
<u>The Ink Newspaper</u>	\$ <u>841.18</u>
<u>The Ink Newspaper</u>	\$ <u>392.30</u>
	\$ _____
NM GRT	\$ <u>n/a</u> (if applicable)
<b>TOTAL</b>	\$ <u>2,547.36</u> <i>OK/R.S.</i>

ANTICIPATED COMPLETION DATES OF TASKS NOTED ABOVE:

<u>TASK</u>	<u>ANTICIPATED COMPLETION DATE</u>
<u>The Advertising and Promotion Program for Sierra County Arts Council utilizing City of T or C Lodgers tax funds is complete for funding cycle 2016--2017</u>	_____

  
SIGNATURE

575-894-4244  
CONTACT PHONE NUMBER

MAY 31, 2017  
DATE







**LODGERS' TAX  
QUARTERLY WORK/SPENDING REPORT**

**RECEIVED**  
JUL 14 2017

NAME OF GRANTEE: Sierra County Recreation & Tourism Advisory Board

THREE MONTH PERIOD OF REPORT: 04/01/17 TO 06/30/17  
(mm/dd/yy) (mm/dd/yy)

PLEASE PROVIDE A DETAILED STATUS OF ACTIVITY FOR REPORTING PERIOD.  
(If no work has been done, explain why work has not begun.)

Tourism Website updates, maintenance, projects including corrections, additions and deletions to ex  
the existing web pages and all supporting documents including downloadable pdfs.

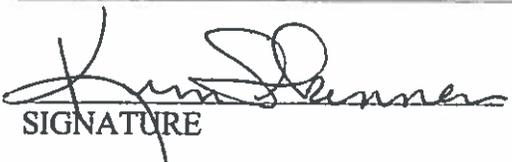
Reprint of the "I" Brochure

ITEMS AND AMOUNTS FOR WHICH REIMBURSEMENT FUNDS WERE REQUESTED DURING PERIOD:

<u>ITEMS(S)</u>	<u>AMOUNT</u>
<u>website updates, maint, projects, Facebook, Trip Advisor</u>	<u>\$ 2,634.47</u>
<u>Brochure Reprint</u>	<u>\$ 2,932.05</u>
<u> </u>	<u>\$</u>
<u>NM GRT</u>	<u>\$ 250.65 (if applicable)</u>
<b>TOTAL</b>	<b>\$ 5,817.17</b> <i>OK/R.S.</i>

ANTICIPATED COMPLETION DATES OF TASKS NOTED ABOVE:

<u>TASK</u>	<u>ANTICIPATED COMPLETION DATE</u>
<u>All Tasks have been completed.</u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

  
SIGNATURE

575-740-1777  
CONTACT PHONE NUMBER

07/14/17  
DATE

F.8



CITY OF TRUTH OR CONSEQUENCES  
COMMISSION ACTION FORM

**ITEM:**

To accept 2016 Audit, Presentation by Axiom Certified Public Accountants & Business Advisors LLC, Chris Garner, CPA

**BACKGROUND:**

Annual audit presentation to the City Commission, along with input from auditors, as well as Q&A as needed. Audit was presented and approved by the Office of the State Auditor.

**RECOMMENDATION:**

Name of Drafter: Melissa Torres	Department: : Finance Director	Mtg: 07/26/17
---------------------------------	--------------------------------	---------------



G.1  
+  
H.2

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

**ITEM:**

Public Hearing: Final Adoption of Ordinance No. 685 for the sale of 1310 Nickel.

**BACKGROUND:**

At the June 14, 2017 meeting, the Commission approved to proceed with the sale of 1310 Nickel. An ordinance is required to proceed. The ordinance is attached.

**STAFF RECOMMENDATION:**

Approve the Final Adoption of Ordinance No. 685 for the sale of 1310 Nickel.

**SUPPORT INFORMATION:**

Submitted by: Robbie Travis	Department: Building Inspector	Meeting date: July 26, 2017
-----------------------------	--------------------------------	-----------------------------

ORDINANCE NO. 685

**AN ORDINANCE THAT AUTHORIZES, PURSUANT TO SECTION 3-54-1 NMSA 1978, THE SALE OF REAL PROPERTY AND IMPROVEMENTS;**

A. WHEREAS, the City of Truth or Consequences, New Mexico (the "City") is a legally created, established, organized and existing incorporated municipality under the constitution and laws of the State of New Mexico; and

B. WHEREAS, the City owns certain real property located within its boundaries specifically described as follows:

Lot Seven (7), South One-Half (1/2) of Lot Eight (8), Block Six (6), McElroy No. One, Truth or Consequences, New Mexico 87901, otherwise known as 1310 Nickel, Truth or Consequences, New Mexico, 87901.

C. WHEREAS, the City has negotiated a Purchase Agreement with Tommy E. Pearce, a Single Man, whereby the City shall convey its interest in and to the above-described property to Mr. Pearce; and

D. WHEREAS, the City has determined that the real property is not needed for any other purpose; and

E. WHEREAS, under Section 3-54-1 NMSA 1978, the City is required to obtain an appraisal from a qualified appraiser of any property to be sold, and said appraisal was obtained in October, 2016; and

F. WHEREAS, the City acknowledges that it is selling the Real Property below the appraised value. Nevertheless, as per a detailed written explanation approved by the City Commission, the sale of the property as described in this Ordinance is in the best interest of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO:

Section 1. Authority. The City is authorized to convey leasehold interests in real property pursuant to the provisions of Section 3-54-1, N.M.S.A. (1978).

Section 2. Material Terms Purchase Agreement.

A. The City shall sell and convey the above-described property to Mr. Thomas E. Pearce, a Single Man, for the consideration of **TWENTY THOUSAND DOLLARS (\$20,000.00)** to be paid at closing. Attached hereto as **EXHIBIT 1 and EXHIBIT 2**, are a Counteroffer and a General Amendment which confirms the terms.



**REALTORS® ASSOCIATION OF NEW MEXICO**  
**COUNTEROFFER NO. ONE - 2017**

This Counteroffer is made a part of the  Residential  Commercial  Vacant Land  Farm and Ranch Purchase Agreement dated May 25 2017 between Tommy E. Pearce ("Buyer") and City of Truth or Consequences ("Seller") and relating to the purchase of the following Property:

1310 Nickel Address Truth or Consequences City 87901 Zip Code

Block 6, Lot 7, 1/2 of Lot 8, MCELROY NO. ONE ADDITION  
 Legal Description

or see metes and bounds description attached as Exhibit         , Sierra County, New Mexico.

Counteroffers that are not expressly listed here are not incorporated into the Purchase Agreement. Counteroffers          are incorporated by reference into the Purchase Agreement of the parties, except as expressly modified by this Counteroffer.

Buyer and Seller accept the Purchase Agreement, subject to the following changes:

1. Purchase Price to be \$20,000.
2. Expiration date for this offer to seller is extended to June 1, 2017.
3. Buyer to sign Purchase Agreement.

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**REALTORS® ASSOCIATION OF NEW MEXICO  
GENERAL AMENDMENT No. ONE - 2017**

This Amendment is part of the Residential Purchase Agreement (the "Agreement")  
dated May 25 2017, between City of Truth or Consequences, Seller  
and Tommy E. Pearce, Buyer

relating to the following Property: 1310 Nickel Truth or Consequences NM 87901

Address Block 6, Lot 7, 1/2 of Lot 8, NICKELROY NO. ONE ADDITION City Truth or Consequences State NM Zip Code 87901

Legal Description  
or see metes and bounds description attached as Exhibit Sierra County, New Mexico.

The Agreement is changed as follows:

1. Closing to be extended to on or before August 10, 2017. City of Truth or Consequences requires more time to process this sale.
2. Buyer may store his trailer on the property.
3. No occupancy to take place in home until closing.

This form and all REALTORS® Association of New Mexico (RANM) forms are for the sole use of RANM members and those New Mexico Real Estate Licensees to who RANM has granted prior written authorization. Distribution of RANM Forms to non-RANM members or unauthorized Real Estate Licensees is strictly prohibited. RANM makes no warranty of the legal effectiveness or validity of this form and disclaims any liability for damages resulting from its use. By use of this form the parties agree to the limitations set forth in this paragraph. The parties hereby release RANM, the Real Estate Brokers, their Agents and employees from any liability arising out of the use of this form. You should consult your attorney with regards to the effectiveness, validity, or consequences of any use of this form. The use of this form is not intended to identify the user as a REALTOR®. REALTOR® is a registered collective membership mark which may be used only by real estate licensees who are members of the National Association of REALTORS® and who subscribe to the Association's strict Code of Ethics.

## DETAILED WRITTEN EXPLANATION

Pursuant to the provisions of §3-54-1 N.M.S.A. (1978), the City Commission hereby provides the following explanation concerning the proposed sale of the real property and improvements located at 1310 Nickel Street, Truth or Consequences, New Mexico.

On or about October, 2016, the City obtained an appraisal of the real property and improvements which determined the fair market value of the real property and improvements to be \$29,000.00. The City Commission has obtained an offer to sell the real property for \$20,000.00 cash. The City Commission has determined that it would be in the best interest of the City to consummate the sale for any or all of the following reasons:

1. The City acquired the real property as a donation from Wells Fargo more than two (2) years ago.
2. The City had previously advertised the property for sale at \$29,000.00 and no offers were received. The City then advertised the property for \$25,000.00 and no offers received.
3. The real property is not needed for any other city purposes.
4. The overall location of the real property would not be conducive to reasonably expecting that a greater consideration could be otherwise obtained.
5. The improvements would require substantial and costly repairs.
6. The improvements do not contain a bedroom.
7. The City is selling the real property and improvements in an "as is" condition, and is making no warranties or representations.
8. The City has consulted a local realtor, who has advised the City the proposed sale is reasonable, given the current market conditions and other factors.

**APPROVED:**

**BY:**

\_\_\_\_\_  
*STEVE GREEN – Mayor*



G.2  
+  
H.1

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

**ITEM:**

Special Use Permit for a Woman's Recovery Program at 819 N. Date St. (the old Oasis Motel)

**BACKGROUND:**

This property has been a Motel for many years, and a transitional living complex tried to go in with many problems arising and had to shut down the business.

**STAFF RECOMMENDATION:**

If approved they would have to meet several conditions.

**SUPPORT INFORMATION:**

- Application
- Site Plan
- Comprehensive Statement

Name of Drafter: Robbie Travis	Department: Building Inspector	Meeting date: 7/26/17
E-mail: rtravis@torcnm.org	Phone: 575-894-6673 Ext. 330	



BUILDING/PLANNING DEPARTMENT  
 Voice - (575) 894-6673 x 110 Fax - (575) 894-0363  
 E-mail [Rtravis@torcnm.org](mailto:Rtravis@torcnm.org)  
 505 Sims Street - Truth or Consequences, NM 87901

(Staff Use Only)  
 Case No

JUL 07 2017  
 Initial: Rept # ULL 52  
U-7-00

Related Case(s)

## PLANNING APPLICATION FORM

The completeness of this application, which includes accompanying plans, shall be subject to the review of the Building/Planning Department. This application is used for a variety of application processes and not all items may apply to your project. If you feel a requirement is not applicable to your project, write "N/A." If you have any questions while completing this application please ask a member of the Planning Department for assistance. Incomplete applications will not be accepted (or the process may be delayed.) (PLEASE PRINT OR TYPE)

### CHECK APPLICATION TYPE(S) REQUESTED:

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Master Plan (\$100 + \$200/lot)               | <input type="checkbox"/> Annexation (\$100 or \$10/ac. Max. \$250) | <input checked="" type="checkbox"/> CUP/SUP (\$25)                  |
| <input type="checkbox"/> Master Plan Amendment (\$200)                 | <input type="checkbox"/> Appeal (\$50)                             | <input type="checkbox"/> Prelim. Plat or Replat (\$100 + \$200/lot) |
| <input type="checkbox"/> Development Agreement (\$1,000)               | <input type="checkbox"/> Variance (\$25)                           | <input type="checkbox"/> Final Plat (\$50)                          |
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|  |  | <input type="checkbox"/> Plat Amendment (\$50)                      |

### PROJECT SUMMARY:

Project/Business Name (if any): (PACE) Prevention And Community Education

Project Description (add extra page(s) if needed):

woman's Recovery Program

Property Address/Location: 819 N. Date Street

Assessor's Parcel Number(s): \_\_\_\_\_

Total Gross Lot Area: \_\_\_\_\_ Total Net Lot Area: \_\_\_\_\_

Existing Master Plan/Comprehensive Plan Designation: \_\_\_\_\_ Existing Zoning Designation: C-1

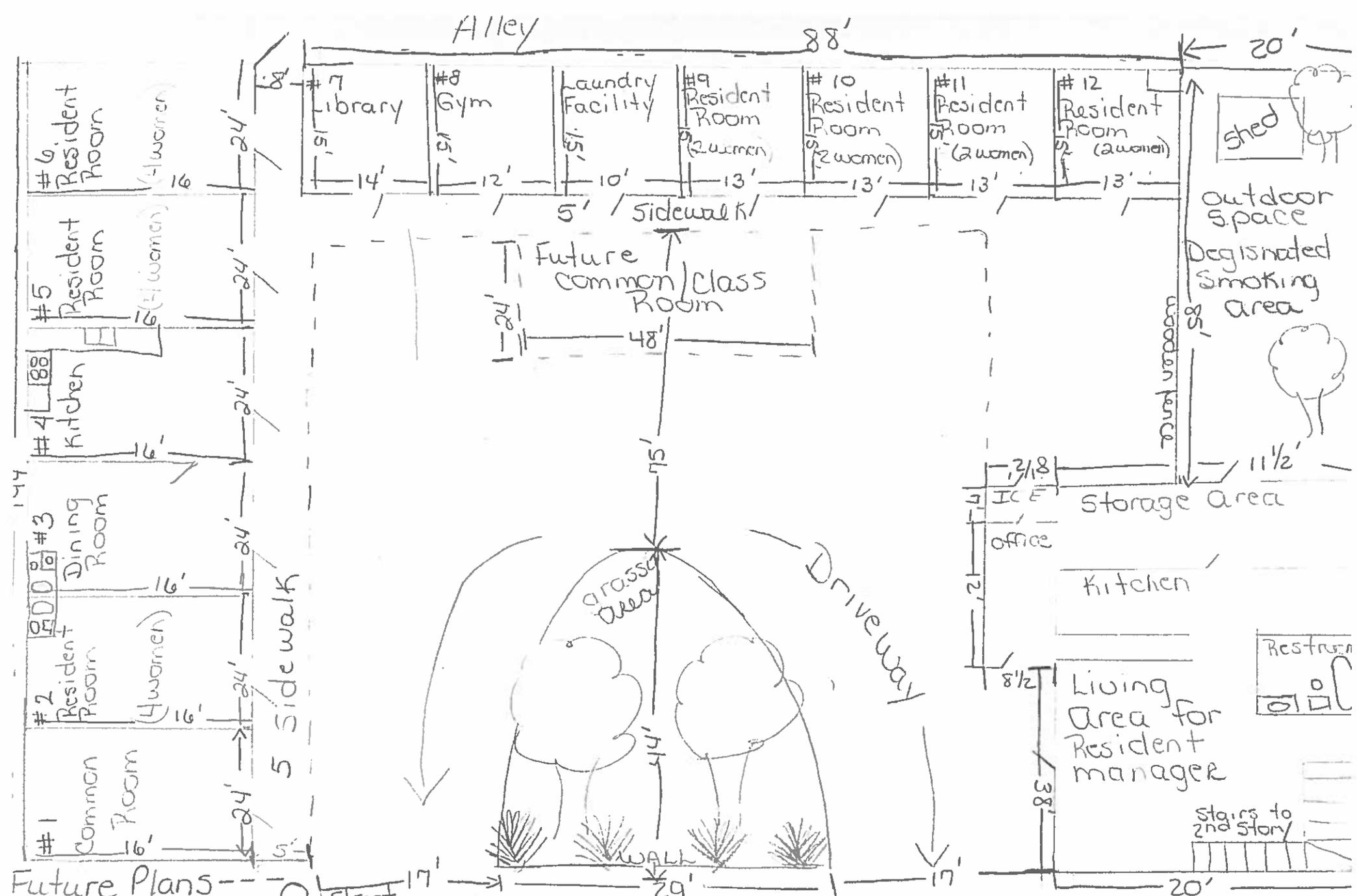
Proposed Master Plan Designation (if applicable): \_\_\_\_\_ Proposed Zoning Designation: C-1

Existing Uses and/or Structures on Site: Motel

Surrounding Uses: North: C-1 South: C-1

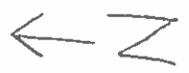
East: C-1 West: C-1

APPLICANT/ REPRESENTATIVE Name: <u>Phyllis Mecca</u>		REPRESENTATIVE(S):	
Address: <u>1708 Carrie</u>		Telephone No.: <u>575-740-6715</u>	
City: <u>TORC, NM 87901</u>		Fax No.: _____	
Contact Person: <u>Phyllis Mecca</u>		State: <u>New Mexico</u> Zip Code: <u>87901</u>	
E-mail Address: _____		Date: <u>7/7/17</u>	
I certify under penalty of perjury that all the application information is true and correct:			
Applicant's Signature: <u>Phyllis Mecca</u>		Date: <u>7/7/17</u>	
PROPERTY OWNER/ AGENT Name: _____		Telephone No.: _____	
Address: _____		Fax No.: _____	
City: _____		State: _____ Zip Code: _____	
Contact Person: _____		E-mail Address: _____	
The City will provide the applicant with hearing notices and staff reports unless another party is identified.			
Date/Time Received: <u>7/7/17 11:45</u>		Receipt No(s): _____	
Received By: <u>[Signature]</u>		Amount Received: \$ <u>67.00</u>	



**Future Plans**

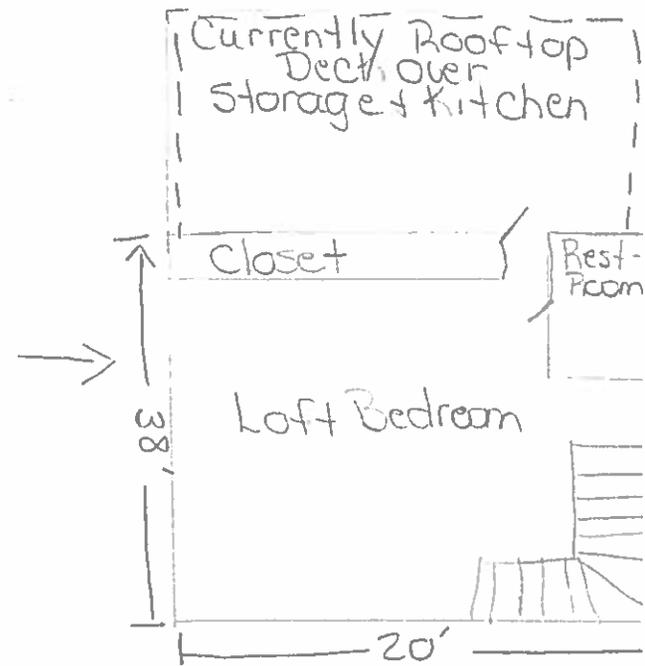
- Fence
- Close windows off to alley
- Add another bedroom on 2<sup>nd</sup> floor.
- Add Common Room/classroom kitchen & Dining



819 N. Date Street

- 1.) 7 Rooms for women
- 2.) 1 Common Area
- 3.) 1 Kitchen Area
- 4.) 1 Dining Area
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- 6.) 1 Gym
- 7.) 1 Laundry Area
- 8.) 1 Office
- 9.) 1 Living Area for on site manager
- 10.) 1 Street Light
- 11.) 16 parking Spaces
- 12.) 1 Smoking Area (out of view)
- 13.) 1 Business Sign (will not be used)

2nd  
Story



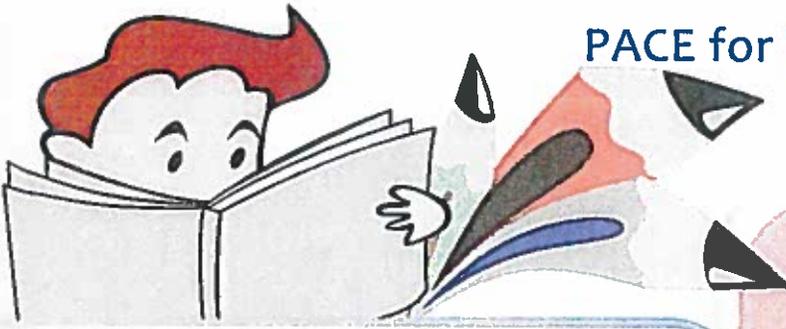
← N

819 N. Date Street

Page 7

# PACE for Women Overview and Policies

August 1, 2017



## Dear Residents

**Current Operations** – The Sierra County PACE is a 16 bed women’s recovery unit, providing sober living for recovering alcoholics and drug users. Our residents come from correctional facilities, DWI Programs, Judges and attorneys from Sierra County. Occasionally women will seek us out herself, looking for a new start in life.

Our program ranges from ten months to one year in length. The intent is to furnish these individuals with the necessary tools to enrich their lives once again and to help them become productive and contributing members of the community.

The home is served by a full time Administrator and a live in Resident Manager. The cost for residency is \$165 weekly, which covers room, board and laundry facilities. Incoming residents are expected to pay two weeks (\$330) in advance upon entry. This allows the resident time to secure employment. There are jobs available in Sierra County. However, the lack of payment will not automatically disqualify the resident enrollment into the program.

Our residents typically vary in age and come from all walks of life, professions and many having lost their families, homes and jobs as a result of the disease. Residents must secure employment, attend 12-step program meetings, obtain a GED if applicable, attend individual counseling, complete Moral Recognition Therapy (MRT), parenting classes, job skills development, budgeting and money management, co-dependency, and life skill classes.

**The Program has four phases and follows the MRT/Drug Court Program.**

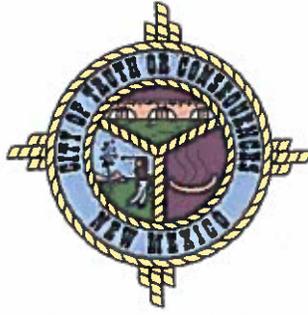
**Phase I** – Random drug and alcohol testing a minimum of three times per week. Find employment and work a minimum of 30 hours per week. Attend individual counseling on a weekly basis, and MRT twice a week. Residents will also be expected to attend AA/NA meetings a minimum of 3 times per week and choose one other class. Such as parenting, co-dependency, job skills, budgeting and money management, GED classes (tutoring), or life skills. Phase I is two months and equals about 40 hours per week. During phase I personal electronic will not be allowed and residents are only allowed to leave the house to attend individual counseling, work, or visit with their Probation Officer without supervision.

**Phase II** – Includes all of the above, but the resident will choose two other classes. Phase II is four months in length. Residents in Phase II will be allowed a cell phone and allowed out of the house without supervision, during daylight hours. Residents in Phase II will be expected to take their GED tests (if applicable).

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**Phase IV** – Residents will be living independently of the house, but will continue drug testing, working, AA/NA, individual counseling and check in’s. Phase IV is a two month program.

Each resident will be expected to set up a savings account beginning in the Phase I level. This will assist them in Phase IV with securing independent housing, pay rent, utilities, and deposits.



H.1

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

**ITEM:**

Special Use Permit for a Woman's Recovery Program at 819 N. Date St. (the old Oasis Motel)

**BACKGROUND:**

This property has been a Motel for many years, and a transitional living complex tried to go in with many problems arising and had to shut down the business.

**STAFF RECOMMENDATION:**

If approved they would have to meet several conditions.

**SUPPORT INFORMATION:**

- Application
- Site Plan
- Comprehensive Statement

Name of Drafter: Robbie Travis	Department: Building Inspector	Meeting date: 7/26/17
E-mail: rtravis@torcnm.org	Phone: 575-894-6673 Ext. 330	



BUILDING/PLANNING DEPARTMENT  
 Voice - (575) 894-6673 x 110 Fax - (575) 894-0363  
 E-mail [Rtravis@torcnm.org](mailto:Rtravis@torcnm.org)  
 505 Sims Street - Truth or Consequences, NM 87901

(Staff Use Only)  
 Case No

JUL 07 2017  
 Initial: Rept # ULL152  
B U-7.00

Related Case(s)

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Assessor's Parcel Number(s): \_\_\_\_\_

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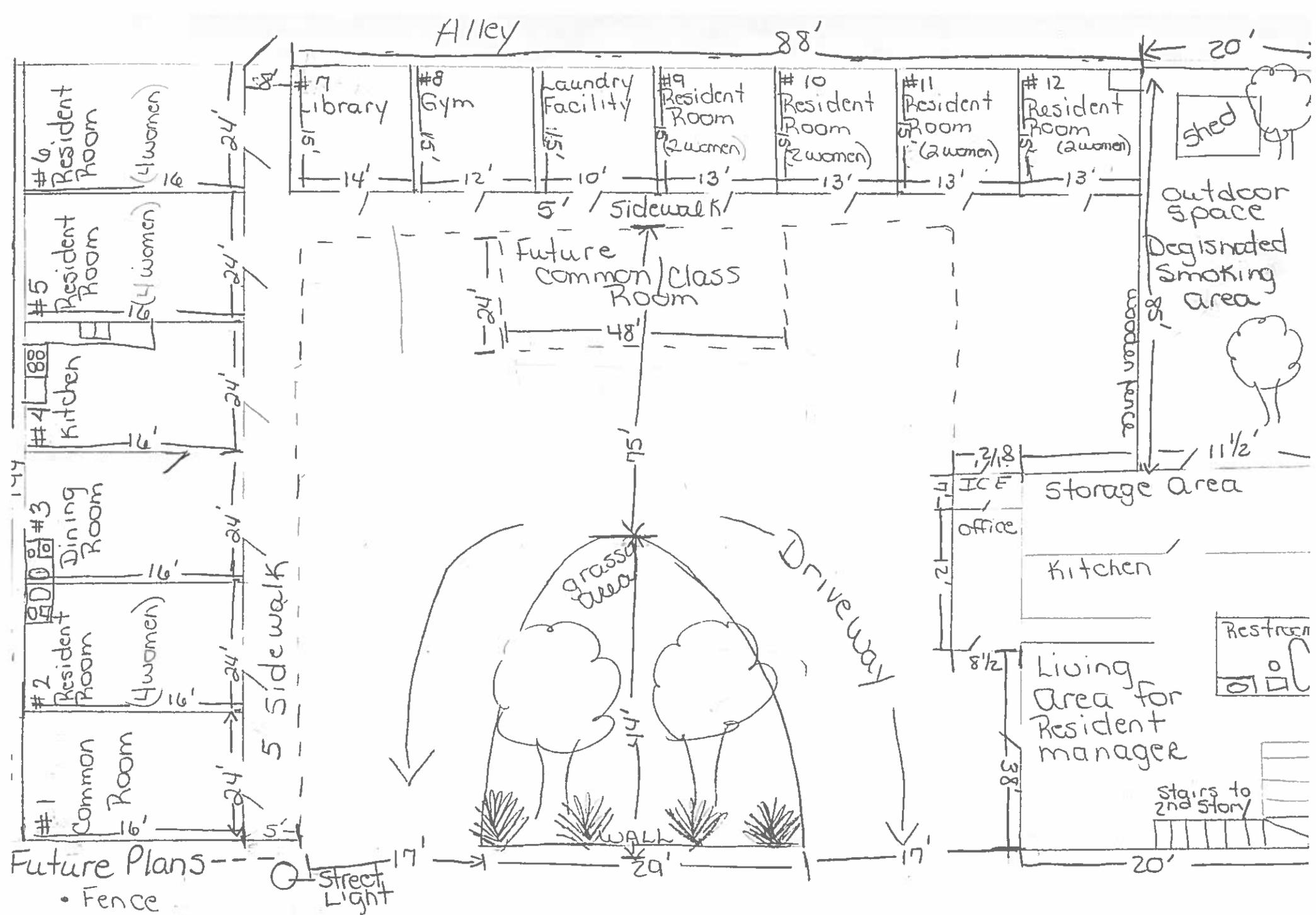
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APPLICANT/ REPRESENTATIVE Name: <u>Phyllis Mecca</u>		REPRESENTATIVE(S):	
Address: <u>1708 Carrie</u>		Telephone No.: <u>575-740-6715</u>	
City: <u>TORC, NM 87901</u>		Fax No.: _____	
Contact Person: <u>Phyllis Mecca</u>		State: <u>New Mexico</u> Zip Code: <u>87901</u>	
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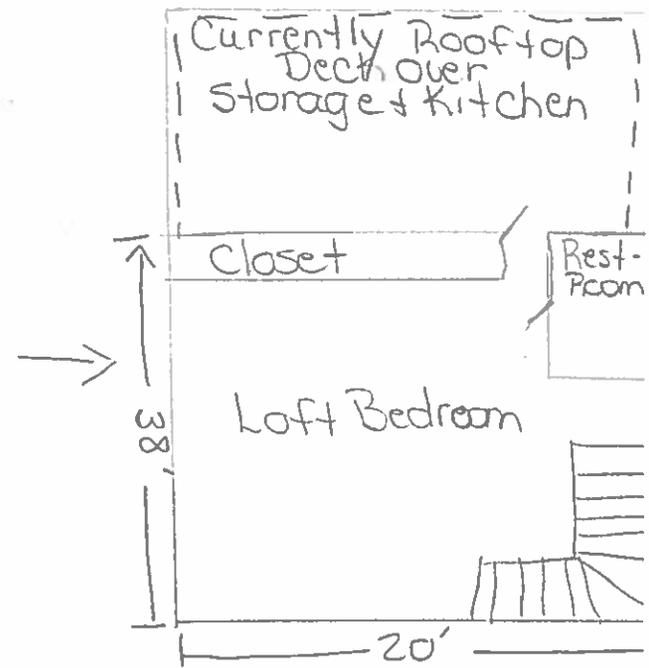
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819 N. Date Street  
Page 1

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2nd  
Story



← Z

819 N. Date Street

Page 7

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August 1, 2017



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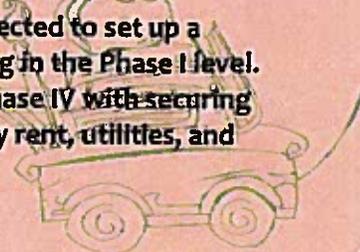
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H.2

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

**ITEM:**

Discussion/Action: Final Adoption of Ordinance No. 685 for the sale of 1310 Nickel.

**BACKGROUND:**

At the June 14, 2017 meeting, the Commission approved to proceed with the sale of 1310 Nickel. An ordinance is required to proceed. The ordinance is attached.

**STAFF RECOMMENDATION:**

Approve the Final Adoption of Ordinance No. 685 for the sale of 1310 Nickel.

**SUPPORT INFORMATION:**

Submitted by: Robbie Travis	Department: Building Inspector	Meeting date: July 26, 2017
-----------------------------	--------------------------------	-----------------------------

ORDINANCE NO. 685

**AN ORDINANCE THAT AUTHORIZES, PURSUANT TO SECTION 3-54-1 NMSA 1978, THE SALE OF REAL PROPERTY AND IMPROVEMENTS;**

A. WHEREAS, the City of Truth or Consequences, New Mexico (the "City") is a legally created, established, organized and existing incorporated municipality under the constitution and laws of the State of New Mexico; and

B. WHEREAS, the City owns certain real property located within its boundaries specifically described as follows:

Lot Seven (7), South One-Half (1/2) of Lot Eight (8), Block Six (6), McElroy No. One, Truth or Consequences, New Mexico 87901, otherwise known as 1310 Nickel, Truth or Consequences, New Mexico, 87901.

C. WHEREAS, the City has negotiated a Purchase Agreement with Tommy E. Pearce, a Single Man, whereby the City shall convey its interest in and to the above-described property to Mr. Pearce; and

D. WHEREAS, the City has determined that the real property is not needed for any other purpose; and

E. WHEREAS, under Section 3-54-1 NMSA 1978, the City is required to obtain an appraisal from a qualified appraiser of any property to be sold, and said appraisal was obtained in October, 2016; and

F. WHEREAS, the City acknowledges that it is selling the Real Property below the appraised value. Nevertheless, as per a detailed written explanation approved by the City Commission, the sale of the property as described in this Ordinance is in the best interest of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO:

Section 1. Authority. The City is authorized to convey leasehold interests in real property pursuant to the provisions of Section 3-54-1, N.M.S.A. (1978).

Section 2. Material Terms Purchase Agreement.

A. The City shall sell and convey the above-described property to Mr. Thomas E. Pearce, a Single Man, for the consideration of **TWENTY THOUSAND DOLLARS (\$20,000.00)** to be paid at closing. Attached hereto as **EXHIBIT 1 and EXHIBIT 2**, are a Counteroffer and a General Amendment which confirms the terms.



**REALTORS® ASSOCIATION OF NEW MEXICO**  
**COUNTEROFFER NO. ONE - 2017**

This Counteroffer is made a part of the  Residential  Commercial  Vacant Land  Farm and Ranch Purchase Agreement dated May 25 2017 between Tommy E. Pearce ("Buyer") and City of Truth or Consequences ("Seller") and relating to the purchase of the following Property:

1310 Nickal Truth or Consequences 87901  
 Address City Zip Code

Block 6, Lot 7, 1/2 of Lot 8, MCELROY NO. ONE ADDITION  
 Legal Description

or see metes and bounds description attached as Exhibit         , Sierra County, New Mexico.

Counteroffers that are not expressly listed here are not incorporated into the Purchase Agreement. Counteroffers          are incorporated by reference into the Purchase Agreement of the parties, except as expressly modified by this Counteroffer.

Buyer and Seller accept the Purchase Agreement, subject to the following changes:

1. Purchase Price to be \$20,000.
2. Expiration date for this offer to seller is extended to June 1, 2017.
3. Buyer to sign Purchase Agreement.

This form and all REALTORS® Association of New Mexico (RANM) forms are for the sole use of RANM members and those New Mexico Real Estate Licensees to whom RANM has granted prior written authorization. Distribution of RANM forms to non-RANM members or unauthorized Real Estate Licensees is strictly prohibited. RANM makes no warranty of the legal effectiveness or validity of this form and disclaims any liability for damages resulting from its use. By use of this form, the parties agree to the limitations set forth in this paragraph. The parties hereby release RANM, the Real Estate Brokers, their Agents and employees from any liability arising out of the use of this form. You should consult your attorney with regards to the effectiveness, validity or consequences of any use of this form. The use of this form is not intended to identify the user as a REALTOR®. REALTOR® is a registered collective membership mark which may be used only by Real Estate Licensees who are members of the National Association of REALTORS® and who subscribe to the Association's strict Code of Ethics.



**REALTORS® ASSOCIATION OF NEW MEXICO  
GENERAL AMENDMENT No. ONE - 2017**

This Amendment is part of the Residential Purchase Agreement (the "Agreement")  
dated May 25 2017, between City of Truth or Consequences, Seller  
and Tommy E. Pearce, Buyer

relating to the following Property:

1310 Nickel Truth or Consequences NM 87901  
Address City State Zip Code

Block 6, Lot 7, 1/2 of Lot 8, NICKLROY NO. ONE ADDITION

Legal Description

or see metes and bounds description attached as Exhibit       , Sierra County, New Mexico.

The Agreement is changed as follows:

1. Closing to be extended to on or before August 10, 2017. City of Truth or Consequences requires more time to process this sale.
2. Buyer may store his trailer on the property.
3. No occupancy to take place in home until closing.

This form and all REALTORS® Association of New Mexico (RANM) forms are for the sole use of RANM members and those New Mexico Real Estate Licensees to who RANM has granted prior written authorization. Distribution of RANM Forms to non-RANM members or unauthorized Real Estate Licensees is strictly prohibited. RANM makes no warranty of the legal effectiveness or validity of this form and disclaims any liability for damages resulting from its use. By use of this form the parties agree to the limitations set forth in this paragraph. The parties hereby release RANM, the Real Estate Brokers, their Agents and employees from any liability arising out of the use of this form. You should consult your attorney with regards to the effectiveness, validity, or consequences of any use of this form. The use of this form is not intended to identify the user as a REALTOR®. REALTOR® is a registered collective membership mark which may be used only by real estate licensees who are members of the National Association of REALTORS® and who subscribe to the Association's strict Code of Ethics.

## DETAILED WRITTEN EXPLANATION

Pursuant to the provisions of §3-54-1 N.M.S.A. (1978), the City Commission hereby provides the following explanation concerning the proposed sale of the real property and improvements located at 1310 Nickel Street, Truth or Consequences, New Mexico.

On or about October, 2016, the City obtained an appraisal of the real property and improvements which determined the fair market value of the real property and improvements to be \$29,000.00. The City Commission has obtained an offer to sell the real property for \$20,000.00 cash. The City Commission has determined that it would be in the best interest of the City to consummate the sale for any or all of the following reasons:

1. The City acquired the real property as a donation from Wells Fargo more than two (2) years ago.
2. The City had previously advertised the property for sale at \$29,000.00 and no offers were received. The City then advertised the property for \$25,000.00 and no offers received.
3. The real property is not needed for any other city purposes.
4. The overall location of the real property would not be conducive to reasonably expecting that a greater consideration could be otherwise obtained.
5. The improvements would require substantial and costly repairs.
6. The improvements do not contain a bedroom.
7. The City is selling the real property and improvements in an "as is" condition, and is making no warranties or representations.
8. The City has consulted a local realtor, who has advised the City the proposed sale is reasonable, given the current market conditions and other factors.

**APPROVED:**

**BY:**

\_\_\_\_\_  
*STEVE GREEN – Mayor*

H.3



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

**ITEM: Approval of Quarterly Budget Report Submission to DFA – 4th Quarter, March 1, 2017 to June 30, 2017**

**BACKGROUND: Required reporting to DFA on a quarterly basis**

**SUPPORT INFORMATION:**

- Finance Documents as presented.

Name of Drafter: Melissa Torres	Department: Finance Director	Mtg: 07/26/17
---------------------------------	------------------------------	---------------



## **RESOLUTION NO. 03 2017/2018**

### **A RESOLUTION ADOPTING THE FINAL FISCAL YEAR 2016-2017 4<sup>th</sup> QUARTER REVENUE AND EXPENDITURE FOR THE CITY OF TRUTH OR CONSEQUENCES.**

**WHEREAS,** the City Commission of the City of Truth or Consequences, New Mexico, has developed a budget for Fiscal Year 2016-2017; and

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

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

**WHEREAS,** the City Commission reviewed the FYE 2016/2017 4<sup>th</sup> quarter during the budget work session held on July 26<sup>th</sup>; and

**WHEREAS,** the Department of Finance and Administration / Local Government requires governing bodies to review and approve the financial report submitted to LGD.

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

1. The accompanying FYE 2016/2017 4<sup>th</sup> Quarter Report(s) was reviewed, approved and respectfully request approval by the Local Government Division of the New Mexico State Department of Finance and Administration. Division.

**PASSED, ADOPTED AND APPROVED** this 26<sup>th</sup> day of July, 2017.

---

Steve Green, Mayor

ATTEST:

---

Reneé L. Cantin, City Clerk-Treasurer

# **CITY OF TRUTH OR CONSEQUENCES**

**FYE 2017**

**FINANCIAL REPORT**



**April 1, 2017 through June 30, 2017**

**YTD BUDGET TO ACTUAL COMPARISON**

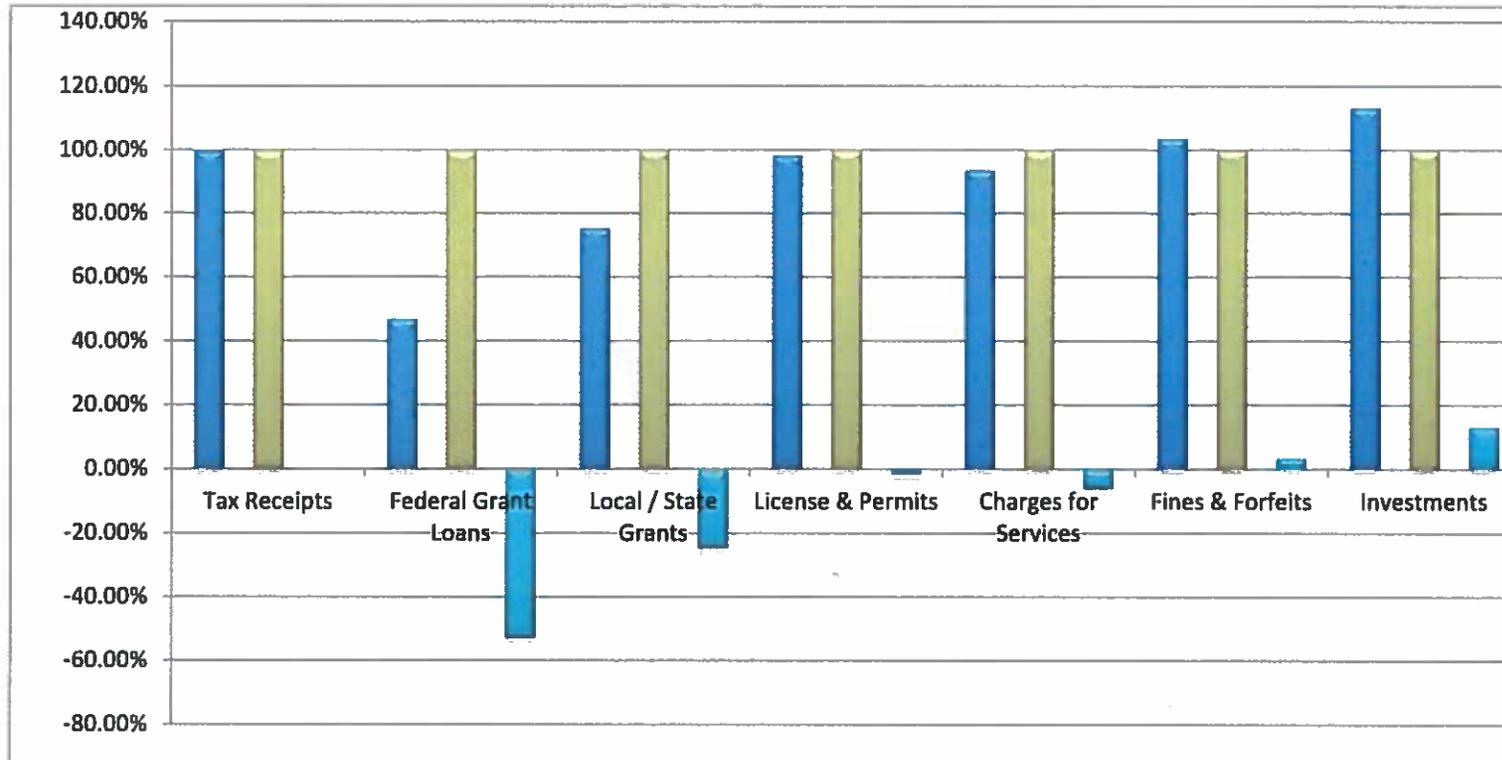
FUND	REVENUE				EXPENDITURES				DIFFERENCE REV/EXP ACTUAL
	BUDGET REVENUE	ACTUAL REVENUE	UNREALIZED REVENUE	% DIFF	BUDGET EXPENDITURES	ACTUAL EXPENDITURES	AVAILABLE AMOUNT	% DIFF	
General	\$ 4,017,402	\$ 3,936,430	\$ (80,972)	97.98%	\$ 4,971,290	\$ 4,713,256	\$ (258,034)	94.81%	\$ (776,826)
Special Revenue	\$ 2,044,744	\$ 2,001,226	\$ (43,518)	97.87%	\$ 2,566,777	\$ 1,877,636	\$ (689,141)	73.15%	\$ 123,591
Capital Project	\$ 6,778,523	\$ 5,110,299	\$ (1,668,224)	75.39%	\$ 7,080,519	\$ 4,956,767	\$ (2,123,752)	70.01%	\$ 153,531
Utility Office	\$ 46,295	\$ 32,307	\$ (13,988)	69.79%	\$ 267,520	\$ 262,058	\$ (5,462)	97.96%	\$ (229,750)
Electric	\$ 6,752,417	\$ 6,768,220	\$ 15,803	100.23%	\$ 4,857,335	\$ 4,787,232	\$ (70,103)	98.56%	\$ 1,980,989
Water	\$ 980,600	\$ 1,006,193	\$ 25,593	102.61%	\$ 648,942	\$ 537,406	\$ (111,536)	82.81%	\$ 468,787
Wastewater	\$ 981,000	\$ 1,064,404	\$ 83,404	108.50%	\$ 733,565	\$ 662,933	\$ (70,632)	90.37%	\$ 401,471
Solidwaste	\$ 1,295,800	\$ 1,394,707	\$ 98,907	107.63%	\$ 1,121,873	\$ 1,097,976	\$ (23,897)	97.87%	\$ 296,731
Golf	\$ 42,320	\$ 30,672	\$ (11,648)	72.48%	\$ 183,200	\$ 167,332	\$ (15,868)	91.34%	\$ (136,660)
Cemetery	\$ 10,600	\$ 6,998	\$ (3,602)	66.02%	\$ 11,000	\$ 7,935	\$ (3,065)	72.14%	\$ (937)
Airport	\$ 212,370	\$ 160,608	\$ (51,762)	75.63%	\$ 276,903	\$ 223,996	\$ (52,908)	80.89%	\$ (63,387)
Debt Service	\$ 498,304	\$ 498,491	\$ 187	100.04%	\$ 529,000	\$ 481,771	\$ (47,229)	91.07%	\$ 16,719
Internal Service	\$ 23,500	\$ 18,544	\$ (4,956)	78.91%	\$ 41,500	\$ 25,346	\$ (16,154)	61.08%	\$ (6,802)
<b>TOTAL</b>	<b>\$ 23,683,875</b>	<b>\$ 22,029,100</b>	<b>\$ (1,654,775)</b>	<b>93.01%</b>	<b>\$ 23,289,424</b>	<b>\$ 19,801,643</b>	<b>\$ (3,487,781)</b>	<b>85.02%</b>	<b>\$ 2,227,457</b>

Note: The 'Budget Revenue' and 'Budget Expenditure' columns are shown on the same trend basis as the Monthly Financial Report.

\*In these instances where expenditures exceed revenue, the fund's cash savings account provides the difference.

Special Revenue Funds				Capital Project Funds			
Corrections	Lodgers' Tax	Library	Veterans Perpetual Care	Fed. Grant Trust	C.I. General	R&R Airport	Emerg. Repair Reserve
	Street	PD Confidential		W-WW Effluent Reuse	C.I. Jt. Utility	R&R Water	WW Repair Reserve
Fire Protection	Recreation	PD Donations		Elec. Const.	DOT Broadway	CDBG	Elec. Repair Reserve
LEPF	DWI			Veterans Wall	Emerg. Fund	C.I. Reserve	

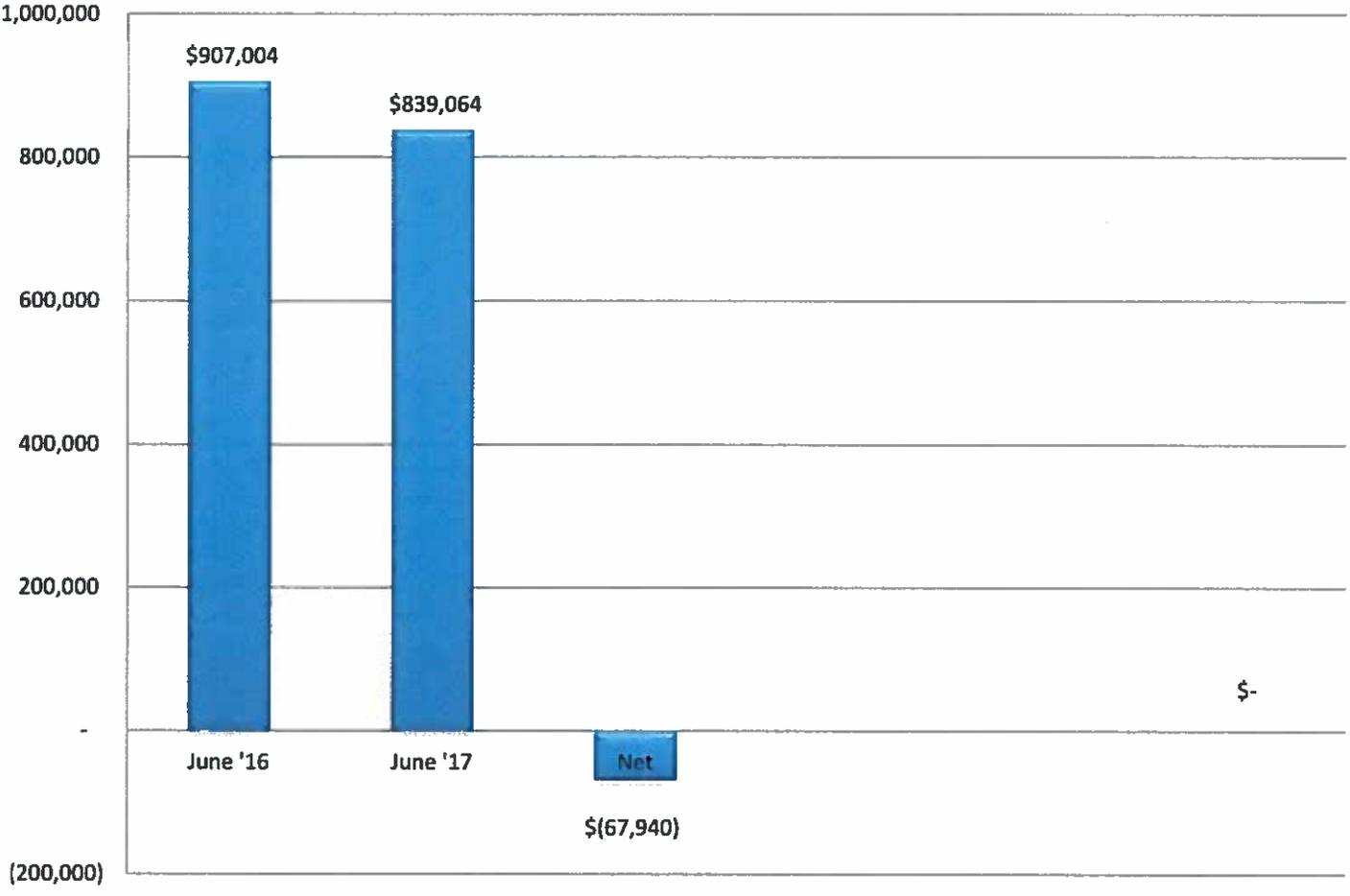
## General Fund Revenues 4th Qtr. %



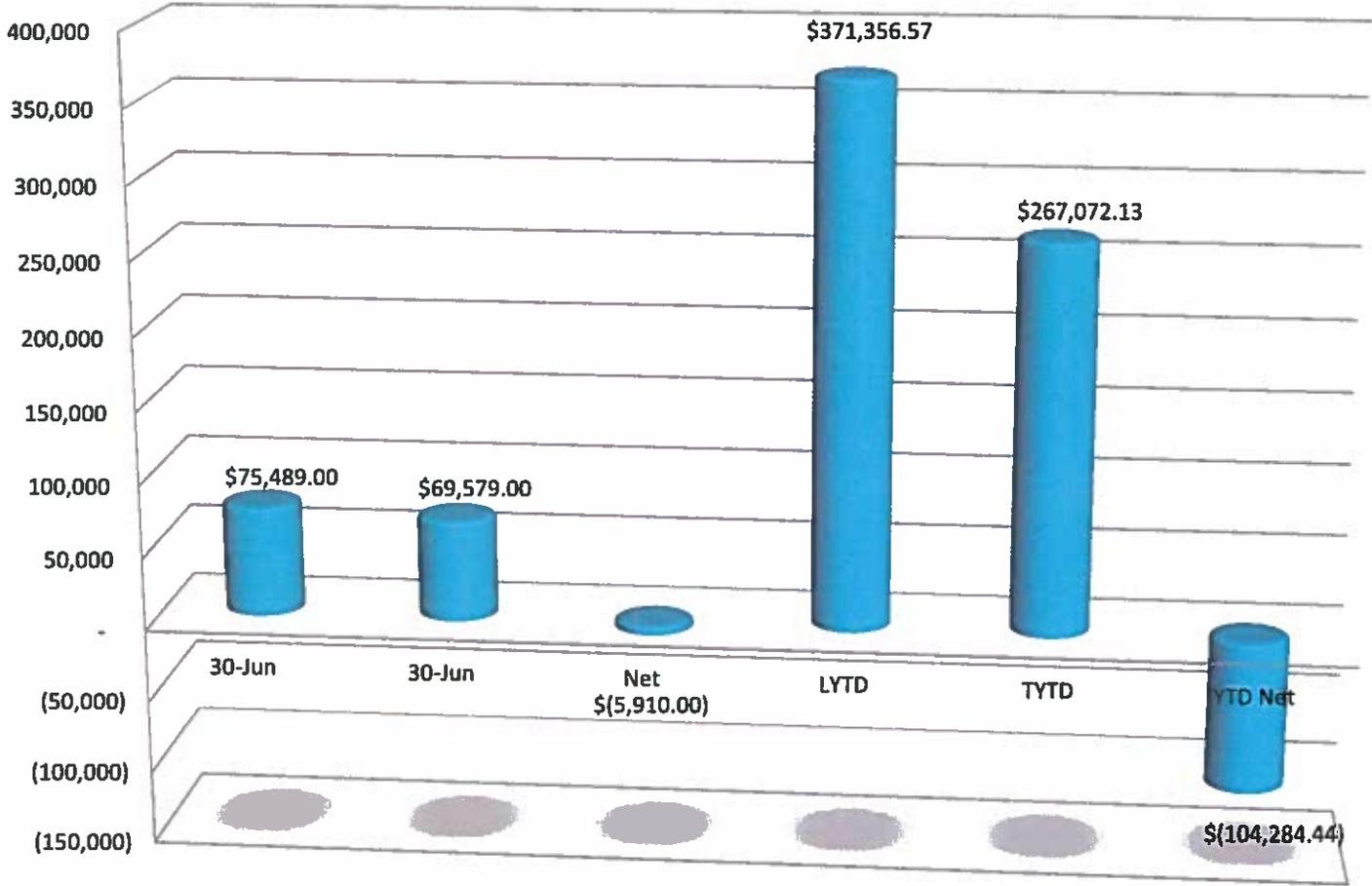
REVENUES	% Rec.	% Est.	YTD % over/under
Tax Receipts	100.21%	100.00%	0.21%
Federal Grant Loans	47.21%	100.00%	-52.79%
Local / State Grants	75.50%	100.00%	-24.50%
License & Permits	98.50%	100.00%	-1.50%
Charges for Services	93.95%	100.00%	-6.05%
Fines & Forfeits	103.72%	100.00%	3.72%
Investments	113.30%	100.00%	13.30%
<b>General Fund</b>	<b>89.15%</b>	<b>100.00%</b>	<b>-10.85%</b>

FUND	REVENUE				EXPENDITURES				DIFFERENCE REV/EXP ACTUAL
	BUDGET REVENUE	ACTUAL REVENUE	DIFFERENCE POS/(NEG)	% DIFF	BUDGET EXPENDITURES	ACTUAL EXPENDITURES	DIFFERENCE POS/(NEG)	% DIFF	
<b>SRF</b>									
(209) Fire Protection	\$ 214,050	\$ 213,898	\$ (152)	99.93%	\$ 348,290	\$ 74,895	\$ (273,395)	21.50%	\$ 139,003
(217) Recreation	\$ 35	\$ 28	\$ (7)	80.46%	\$ 44,500	\$ 37,805	\$ (6,695)	84.96%	\$ (37,777)
(201) Corrections	\$ 7,382	\$ 7,279	\$ (103)	98.60%	\$ 41,400	\$ 30,896	\$ (10,504)	74.63%	\$ (23,617)
(211) LEPP	\$ 28,400	\$ 24,800	\$ (3,600)	87.32%	\$ 39,565	\$ 35,738	\$ (3,827)	90.33%	\$ (10,938)
(214) Lodgers Tax	\$ 352,358	\$ 332,414	\$ (19,944)	94.34%	\$ 278,381	\$ 204,820	\$ (73,561)	73.58%	\$ 127,594
(507) SW Collection Ctr.	\$ 645,482	\$ 685,067	\$ 39,585	106.13%	\$ 633,944	\$ 518,893	\$ (115,051)	81.85%	\$ 166,173
(216) Street	\$ 581,523	\$ 569,071	\$ (12,452)	97.86%	\$ 577,794	\$ 454,376	\$ (123,418)	78.64%	\$ 114,695
Other	\$ 215,514	\$ 168,670	\$ 115,823	78.26%	\$ 602,903	\$ 520,212	\$ (82,691)	86.28%	\$ (351,542)
	<u>\$ 2,044,744</u>	<u>\$ 2,001,226</u>	<u>\$ 119,149</u>		<u>\$ 2,566,777</u>	<u>\$ 1,877,636</u>	<u>\$ (689,141)</u>		<u>\$ 123,591</u>
<b>Capital Projects</b>									
(301) W-WW EFFL Reuse	\$ 210,108	\$ 206,262	\$ (3,846)	98.17%	\$ -	\$ 10	\$ 10	#DIV/0!	\$ 206,252
(302) Electrical Const.	\$ 35,070	\$ 43	\$ (35,027)	0.12%	\$ 155,978	\$ 155,979	\$ 1	100.00%	\$ (155,936)
(303) Veterans Wall	\$ 100,000	\$ -	\$ (100,000)	0.00%	\$ 110,000	\$ 1,431	\$ (108,569)	1.30%	\$ (1,431)
(304) Senior Grants			\$ -	#DIV/0!			\$ -	#DIV/0!	\$ -
(305) Capital Impr. (Gen)	\$ 395,070	\$ 247,830	\$ (147,240)	62.73%	\$ 414,013	\$ 218,793	\$ (195,220)	52.85%	\$ 29,038
(306) C.I. Joint Utility	\$ 835,758	\$ 275,002	\$ (560,756)	32.90%	\$ 1,313,483	\$ 681,653	\$ (631,830)	51.90%	\$ (406,651)
(309) USDA WWTP	\$ 4,088,674	\$ 3,765,727	\$ (322,947)	92.10%	\$ 4,089,523	\$ 3,393,718	\$ (695,805)	82.99%	\$ 372,009
(307) Golf Course Imp.			\$ -	#DIV/0!	\$ -	\$ -	\$ -	#DIV/0!	\$ -
(310) Emerg. Fund	\$ -	\$ -	\$ -	#DIV/0!	\$ -	\$ -	\$ -	#DIV/0!	\$ -
(311) R&R Sewer Fund	\$ -	\$ -	\$ -	#DIV/0!	\$ -	\$ -	\$ -	#DIV/0!	\$ -
(312) R&R Airport	\$ 487,571	\$ 489,492	\$ 1,921	100.39%	\$ 494,522	\$ 503,086	\$ 8,564	101.73%	\$ (13,594)
(313) R&R Water	\$ 2	\$ 2	\$ 0	107.50%	\$ 3,000	\$ 2,098	\$ (902)	69.93%	\$ (2,096)
(314) CDBG	\$ 500,000	\$ -	\$ (500,000)	0.00%	\$ 500,000	\$ -	\$ (500,000)	0.00%	\$ -
(315) Capital Impr. Res.	\$ 1,020	\$ 670	\$ (350)	65.67%	\$ -	\$ -	\$ -	#DIV/0!	\$ 670
(316) Emerg. Repair Res.	\$ 90	\$ 88	\$ (2)	98.26%	\$ -	\$ -	\$ -	#DIV/0!	\$ 88
(317) WW Repair Res.	\$ 90	\$ 97	\$ 7	107.77%	\$ -	\$ -	\$ -	#DIV/0!	\$ 97
(318) Elec. Repair Res.	\$ 70	\$ 85	\$ 15	120.81%	\$ -	\$ -	\$ -	#DIV/0!	\$ 85
(319) LEDA	\$ 125,000	\$ 125,000	\$ -	100.00%	\$ -	\$ -	\$ -	#DIV/0!	\$ -
	<u>\$ 6,778,523</u>	<u>\$ 5,110,299</u>	<u>\$ (1,668,224)</u>		<u>\$ 7,080,519</u>	<u>\$ 4,956,767</u>	<u>\$ (2,123,752)</u>		<u>\$ 28,531</u>

### Prior vs. Current GRT 4th Quarter

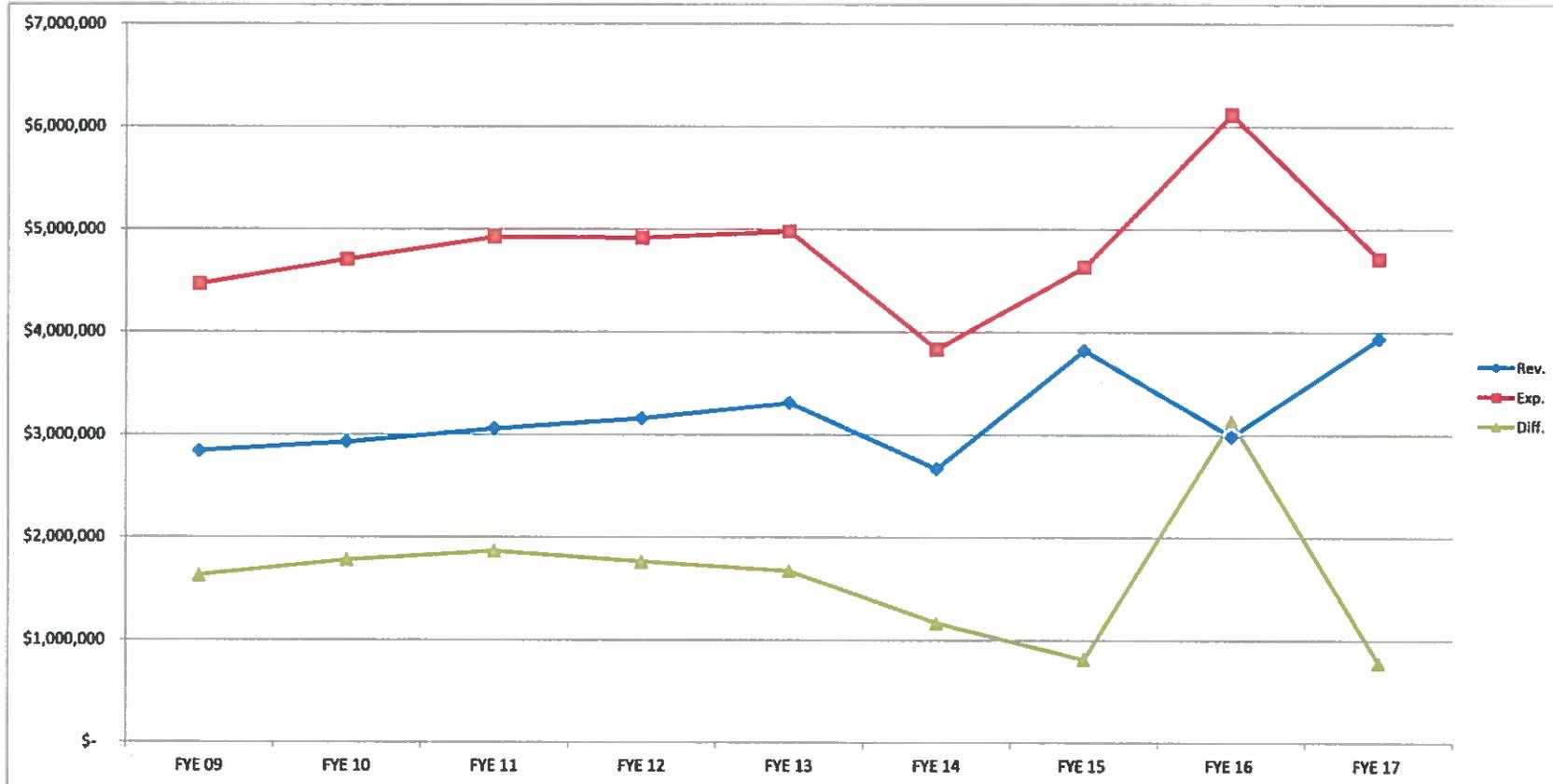


## Prior vs. Current Lodgers' Tax Revenue Month & YTD Comparison

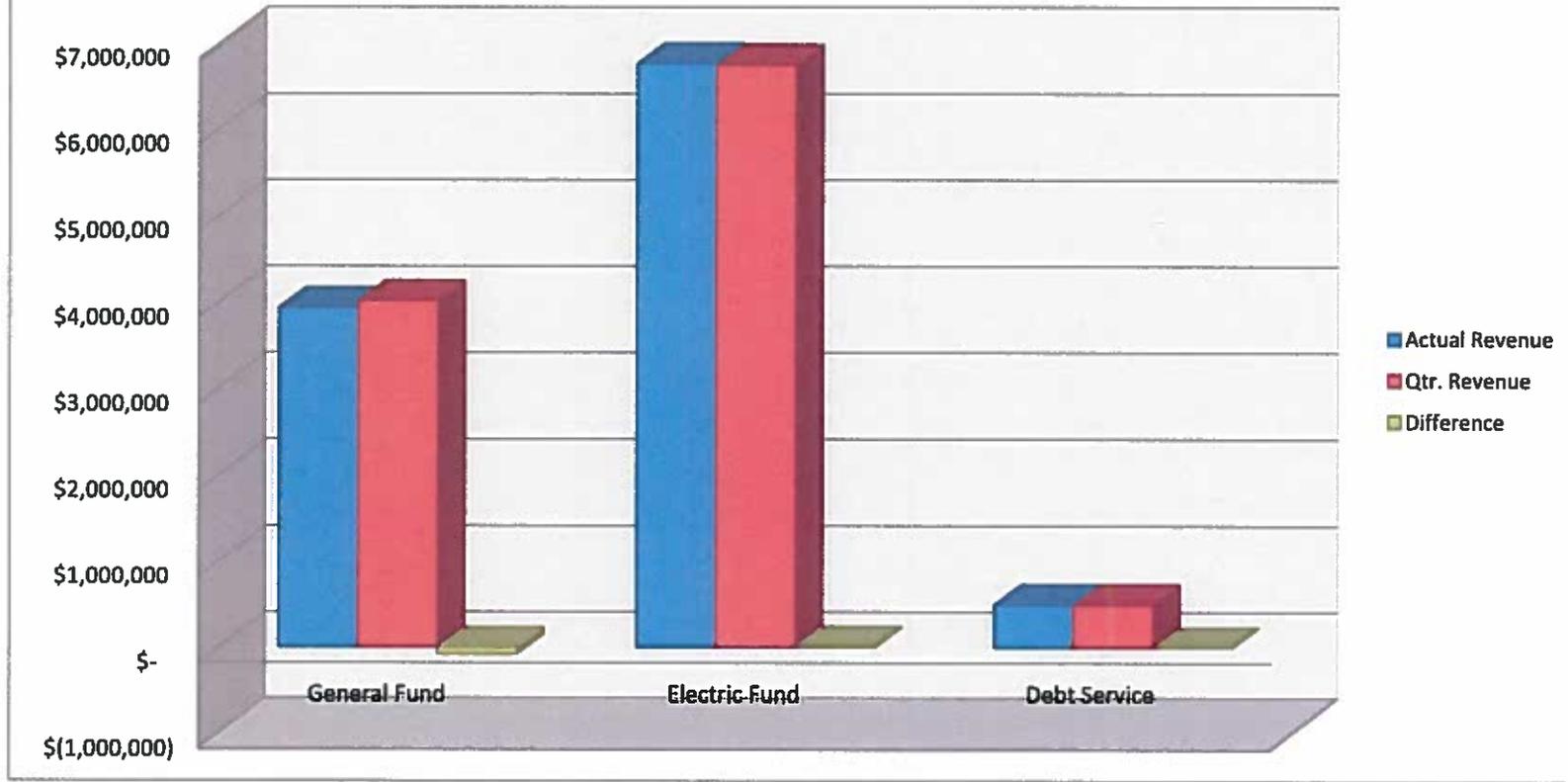


## GENERAL FUND FISCAL YEAR END NET

	FYE 09	FYE 10	FYE 11	FYE 12	FYE 13	FYE 14	FYE 15	FYE 16	FYE 17	Growth since FYE 09	
										%	\$
Rev. \$	2,839,161	\$ 2,926,427	\$ 3,057,324	\$ 3,156,898	\$ 3,308,626	\$ 2,864,993	\$ 3,822,020	\$ 2,983,856	\$ 3,936,430	24.20%	\$ 982,859
Exp. \$	4,467,045	\$ 4,705,040	\$ 4,923,209	\$ 4,917,306	\$ 4,978,989	\$ 3,830,281	\$ 4,632,032	\$ 6,115,589	\$ 4,713,256	-29.75%	\$ 164,987
Diff. \$	1,627,884	\$ 1,778,613	\$ 1,865,885	\$ 1,760,408	\$ 1,670,363	\$ 1,165,288	\$ 810,012	\$ 3,131,734	\$ 776,826	-100.97%	\$ (817,872)

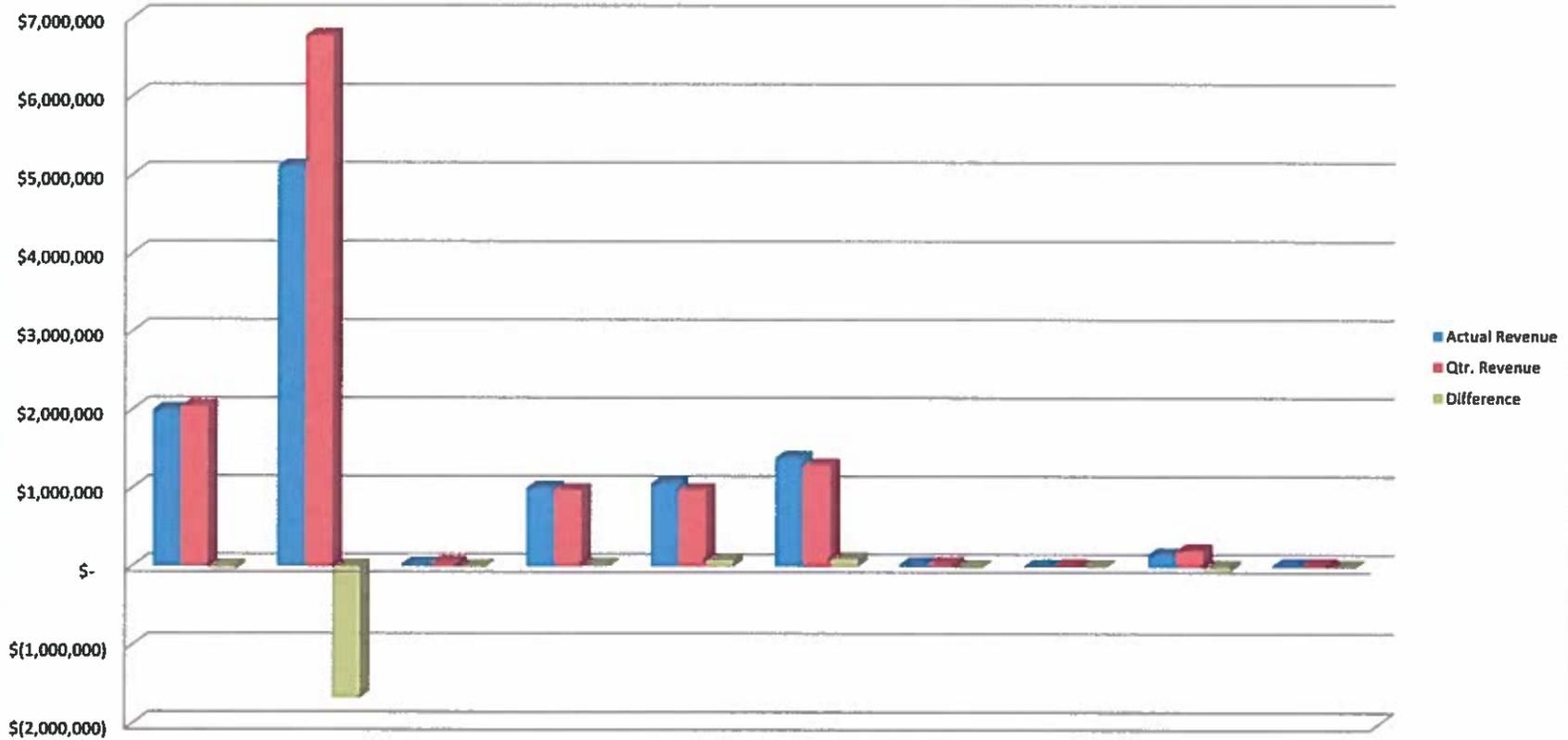


## Revenues Actual / 4th Qtr. Budget FYE 17 YTD



	General Fund	Electric Fund	Debt Service
<b>Actual Revenue</b>	\$ 3,936,430	\$ 6,768,220	\$ 498,491
<b>Qtr. Revenue</b>	\$ 4,017,402	\$ 6,752,417	\$ 498,304
<b>Difference</b>	\$ (80,972)	\$ 15,803	\$ 187
<b>QTR</b>	4	4	4
<b>Budget Revenue</b>	\$ 4,017,402	\$ 6,752,417	\$ 498,304

**REVENUES  
ACTUAL / 4th Qtr. BUDGET  
FYE 17 YTD**

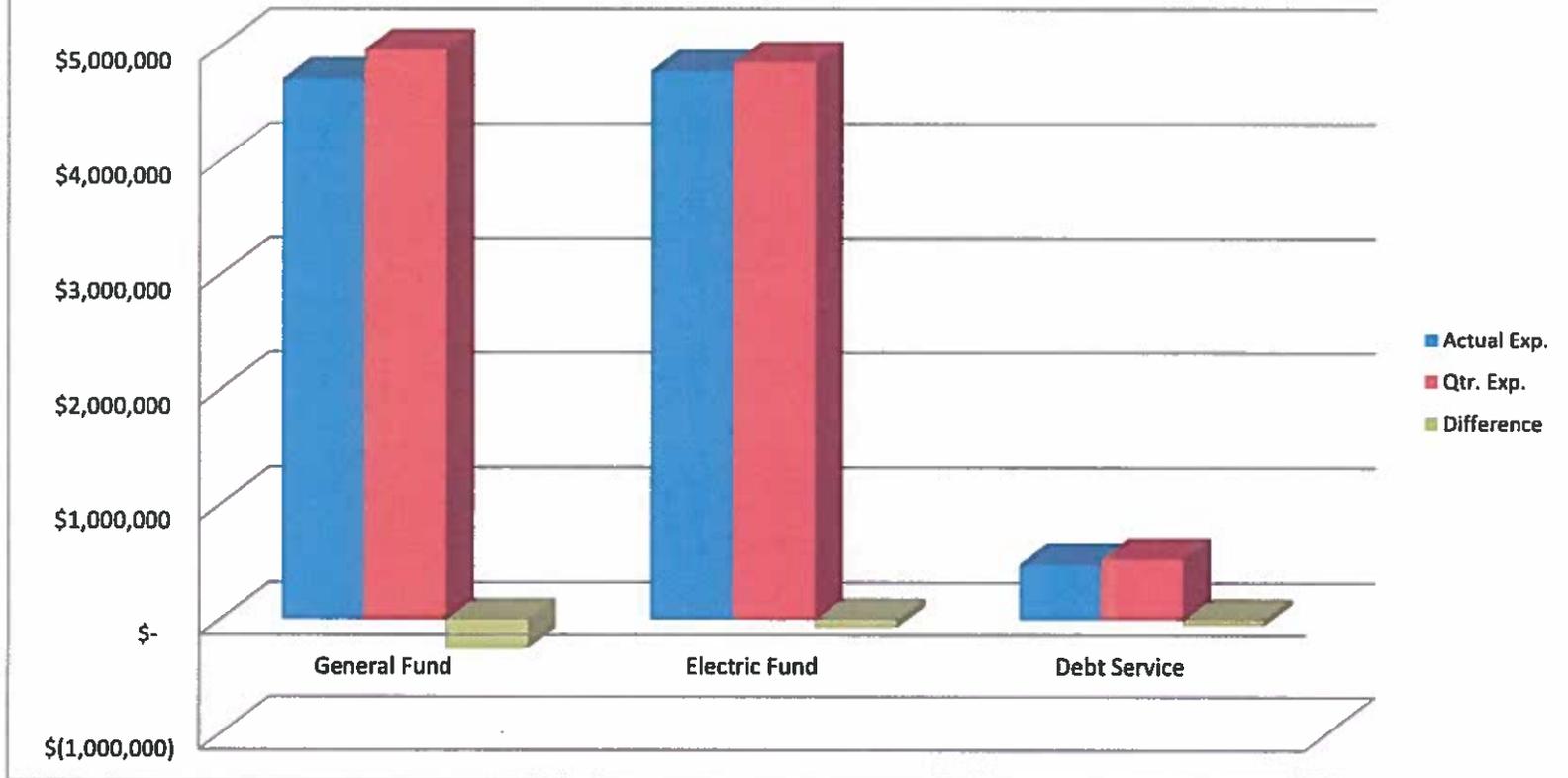


	Special Revenue	Capital Project	Utility Office	Water	Wastewater	Solidwaste	Golf	Cemetery	Airport	Internal Service
<b>Actual Revenue</b>	\$ 2,001,226	\$ 5,110,299	\$ 32,307	\$ 1,006,193	\$ 1,064,404	\$ 1,394,707	\$ 30,672	\$ 6,998	\$ 160,608	\$ 18,544
<b>Qtr. Revenue</b>	\$ 2,044,744	\$ 6,778,523	\$ 46,295	\$ 980,600	\$ 981,000	\$ 1,295,800	\$ 42,320	\$ 10,600	\$ 212,370	\$ 23,500
<b>Difference</b>	\$ (43,518)	\$ (1,668,224)	\$ (13,988)	\$ 25,593	\$ 83,404	\$ 98,907	\$ (11,648)	\$ (3,602)	\$ (51,762)	\$ (4,956)
<b>QTR</b>	4	4	4	4	4	4	4	4	4	4
<b>Budget Revenue</b>	\$ 2,044,744	\$ 6,778,523	\$ 46,295	\$ 980,600	\$ 981,000	\$ 1,295,800	\$ 42,320	\$ 10,600	\$ 212,370	\$ 23,500

**General & Enterprise Fund Expenditures**  
**4th Qrt.**  
**FYE 17**

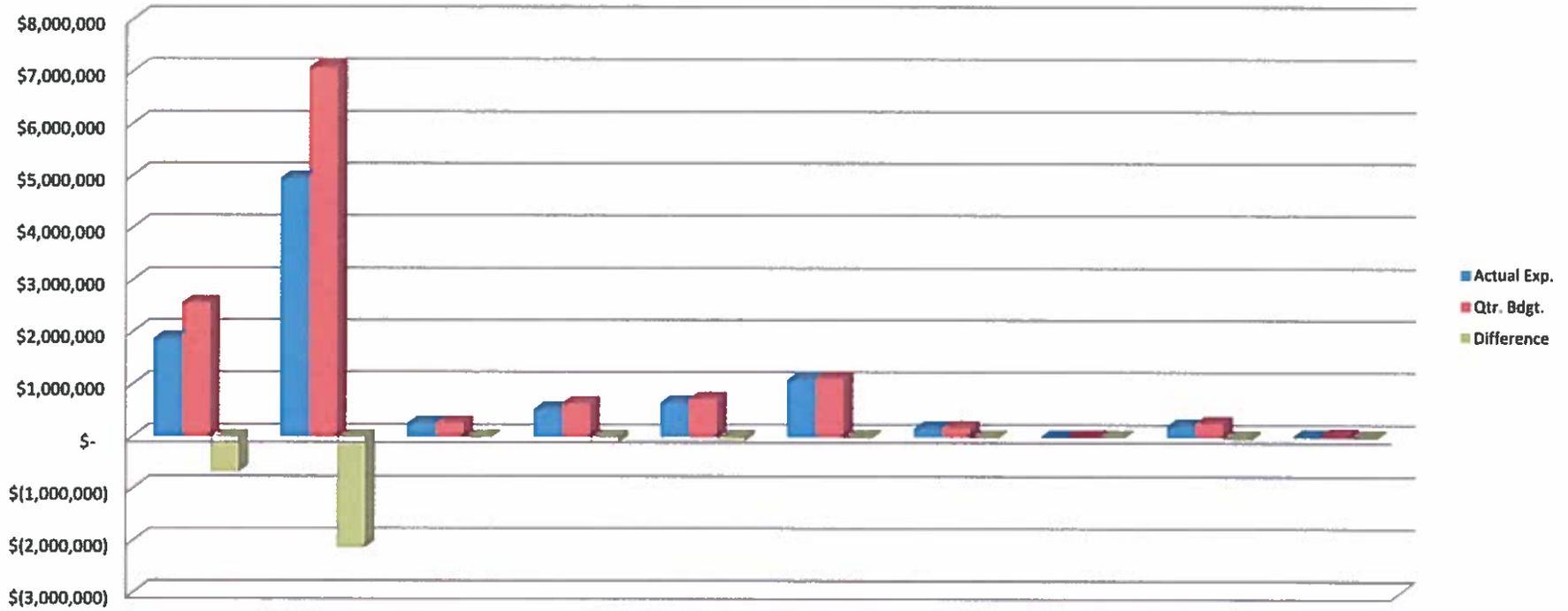
<b>EXPENDITURES</b>	<b>%Exp.</b>	<b>Mo.%</b>	<b>YTD % over/under</b>
Gov. Body	100.00%	100.00%	0.00%
City Clerk	98.79%	100.00%	-1.21%
Municipal Court	100.00%	100.00%	0.00%
City Manager	99.19%	100.00%	-0.81%
Finance	97.35%	100.00%	-2.65%
Vol. Fire Dept.	100.00%	100.00%	0.00%
Police	98.90%	100.00%	-1.10%
Codes/Animal	72.99%	100.00%	-27.01%
Recreation	92.24%	100.00%	-7.76%
Comm. Development	93.78%	100.00%	-6.22%
Street	97.12%	100.00%	-2.88%
Fleet	99.56%	100.00%	-0.44%
Facilities	77.66%	100.00%	-22.34%
Library	91.51%	100.00%	-8.49%
Hospital GRT Dist.	97.86%	100.00%	-2.14%
Ins. & Utilities	94.30%	100.00%	-5.70%
<b>General Fund</b>	<b>94.81%</b>	<b>100.00%</b>	<b>-5.19%</b>
Utility Office	97.96%	100.00%	-2.04%
Electric Division	98.56%	100.00%	-1.44%
Water Division	82.81%	100.00%	-17.19%
Solid Waste	97.87%	100.00%	-2.13%
Waste Water	90.37%	100.00%	-9.63%
Golf Course	91.34%	100.00%	-8.66%
Airport	80.89%	100.00%	-19.11%

## Expenditures Actual / 4th Qtr. Budget FYE 17 YTD



	General Fund	Electric Fund	Debt Service
<b>Actual Exp.</b>	\$ 4,713,256	\$ 4,787,232	\$ 481,771
<b>Qtr. Exp.</b>	\$ 4,971,290	\$ 4,857,335	\$ 529,000
<b>Difference</b>	\$ (258,034)	\$ (70,103)	\$ (47,229)
<b>QTR</b>	4	4	4
<b>Budget Exp.</b>	\$ 4,971,290	\$ 4,857,335	\$ 529,000

**EXPENDITURES  
ACTUAL / 4th Qtr. BUDGET  
FYE 17 YTD**



	Special Revenue	Capital Project	Utility Office	Water	Wastewater	Solidwaste	Golf	Cemetery	Airport	Internal Service
Actual Exp.	\$ 1,877,636	\$ 4,956,767	\$ 262,058	\$ 537,406	\$ 662,933	\$ 1,097,976	\$ 167,332	\$ 7,935	\$ 223,996	\$ 25,346
Qtr. Bdgt.	\$ 2,566,777	\$ 7,080,519	\$ 267,520	\$ 648,942	\$ 733,565	\$ 1,121,873	\$ 183,200	\$ 11,000	\$ 276,903	\$ 41,500
Difference	\$ (689,141)	\$ (2,123,752)	\$ (5,462)	\$ (111,536)	\$ (70,632)	\$ (23,897)	\$ (15,868)	\$ (3,065)	\$ (52,908)	\$ (16,154)
QTR	4	4	4	4	4	4	4	4	4	4
Budget Exp.	\$ 2,566,777	\$ 7,080,519	\$ 267,520	\$ 648,942	\$ 733,565	\$ 1,121,873	\$ 183,200	\$ 11,000	\$ 276,903	\$ 41,500



H-4

CITY OF TRUTH OR CONSEQUENCES  
COMMISSION ACTION FORM

**ITEM:**

Resolution No. 04 2017/2018 approving Final Budget for FY 2017-2018.

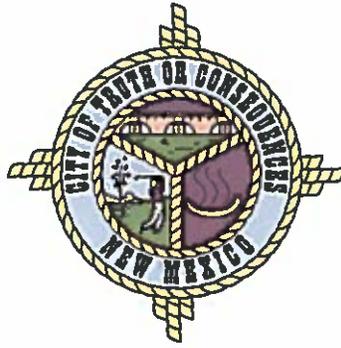
**BACKGROUND:**

A detailed summary of the budget and presentation will be presented at the meeting.

**RECOMMENDATION:**

Approve Resolution No. 04 17/18 approving the Final Budget for FY 2107-2018.

Submitted by: Melissa Torres, Finance Director		Meeting date: 07/26/2017
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## **RESOLUTION NO. 04 17/18**

### **A RESOLUTION ADOPTING THE FINAL FISCAL YEAR 2017-2018 REVENUE AND EXPENDITURE BUDGET FOR THE CITY OF TRUTH OR CONSEQUENCES.**

**WHEREAS,** the City Commission of the City of Truth or Consequences, New Mexico, has developed a budget for Fiscal Year 2017-2018; and

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

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

**WHEREAS,** it is the majority opinion of this Commission that the proposed budget meets the requirements as currently determined for the Fiscal Year 2017-2018.

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

1. The accompanying budget will be the approved Final Budget for the Fiscal Year 2017-2018 for the City of Truth or Consequences and respectfully request approval by the New Mexico Department of Finance and Administration, Local Government Division.

**PASSED, ADOPTED AND APPROVED** this 26<sup>th</sup> day of July, 2017.

---

Steve Green, Mayor

ATTEST:

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Reneé L. Cantin, City Clerk-Treasurer



I.1

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

**ITEM:**

Discussion/Action: SCRDA Contract and future participation.

**BACKGROUND:**

City Manager Fuentes requested this item and will present it.

**STAFF RECOMMENDATION:**

**SUPPORT INFORMATION:**

None.

Submitted by: Renee Cantin

Department: Clerk-Treasurer

Meeting date: 07-26-2017



J.1

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

**ITEM:**

**DISCUSSION/ACTION:** LEASE AGREEMENT BETWEEN THE SOUTHWESTERN AREA WORKFORCE DEVELOPMENT AND THE CITY OF TRUTH OR CONSEQUENCES.

**BACKGROUND:**

State Representative Rebecca Dow met with Dr. Shepard, WNMU President, regarding their decision to close the T or C Branch. Representative Dow met with Mayor Green, Bruce Swingle and myself to discuss the possibility of staffing at the Gardner Learning Center (at no cost to WNMU,) assuring regular office hours and access to classrooms for WNMU students, GED classes and tests, and any instructors that may teach a face-to-face class with 10 or more students. The goal is to have a formal plan and work with WNMU to leave the IT equipment for the fall schedule.

During the City Commission meeting on May 24<sup>th</sup>, a lease agreement between the City and WNMU was approved leaving the IT and equipment at the facility for continuing use for students and others. As part of the plan, we are also partnering with Southwestern Area Workforce Development for use and staffing of the Gardner Learning Center. In addition, the SAWD, the WNMU Adult Education services will fall within the SAWD to provide adult high school equivalent certifications.

The proposed lease agreement with SAWD provides for the GLC to be leased to the SAWD for an initial three (3) year term with the option to renew for an additional three (3) years at one (1) year extensions. The rent for the first year will be \$600 month with an annual increase of \$100 every year. As part of the agreement, SWAD will assist and facilitate the use of the GLC for continuing education, workforce development, training facility and other uses.

Name: Juan A. Fuentes

Department: City Manager

Mtg: 05/09/17

# LEASE

This lease is made and entered into in triplicate between, City of Truth or Consequences, a Municipal Corporation, Lessor and Southwestern Area Workforce Development, Lessee an agency or instrumentality of the State of New Mexico, pursuant to Section 15-3-2(A)(5) NMSA 1978 and GSD Rule 1 NMAC 5.21 and amendments thereto.

Lessor and Lessee agree as follows:

**1. Property Leased.** 601 Sunset, Williamsburg, New Mexico 87942

a. Include description of property including legal description where readily available, inventory of Lessor's furnishings and other property associated with the leased premises which shall remain on premises.

**b. Square Footage of Leased Space**

Leasable:            Usable:

**c. Designated Parking Facilities**

Total Number: 10 Accessible: 2 Van Accessible: 1

**2. Term.** The term of this lease is for three (3) years.  
(number of months, years, etc.)

commencing September 1, 2017, and terminating August 31, 2020

**3. Option To Renew.** In partial consideration for rent paid under this lease, Lessor DOES grant Lessee, its successors and assignees the first option to renew this lease. The renewal shall be for a term of one (1) year for up to three (3) years and shall be subject to the same terms and conditions set forth in this lease for the original term, except as may be provided otherwise in this lease with regard to rent. Lessee may exercise this option, if any, by giving Lessor written notice at least thirty days prior to the expiration of the current term.

**4. Holding Over.** Lessee's holding over or continued use or occupancy shall be construed as a month to month tenancy at the same monthly rent and subject to the same terms and conditions set forth in this lease.

**5. Rent.**

Asterisked (\*) provisions shall be filled in. Where appropriate, enter "N/A" or "None".

YR	DATE BEGINS	BASE LEASE COST	OPERATING COST	TOTAL ANNUAL AMOUNT	MONTHLY AMOUNT	RATE ANN. LEASABLE SQ. FT.	* OPT. YRS.
1	09/01/17			\$ 7,200.00	\$ 600.00		
2	09/01/18			\$ 8,400.00	\$ 700.00		
3	09/01/19			\$ 9,600.00	\$ 800.00		
4	09/01/20			\$ 10,800.00	\$ 900.00		*
5							*
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
16							
17							
18							
19							
20							

The total rent for the initial term is (not including option years) **\$ 25,200**

The Lessee has the sole responsibility for paying rent. Lessor should anticipate a delay in the first rent payment of each new fiscal year (July payments). The Department of Finance and Administration closes out all accounts for the fiscal year at that time and all payments may be delayed.

6. **Use of Leased Premises.** Lessee shall use the leased premises for purposes of carrying on state business. More particularly, Lessee shall use the leased premises for, among other things:

New Mexico Department of Workforce Solutions daily work assignments

Lessee acknowledges that the Lessor has entered into a Memorandum of Understanding, (MOU) with Western New Mexico (WNM), a copy of which is attached hereto as EXHIBIT A. WNM has left on the premises certain equipment and other materials. Lessee agrees that the equipment and other materials may remain on the premises and to be used by area residents for learning purposes and for such other purposes contemplated by the MOU.

Lessor agrees that the premises are suitable for this (these) purpose(s) or has revealed to Lessee any reasons Lessor knows of or reasonably should know of why the premises might not be suitable for such purpose(s).

In accordance with the Workforce Innovation and Opportunity Act, the lessee may enter into infrastructure resource agreements with its Workforce partners to cost share of the lease amounts.

Asterisked (\*) provisions shall be filled in. Where appropriate, enter "N/A" or "None".

7. **Condition of Premises.** Lessor warrants that the premises are in good and safe condition, structurally sound and of safe design and that they comply with all applicable building codes, ordinances, rules and regulations, except as noted:

None

All noted conditions shall be rectified prior to the inception of this lease or within sixty (60) days thereafter. Failure to correct any dangerous condition constitutes substantial breach.

8. **Accessibility to the Disabled.** The Lessor warrants that the premises shall meet standards consistent with the Americans with Disabilities Act (ADA) within sixty (60) calendar days of the execution of this lease. The Lessor also warrants that the premises will be maintained in compliance with these standards.
9. **Delivery of possession.** Lessor warrants that the premises will be vacant and will put Lessee in possession on the first day of the initial or any subsequent term.
10. **Damage to Premises.** If at the inception of this lease or at any time thereafter (including any renewal) all or any part of the leased premises shall be so damaged or destroyed through any cause, other than Lessee's willful act as to be rendered unfit for Lessee's occupancy, in Lessee's judgment, Lessee may declare this lease terminated and rent shall be payable only to the date of the damage. Alternatively, Lessee, in its sole discretion, may continue to occupy any portion useful to it, and the rent shall abate in proportion to the portions not useful to Lessee.

If at the inception of this lease or at any time thereafter (including any renewal) all or any part of the leased premises shall be so slightly damaged through any cause, other than Lessee's willful act, ordinary wear and tear or repair subject to routine maintenance, as not to be rendered unfit for Lessee's occupancy, in Lessee's judgment, Lessor shall repair the premises with all reasonable promptness, at Lessor's expense, and the rent shall abate fairly until repairs are completed. However, if Lessor fails to promptly commence or to expeditiously complete repairs necessary to restore the premises to their former condition, Lessee may declare this lease terminated and rent, including any fair abatement thereof, shall be payable only to the date of termination. Alternatively, if Lessor fails to promptly commence or to expeditiously complete repairs, Lessee, in its sole discretion, may perform or cause to be performed such repairs, and may deduct the costs from rent, including any fair abatement.

Lessee's decision as to whether all or any part of the premises is fit or unfit for occupancy shall be final, but Lessee's decision shall be reasonable in the circumstances.

11. **Alterations.** Lessee shall obtain the Lessor's written permission before making any alterations or improvements of a permanent nature.
12. **Ownership of Improvements.** All alterations and improvements made to or placed in the premises by Lessee are and shall remain the Lessee's property except as the parties mutually agree otherwise in writing, if such alterations and improvements can be removed without undue damage to the premises and are, in fact, removed by Lessee prior to termination of this lease or any renewal thereof or within a reasonable time after termination. Alterations and improvements of a permanent nature which cannot be removed without undue damage to the premises shall become Lessor's property except as the parties mutually agree otherwise in writing.
13. **Condition of Premises upon Surrender.** At the termination of this lease, Lessee shall surrender the premises in the condition in which they were at the inception of this lease, excepting:
- a. deterioration caused through reasonable use and ordinary wear and tear;
  - b. alterations, improvements or conditions made with Lessor's written approval; and
  - c. any change, damage or destruction not resulting from Lessee's willful act.
14. **Payment of Assessments, etc.** Lessor shall pay as they become due all assessments, charges, mortgages, liens and taxes payable in respect to the leased premises during the term of this lease. If Lessor defaults in paying any such amounts, Lessee, in its sole discretion, may pay any assessment, charge, mortgage, lien or tax. Upon doing so, Lessee shall be subrogated to the creditor's rights and may deduct the cost of such payment from rent.

Asterisked (\*) provisions shall be filled in. Where appropriate, enter "N/A" or "None".

15. **Utilities, Janitorial Services and Supplies.** Utilities, janitorial services and supplies shall be paid for by the party indicated by an "X." (Where not applicable, enter "N/A"):

	Lessor	Lessee
a. water	X	
b. sewer	X	
c. refuse disposal	X	
d. gas	X	
e. electricity	X	
f. janitorial services and supplies		X
g. security		X
h. other (specify): Facility Repairs	X	

16. **Right of Entry.** Lessor or his agent has a right to enter upon the leased premises to inspect, to make repairs and for other reasonable purposes, with Lessee's permission, which shall not be unreasonably withheld. In an emergency, such as fire, Lessor or his agent may enter the premises without securing Lessee's prior permission, but shall give Lessee notice of entry as soon thereafter as practicable.

17. **Duty to Maintain Premises.**

- a. Lessor has the duty to reveal to Lessee all structural defects of which he knows or reasonably should know, and to repair all structural defects in the premises.
- b. Lessor has the duty to repair and maintain the exterior of the premises, including but not limited to: roof, windows, grounds, parking lots, sidewalks, doors and lighting in safe condition and in good repair and condition. Lessee has the duty to inspect and notify Lessor of exterior conditions.
- c. Lessor has the duty to repair and maintain the interior of the premises, including but not limited to: cooling system, heating system, plumbing, lighting, doors, flooring, wall finishes, except as otherwise provided in paragraphs 10 and 13.
- d. If, after written notification, the Lessor fails to perform required maintenance, the Lessee may abate rent, or perform the maintenance and withhold the cost of the maintenance from the Lessor.

18. **Right to Assign or Sublease.** Lessee has the right to assign or sublease the leased premises or any part of them to other state agencies or to qualified tenants for any remaining term of this lease. Lessee shall notify Lessor immediately upon execution of any sublease or assignment, or at such other time as may be provided in this lease. Lessee's obligation to pay the portion of the rent represented by the sublease or assignment shall cease upon the furnishing of such notice to Lessor.

19. **Duty to Insure.**

- a. During the term of this lease and any extension thereof, Lessee shall provide coverage for liability of Lessee and its "public employees," as defined in the Tort Claims Act, and for its personal property and tenant's improvements and betterments, as required by New Mexico law.
- b. During the term of this lease and any extension thereof, Lessor shall maintain in force a policy or policies of insurance providing:
  1. comprehensive general liability coverage of not less than \$1,000,000 limit per occurrence, including coverage for property damage, bodily injury and wrongful death. Such insurance policy or policies shall name the "State of New Mexico, its branches, agencies, instrumentalities and public employees" as additional insured, and
  2. fire, lightning and extended coverage, or "all risk" coverage, for at least 80% of the actual cash value of the premises.
- c. To the extent permitted under their respective insurance policies, Lessor and Lessee waive all rights, against each other, for damages arising out of any damage to or destruction of the leased premises caused by fire or other perils insured against.

Asterisked (\*) provisions shall be filled in. Where appropriate, enter "N/A" or "None".

- d. Lessor releases and discharges the Lessee and its "public employees" as defined in the Tort Claims Act from any and all claims, damages and causes of action arising out of any damage to or destruction of the leased premises where such damage or destruction was not caused by the willful act of Lessee or any of its "public employees."
- e. Lessor shall provide certificates of coverage or proof of self-insurance evidencing compliance with this section which shall be attached to this lease at the time of execution. Lessor shall notify Lessee within ten days after cancellation or expiration of any required coverage.
20. **Right to Terminate upon Breach of Condition or Agreement.** Either party may terminate this lease upon the other party's substantial breach of any term or condition contained in this lease, provided that the breaching party shall be given thirty (30) days from the receipt of written notice of a substantial breach to cure the breach or to begin and proceed, with due diligence, to cure a breach that cannot be cured within thirty (30) days. In the event of a substantial breach, the non breaching party shall give the breaching party written notice that describes the nature of the breach and notifies the breaching party that, unless the breach is cured within the time limits contained herein, the lease shall terminate without further notice at the end of the cure period. Upon termination of the lease, the Lessee shall surrender the premises to the Lessor and shall be obligated to pay rent only to the date of surrender.
21. **Special Damages.** If through Lessor's willful breach of any term or condition, Lessee must vacate or cannot take possession of the leased premises, Lessee may recover, in addition to any other damages, special damages, including the cost of employee time lost, moving costs and all other reasonably ascertainable costs connected with relocating to other premises.
22. **Lease Binding on Heirs, etc.** This lease is binding upon the heirs, executors, administrators, personal representatives, assignees and successors-in-interest of the parties.
23. **Amendments to be in Writing.** This lease shall not be altered or amended except by instrument in writing executed by the parties.
24. **Address for Notices, Payment of Rent, etc.** Notices required under this lease and rental payments shall be made at the following addresses, except as changed by written notice to the opposite party:
- |  |                |                      |
|--|----------------|----------------------|
| a. Lessor: City of Truth or Consequences           | Telephone No.: | 575-894-6673 ext 320 |
| 505 Sims Street                                    | Cell No.:      | 575-740-2275         |
| Truth or Consequences, NM 87901                    | E-mail         | jafuentes@torcnm.org |
| Attn: Juan A. Fuentes, City Manager                |                |                      |
| b. Lessee: Southwestern Area Workforce Development | Telephone No.: | 575-740-5381         |
| P.O. Box 1072                                      | Office No.:    |                      |
| Elephant Butte, New Mexico 87935                   | E-mail         | sduran@sccog-nm.com  |
25. **Merger of Prior Agreement.** This lease incorporates all of the conditions, agreements and understandings between the parties concerning the subject matter of this lease, and all such conditions, agreements and understandings have been merged into this written lease. No prior condition, agreement or understanding, verbal or otherwise, of the parties or their agents shall be valid or enforceable unless embodied in this written lease.
26. **Facilities Management Division Approval.** This lease shall not be binding or effective until approved by the Facilities Management Division Director.

Asterisked (\*) provisions shall be filled in. Where appropriate, enter "N/A" or "None".



**LESSOR:** City of Truth or Consequences

By: \_\_\_\_\_ (signature)

Name: Juan Fuentes

Title: City Manager

**AGENCY LEGAL COUNSEL REVIEW:**

This form as printed has been approved by the Office of the Attorney General. Alterations and additions to this lease form must be reviewed separately.

This amendment has been reviewed in accordance with 1.5.21 NMAC and approved by:

\_\_\_\_\_ (signature)

Attorney's Name: \_\_\_\_\_

Title: \_\_\_\_\_

**LESSEE: (AGENCY NAME) Southwestern Area Workforce Development**

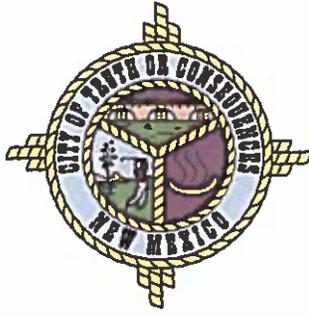
By: \_\_\_\_\_ (signature)

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Asterisked (\*) provisions shall be filled in. Where appropriate, enter "N/A" or "None".

J.2



CITY OF TRUTH OR CONSEQUENCES  
COMMISSION ACTION FORM

**ITEM:**

Selection of a Voting Delegate and Alternate for the 2017 New Mexico Municipal League Annual Conference to be held in Clovis from August 15th - 18th, 2017.

**BACKGROUND:**

Each year at the New Mexico Municipal League each municipality is requested to select a Voting Delegate and an Alternate for the Business Meeting which is held at the Annual Conference. This person will be responsible for voting on behalf of the municipality on Resolutions that will be municipal policies and all other questions at the Annual Business Meeting.

The following people served on the Policy Committees and Resolutions Committee which help set the Resolutions that will be voted on:  
City Manager Juan Fuentes, City Clerk-Treasurer Renee Cantin, and Police Chief Lee Alirez.

In the past, the Mayor has been appointed as the Voting Delegate and the City Manager has been appointed as the Alternate.

**STAFF RECOMMENDATION:**

Select a Voting Delegate and Alternate for the Annual Business Meeting.

Submitted by: Renee Cantin, City Clerk		Meeting date: 7-26-2017
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**MUNICIPAL CLERKS: PLEASE DISTRIBUTE COPIES TO YOUR ENTIRE GOVERNING BODY**

TO: MAYORS/ GOVERNING BODY MEMBERS  
FROM: William F. Fulginiti, Executive Director  
SUBJECT: 2017 ANNUAL CONFERENCE VOTING DELEGATES  
DATE: July 6, 2017

The 60<sup>th</sup> Annual Conference of the NM Municipal League will be held August 15<sup>th</sup> through the 18<sup>th</sup> in Clovis.

At the Annual Business Meeting on Thursday, August 17<sup>th</sup>, a President Elect, Vice President, Treasurer and three Directors-at-Large (2-Year Term) will be elected. Also, the *Annual Statement of Municipal Policy* and *Annual Conference Resolutions* will be adopted.

Each member municipality in good standing that is registered and attending the Annual Conference shall be entitled to one delegate vote in electing officers, deciding municipal policy and voting upon all other questions at the Annual Business Meeting. A municipality in good standing means that at least one-half of the municipality's current League annual dues must have been paid prior to or at the Conference. The vote of the municipality is cast by the Voting Delegate (or in her/his absence, the Alternate) who is selected by the governing body of the municipality.

The Annual Business Meeting will be conducted in accordance with Robert's Rules of Order Revised, and the Annual Business Meeting Rules and Procedures, which shall govern the actions and deliberations of the League membership assembled in convention. Attached for your information are the *Policy Process Outline and the Annual Business Meeting Rules and Procedures*.

Please place the selection of a Voting Delegate and Alternate on the agenda of your next official governing body meeting. The Voting Delegate and Alternate must be persons planning to attend the Conference. Once they are selected, enter the names and titles of the Voting Delegate and Alternate for your municipality and return this form to the League Office no later than Tuesday, August 8, 2017.

This is *not* an official registration form for the Annual Conference for either the Voting Delegate or the Alternate. Delegates must register for the Conference on the form provided in the Conference information you have already received.

Voting Delegates and Alternates must check in with NMML Staff at the Credential's Desk at Conference Registration.



Municipality: \_\_\_\_\_

Voting Delegate: \_\_\_\_\_ Title: \_\_\_\_\_

Alternate: \_\_\_\_\_ Title: \_\_\_\_\_

Approved By: \_\_\_\_\_

**RETURN BY AUGUST 8, 2017 to:**

Jackie Portillo, Support Services Coordinator  
NM Municipal League  
P.O. Box 846 - Santa Fe, NM 87504  
jportillo@nmml.org  
Fax: 505-984-1392



J.3

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

**ITEM:**

Discussion/Update: Update on the short term rental ordinance. Renee Cantin, Clerk-Treasurer

**BACKGROUND:**

At the last Commission Meeting, Mayor Green requested an update as to where we were with the Short Term Rental ordinance implementation.

Clerk-Treasurer Cantin will provide an update.

**STAFF RECOMMENDATION:**

None.

Submitted by: Renee Cantin, City Clerk-Treasurer

Meeting date: 07/26/2017