

CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
CITY COMMISSION CHAMBERS, 405 W. 3RD St.
WEDNESDAY, JULY 11, 2018

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
Hon. Sandra Whitehead
Hon. Kathy Clark, Commissioner (absent)
Hon. Rolf Hechler, Commissioner
Hon. Paul Baca, Commissioner

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

Mayor Green announced Commissioner Clark has requested to be excused.

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

2. SILENT MEDITATION

Mayor Green called for fifteen seconds of Silent Meditation and asked us to keep our veterans in our thoughts and prayers.

3. PLEDGE OF ALLEGIANCE

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

4. APPROVAL OF AGENDA

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

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

Mayor Green called for Public Comment, noting those wishing to comment 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.

Randy Ashbaugh addressed the Commission related to:

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- 1) The City Water System – He submitted a picture that was advertised in the paper of all the water leaks throughout town. They say pictures speak 1000 words, this picture speaks of absolutely no planning, and incompetence. The city water system and sewer system is in shambles. The city streets are a disgrace, along with many of our many other infrastructures, our Pool, and Golf Course. You have 100 city employees and cannot even sweep the streets. There are 5-7 workers cleaning up a lot on Main Street (the old Buckhorn Building) and 3 or 4 were putting in a curb by the city. Meanwhile, there were 20 plus water leaks all over town, draining 10's of 1000's of gallons a day out of the water tanks. How did the City Manager make a \$300,000 mistake in the sewer plant bid addition? We all know where the money came from to replace it. Why did it take over a year to straighten out the utility billing system? I could understand a few days or a week or two. Why is the city not repairing all of the water leaks or installing the new pumps for the sewer system that should have been replaced years ago. Half or more of the pumps have shut down and caused serious problems like the sewer running down the streets and at Dennys. It boils down to no planning and incompetence. He has called on several state agencies to investigate the water and sewage systems because there are big problems with those. He also contacted a financial agency to investigate the expenditures of these departments and the city as whole, especially the line items and how the employment has moved around in the city to do other things.
- 2) He called for the City Manager and Mayor to resign. He wants the pictures he submitted and his statement to be included in the minutes of this meeting.

Ron Fenn addressed the Commission related to:

- 1) Mr. Green, as you are not a conqueror of nations, you do not get the opportunity to re-write history, and yet he sees in this ridiculous article in the Herald that you have changed the reason for the Planning & Zoning not to exist to a few citizens that upset the Planning & Zoning Board and caused them to leave. You Mr. Green, and the Commission at that time were responsible for the demise of the Planning & Zoning Board when you decided to vacate their decision on the signage for Bobby Middleton and the Los Arcos Restaurant, and allowed them to put in an illegal billboard to replace one that had fallen down. It was illegal for several reasons, and you ignored every reason that the city Planning & Zoning had done meticulous work trying to foster the proper respect for our laws. You... ignore the law, you don't make the law, and yet you cowed the community into the apathy that you so eloquently claim is responsible for there being no Planning & Zoning Board. But then why would any decent, honest person want to serve on a board that you ignore for political reasons. The signage in this city is one of the things that really detracts from its appearance, detracts from its attractiveness to other people, and is absolutely clear that it shows no respect by this Commission for the law that they make for others to follow. You do in Randy's words, need to resign, and before doing that, fire City Manager Fuentes because he is absolutely no manager, and has done more damage to this community than any 10 people that I know of.

Tom Smith, 609 Kruger St. addressed the Commission related to:

- 1) He received a letter at the beginning of the year that they were going to pave Kruger Street all the way to 8th Street, but they paved up to 6th Street and stopped. He checked with Don Armijo and was told they ran out of money. He said they will take a look at next year's budget to see if there is any money in there and in the meantime, maybe they can get some chip seal to put on it to manage the dust. He would like a response of that in

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writing, because he believes if someone puts out a letter saying what they are going to do and then they can't do it, they can at least send out another letter saying okay this is what the problem was. But of course Don is gone now, and he doesn't know if they hired anyone yet.

2) He knows that Commissioner Baca has been pushing for the off road vehicles use in the city. He would like to know if that has been approved because he heard that today was the day it was going to be approved.

Diane Lombardo addressed the Commission related to:

1) She can't report on the Animal Shelter because she hasn't been there lately. However she knows people who have and from the article in the Herald (please do not be misled) according to Carlos, we have 28 animals in a shelter that was built to house 14 dogs and cats. She understands that they don't want to kill any animals, however, stressing them out with overcrowding conditions is not good. They are going to end up with very unadaptable sick animals. Hopefully with the new Police Chief they can get together and solve this problem. There are strict rules to becoming rated as a non-kill shelter and this shelter is not doing it correctly. She would like to suggest to the Chief that he send his people to the Animal Humane conference. She suggested this last year for Sabrina Day and she was ignored. Two reasons for attending the conference is you learn new things from classes, and you also network with people who are doing the same things you do and people who are doing rescue. It's very important to do that if you are going for a non-kill shelter. She understands that Santa Fe is taking some of our animals, but they cannot take all of them. We need to reach out and have a strong network, and Shelter Managers who know what they are doing and who are willing to network with people. The Animal Humane will take animals as well as Pets Alive in Albuquerque, and there are many other places that will also take our animals, but we first need to reach out to them.

Ed Williams, Williamsburg addressed the Commission related to:

1) If the citizens believe that the problems with the water lines or sewer all of a sudden appeared, they are wrong. He started working at the city in 1982 and we had the same problems then, but the problem isn't the Commission or the City Manager, the problem are the citizens of the town. Every time we came up with a game plan to get ahead, citizens revolt and say we can't afford it, and of course the Commissioners say okay. So if the citizens want to look at anybody about our infrastructure they need to look at themselves and see if they're willing to put their money where their mouth is, because that's what it's going to take, and it doesn't get any cheaper. Anybody who has worked for the city in the past knows this, and he is going to put it on the citizens to step up.

Stanley Rickert, 1705 Carrie St. addressed the Commission related to:

1) He invited those in "radio land" to visit the problem on Carrie Street he has to live next to. Commissioner Baca you made a statement about where the property was...but you've been here enough and heard me enough to know where the problem is. The problem does not exist with Jerry Kabowski's property across the street from me, he has cleaned up a lot. He's an 80 year old Veteran, I want to see what you can do when you're 80 years old. He will be taking this issue to court. He has a person working for him and he is going to clean this place up. You got rid of one employee...Brother Robbie Travis... because all he did was wipe things up, and he doesn't think it is legal what he did, he can't prove it, but I guarantee a court of law will straighten this mess out. He appreciates your

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time and your efforts. Mr. Green this is a personal Commissions for him, he's a city person, and he belongs to this city now. He owns property here in this city. As far as the Planning & Zoning Commission, they walked out on you, and I would like to think that you could get someone else in her if you offered them a position. I'm sure someone would love to have someone come in and take care of this planning and zoning, and get this thing straightened out besides weeds, and curbs, and other bologna that people talk about. The Utilities are a problem, but they are downhill and water runs downhill, but it needs to be cleaned up.

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

- 1) Gave an update on the Off Leash Dog Park. They have tickets on sale for the July 24th concert and part of the proceeds will be given to the dog park. Tickets will be sold at the Brewery, as well as the Sentinel. They will also be selling raffle tickets for a beautiful painting by local artist Mike Thompson.
- 2) She wanted to thank O.J. and the Parks & Recreation Department who have done great job. They suffered with getting things watered, but it's all taken care of and they have done great.
- 3) They are in the process of purchasing some items. They found a reasonably inexpensive shade shelter which happened to be in place at the Skyline K-9 Park in Albuquerque. She reached out to Albuquerque's Parks & Recreation Department and they highly recommended them, and said they would buy more. We need three, but we are going to be cautious and order one to see if it works out. It's double work, but she thinks in the long run it will save us some money if it does work. They are ordering two more benches to be placed under the big tree, and she is also going to be sending authorities a request to do some pre planning for a new service gate between the small and large dog park so they can save the big tree that's struggling to live. There's no way any large equipment can get to it to prune it back. With these hot days we've been having she thought they would have little usage, but they are still having a lot of waste to empty out of the can so that tells her that people are using the dog park.

Hal Priser, 165 N. Silver St. Apt. #1 addressed the Commission related to:

- 1) The people have spoken. He has lived her his entire life and the fact is that he has watched you guys destroy this city. He knows when he was a child his grandfather put him on a machine that he drove, and he personally fixed MainStreet and Broadway his self, because he rode in that machine and he did it, but all of a sudden you people got filthy rich, and now the time has changed. He is seizing control. This deed that he has says that he owns the whole state. That means legally, he can arrest every one of you guys, but he chooses not to. You will accept me as your King and you will do what I tell you to do. That's a fact. From now on, these people want these streets fixed, we're going to fix the streets, but they have to be torn up to fix the infrastructure first. Now you people have not done anything properly. He has over 300 companies that want to come here, but only if he is King. That'll create jobs and that is going to put money in the coppers to fix everything. And also, over in Ivory Coast they grow cocoa. They bring \$798,000,000,000 in. He knows how to prepare our soil to grow cocoa. It takes 5 years from plant, but then in 5 years, that plant is going to be worth trillions which will bring trillions of dollars into this state. You people will accept me as your King and you will do what I tell you. Sandra... I put a motion on the table that you accept me as your King and you're going to second it. And everybody

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is going to say that they are going to accept it. There will be no opposing or I will arrest you, I will arrest your family, all of your blood line, and I will put you on a chain gang, and I'll force you to serve me and I mean it. I'm not playing games anymore. I've sat back and watched you destroy this place so Sandra... as I said... I put a motion on the table for you to accept me as your King and you will second it... do you second it?

Mayor Pro-Tem Whitehead replied that they do not make motions during and they do not second during Public Comment.

Mr. Priser replied that he will be back next time...and you will.

D. RESPONSE TO PUBLIC COMMENTS

City Manager Fuentes does have a quick response. The city is in litigation with Mr. Ashbaugh and his company, so he will not be responding to his comments or concerns.

City Attorney Rubin advised the Commission that they should not respond to Mr. Ashbaugh's comments while we are in litigation. He also wanted to mention that there will be a hearing on the 25th regarding that case. Also, Mr. Smith... I have a rough draft of the OHV Ordinance, it is being reviewed, there may be some changes made, and it may be brought back to the Commission at the next meeting.

Mayor Green asked Carole Wheeler about the concert and the conflict with the City Commission Meeting. Since the proceeds of the concert are going toward the city dog park, he would like to re-schedule the Commission Meeting so that the public may attend both. He suggested maybe starting the Commission Meeting at 4:00 p.m. which would give people an opportunity to participate in the meeting and still go next door to the concert.

E. CONSENT CALENDAR

1. City Commission Regular Minutes, June 13, 2018.
2. Recreation Advisory Board Minutes, February – June, 2018.
3. Accounts Payable, June 2018.

Mayor Pro-Tem Whitehead moved to approve the Consent Calendar as noted. Commissioner Baca seconded the motion. Motion carried unanimously.

F. ORDINANCES, RESOLUTION, & ZONING

1. Discussion/Action: Resolution No. 01 2018/2019 Open Meetings Act. Renee Cantin, City Clerk.

Clerk-Treasurer Cantin presented Resolution 01 2018/2019. We do not have any changes but it has been our practice to have it as the 1st Resolution every year. Mayor Pro-Tem brought to our attention a question about the wording of section 3.b - Special meetings where the notice specifies, the business to be conducted to be broadcasted over the radio or in the alternative posted in the following places which are the 6 places listed in that section. She wanted to clarify that it is either or, there's not a requirement that it has to be announced every time on the radio even though they are very good about doing that for us. She wanted to clarify that this requirement is only for Special Meetings.

Mayor Pro-Tem Whitehead moved to approve Open Meetings Act. Resolution No. 01 2018/2019 as presented by Renee Cantin, City Clerk. Commissioner Baca seconded the motion. Motion carried unanimously.

G. NEW BUSINESS

1. Discussion/Action: Appointment of members to the Recreation Advisory Board. Renee Cantin, City Clerk

City Clerk Cantin presented the information. The terms for the following Board Members expired June 2018: Greg D'Amour, Chair and Christie Conklin, Member. The notice was published on January 26th, 2018 and has been posted on the website and outside the Clerk's Office since then. At their July 2nd, 2018 meeting, the Recreation Advisory Board accepted the resignation of Isabelle Sheele who has not been attending the meetings and they are recommending to appoint Carole Wheeler to fill her position for a full 2 year term to end June 2020. They are also recommending the re-appointment of Greg D'Amour and Christie Conklin for a two year term to end June 2020. The positions for Destiny Mitchell and Ed Ragsdale will not expire until June 2019.

Commissioner Hechler moved to approve the reappointment of Greg D'Amour and Christie Conklin and the appointment of Carole Wheeler for a two year term to the Recreation Advisory Board. Mayor Pro-Tem Whitehead seconded the motion. Motion carried unanimously.

2. Discussion/Action: Appointment of members to the Public Utility Advisory Board. Renee Cantin, City Clerk.

City Clerk Cantin read the information included in the agenda packet. The terms for the following Board Members expired June 2018: George Szigeti, Chair; Jeff Dornbusch, Vice Chair; Gil Avelar, Member; and Ron Pacourek, Member. The notice was published on May 25th, 2018 and has been posted outside the Clerk's Office since May 22nd and on the website. We currently have 5 applications for consideration which include: George Szigeti; Jeff Dornbusch; Gil Avelar; Ron Pacourek; and Edward Williams. Please note: These PUAB Members also serve as the Impact Fee Board.

Mayor Green said with only Ron Pacourek and Ed Williams in attendance, he would like to hear from both of them at this time. He never speaks for the Commission, but he thinks he feels comfortable with saying that they all appreciate the work, effort, and study that goes in to prepare yourself to be an active viable member of an Advisory Board for the city, so thank you for your service.

Ron Pacourek:

Commissioner Hechler asked Mr. Pacourek, if you are selected to return the board, what do you see happening with the board over the next year, and what are your most pressing needs, and what are you going to be working for to try to achieve?

Mr. Pacourek commented that it's really hard to get anything through to you all as recommendations, but the pressing thing right now would be on the Impact Fee Board. He

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was the second person in town to install solar at their home, and when he asked about city regulations for solar he was told that there were no regulations in place, and that's why he applied to serve as a member on the Public Advisory Utility Board.

He is always looking to bring things to the board to have a discussion, but it usually goes nowhere. One of his big concerns is the annual 5% rate increases for trash and sewer rates. He feels that the Public Utility Advisory Board should be looking at that on some kind of annual basis, or on a two year basis because the increase to be in place every year, for eternity, at a 5% increase, is quite excessive. He represents the Utility Board and the customers, so his job is to bring suggestions to the board to look at and discuss, and send to the City Commission for approval.

Ed Williams:

Mayor Green would like to give him the opportunity to say a few words and let the Commission know why he wants to be on the board.

Mr. Edward Williams said he spent 32 years with the city and most of it in Utilities and he's done safety for the city. In order to grow properly it has to be structurally sound. In his role as Safety Coordinator he spent quite a bit of time talking to the staff and has a good idea of what they take care of.

Mr. Williams would like to look at the Policies and Procedures to see what has changed.

Mayor Green asked how he feels about taxing himself for the infrastructure. Mr. Williams doesn't have a problem with it as long as he sees it going to infrastructure. We have to show our obligation and meet our obligation.

Mr. Pacourek said we had a member on the board who did not show up for three meetings and he was asked to resign. We currently have another member who didn't show up and it was overlooked.

Commissioner Hechler moved to approve the appointment of George Szigeti, Jeff Dornbusch, Ron Pacourek, and Ed Williams to the Public Utility Advisory Board. Mayor Pro-Tem Whitehead seconded the motion. Motion carried unanimously.

H. REPORTS:

City Manager Fuentes reported the following:

- 1) He will be attending the City Manager's Meeting later this afternoon, and he will return on Friday.
- 2) Special Budget Workshop needs to be scheduled. It was agreed to hold it on Tuesday, July 17th at 5:30 p.m.
- 3) He wanted to take this time to commend some of our staff in the Water and Wastewater Department. They worked over the weekend to fix some of our water leaks. We are adding any new reports of water leaks on a list so they can address those. We are now fully staffed and will continue to work on these leaks until all of them are fixed. He also thanked the public and Commissioners for their patience.

City Attorney Rubin had no items to report.

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Commissioner Hechler reported the following:

1) Wanted to give a shout out to one of our sub-recipient grant receivers which is the Friends of the Elephant Butte State Park for the fireworks display they did last week. He attended the display and he thinks it was the best fireworks display in New Mexico. Where else can you go where you have a fireworks display reflective over the water and you can see 100's of boats in the water to boot. Whatever changes they have made this year was a great change. They did a wonderful job and he looks forward to next year's display.


Mayor Green reported the following:

1) He wished City Clerk Cantin well in her new position as the President of Rotary.

I. ADJOURNMENT

Mayor Pro-Tem Whitehead moved to adjourn at 10:06 a.m. Commissioner Baca seconded the motion. Motion carried unanimously.

Passed and Approved this 8th day of August, 2018.


Steven Green, Mayor



ATTEST:


Renée L. Cantin, CMC, City Clerk