

**CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
CITY COMMISSION CHAMBERS, 405 W. 3RD St.
WEDNESDAY, AUGUST 8, 2018**

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.

INTRODUCTION

1. ROLL CALL:

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

Hon. Steve Green, Mayor
Hon. Sandra Whitehead, Mayor Pro-tem (Absent)
Hon. Kathy Clark, Commissioner
Hon. Rolf Hechler, Commissioner
Hon. Paul Baca, Commissioner

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

Mayor Green asked to please note for the record Mayor Pro-Tem Whitehead had an operation and is home recovering and will be excused.

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

SILENT MEDITATION:

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

PLEDGE OF ALLEGIANCE:

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

APPROVAL OF AGENDA:

Mayor Green called for approval of the agenda.

Commissioner Hechler requested to move the Presentation before Public Comments and Item I.2 for the MOU for SCRDA to after the consent calendar moved

to approve the agenda. Commissioner Baca seconded the motion. Motion carried unanimously.

Presentation related to the pool. Tammy Gardner, Interim Pool Manager:

Interim Pool Manager Gardener began her presentation with an overview on hiring for their open positions. They had a couple of meetings with the Friends of the Pool to see if they can help with finding Lifeguards. The Recreation Board is requesting a workshop for August 16th at 6:00 p.m. to get more input from the public on the fees increase request.

Commissioner Hechler asked how many Lifeguards she needs at the pool at one time. Interim Pool Manager Gardener responded no less than two at a time. Commissioner Hechler asked if both have to be certified and would be for \$11 an hour and are the Friends willing to help at the pool. Interim Pool Manager Gardener responded a minimum of 2. The national code does the ratio of 40-1 but the city policy shows 1-20 so we like to have no less than 2.

Commissioner Clark asked if she knows what the liability is to the city for a volunteer Lifeguard if we were to have one. City Manager Fuentes said there is a liability issue for a volunteer.

Mayor Green asked about the cost for certification and who bares that cost. Interim Pool Manager Gardener said the city pays the cost for the new hire. Mayor Green saw the document that came to City Hall from Destiny Mitchell and he asked if that list has been exhausted and have we checked with the Red Cross.

City Manager Fuentes wanted to commend Tammy and all of the information that has been past on to HR and they have even reached out to a Temp Agency to see if they can help find people. They have really been trying for recruiting and there is nothing short in the effort that they have given.

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:

1) He would like his statement noted in the minutes. Well Mrs. Clark, its good to know that the Commissioners do not get special treatment. You've had water leak in front of your business downtown that has been running for weeks. Have you driven behind your business? Your alley is like a washboard. There are leaks running all over town. One is going one way and another going the other way. This is not the norm, and has not been for decades. As a retired City employee remarked "this is the way it's always was"... well that is... you know what. This is not the Water Departments fault. What few personnel that are left cannot fix all the leaks in a timely fashion. This is the absolute fault of

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management. Over the years you train people to replace retiring people who leave, you give support to your employees so they can deal with their very difficult job. Absolutely no planning for personnel has been done, that is Mr. Fuentes' job. Also, where is the Water/Wastewater supervisor, what is he doing? I never see him checking anything out. The water and sewer departments are in total shambles. Believe me, the rest of the departments are in the same shape "you just can't see the water running."

2) Just an update for the Commission on the lawsuit with Ashbaugh Construction filed against the city on the Impact Fees, it moves forward. The main counts on the suit are intact, and the court ruled in the favor of Ashbaugh Construction. It is only going to get worse for the city from this point. Mr. Fuentes is also responsible for this city mess. In the court filing it states the motion for severing judgement to dismiss counts 1, 3 & 4 the main parts of the lawsuit to stay in their entirety, and the summary judgement is denied in bold letters. Mr. Fuentes, if you have any integrity at all, you will resign today.

John Hendry, 517 Austin addressed the Commission related to:

1) As somebody who doesn't live here on a full-time basis there are so many great things about this great town. He and Mayor Green worked together back when he brought the veterans wall down here and ended up purchasing it to the water rights for the Golf Course. He's sensing a change in this town and a move forward and they want to be part of that. One of the things he is having difficulty is finding the minutes for the Lodgers Tax Board. He asked for a lodgers tax grant they are calling Hopps & Hollywood they want to do over the veterans day weekend. It will be the 3rd iteration of the film festival they brought down here. His partner is going to talk about the advantage of film festivals. They don't only bring tourists, they bring economic activity in a long term basis.

2) He can't figure out how the Lodger's Tax Board works or where it is. One of the things he heard was that the Lodger's Tax Board was not interested in promoting new events which is great, because they are not a new event. They are a new applicant but they are not a new event so he thinks they will fit into this. Another thing with the Lodger's Tax Board he can't figure out is are you charging the maximum lodgers tax that you can charge because as far as he can see you are getting 4% lodgers tax and 2% for the convention center. He thinks that there is another point in there that you can get. You may have to petition the state to do it. Nobody has ever chosen a tourism destination based on 1% lodgers tax, everybody is significantly higher. Las Cruces, Albuquerque, Santa Fe and a lot of the smaller areas are significantly higher. Really look to make sure you are getting that maximum from the lodgers tax so you can do that economic development activity. He thinks the lodging community would support that since this money has to be dedicated to filling these rooms. He is here to ask is there is someway you can help us with the hopps and Hollywood over the veterans day weekend. I promise you a great event, it's a three day event, we will fill the town, we will bring in the movie stars like we did before and we will push T or C out as a filming destination around the state and around the country. He appreciates your time.

Lani Rivera addressed the Commission related to:

1) She has been visiting Truth or Consequences for over five years and she's been helping John Hendry with the Film Festival. She also works with many other film festivals around the state. She has been working on marketing the film industry in the State of New

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Mexico and what they have found is there are times when there is a lot of business in Albuquerque and Santa Fe, and we see a lot of potential in other areas around the State of New Mexico. There is a lot of money in the film industry and they spend money on hotels, they spend money on restaurants they go to your shops and buy jewelry, buy art, and go out and have fun. One thing that film festivals do is they bring the film makers to the community. When we throw a film festival in Santa Fe they'll get over 100 film makers and a few of them always come back and filming in Santa Fe because they love it and that is what she would like to see happen here in Truth or Consequences. She thinks that this is a great area for film makers to come and make their movies and this is a way to bring them and show them what you guys have here.

2) Another thing that she is doing is in February she does the New Mexico Film and Television Hall of Fame awards which was really successful and it is also combined with other film festivals, the Santa Fe Film Festival especially because it's in Santa Fe, but they have the Las Cruces Film Festival, Borderlands, Telshorts and a few others around the state. What they like to do while they have those 10,000 people there in Santa Fe, in February, is they want to tell them about all the great places so they have a showcase for T or C film fiesta along with the others that she was talking about. So you get free marketing and promotion that she would be happy to match in that program and encourage them to come and check you out. Thank you so much for your time.

Ron Fenn addressed the Commission related to:

1) He resents the fact that you move public comment after presentations to pander to somebody else while making citizens for whom you work, sit there and have to listen to something that they might not want to have to listen to. You owe your allegiance to the people, and the people is item c...and c should come before any other item on any agenda.

2) Looking at your budget, 34.86% of the revenues come from the theft of Utility money. The Enterprise Utility's money is for the repair, upgrade and replacement of our essential services. It is not to cover shortfalls that Mr. Fuentes is unable to manage when the salaries in this city are 62% of the budget and only 28% is allocated for operating expense, there is something extremely wrong with the picture. In 7 years, Mr. Fuentes has not improved the financial status of this community one iota. It's time for a change, and it's time for Mr. Fuentes and Mayor Green to leave because Mayor Green you are the major backer of Mr. Fuentes and without your constant petting he might not last. This is ridiculous, this city is going nowhere, and its going nowhere fast.

Jenny Neely, President of the Tiger Sharks Swim Team addressed the Commission related to:

1) Said thank you to Interim Pool Manager Gardener she has done a great job this year. The pool staff has also been a pleasure to work with. They have been very polite and very professional. She had the cetified lifeguards, and junior lifeguards stand up and stated that most of the members are swim team members. They do take pride in their pool and community and they want their kids to be safe. Last year they were able to get a lot of their swim team members certified and the members that were too young, they got them jr. lifeguard certifications. They are happy to be here and they are very thankful for their pool. Swimming appears to be a simple sport. All it requires is a body of water. If it was

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this simple, we would never get our kids out of the pool. Although we are blessed to have an adequate facility in our community our kids cant just jump right in any time they want. This year our anxious swimmers understandingly waited all winter for our newly resurfaced J.A. Hodges Municipal Pool to open this summer. Once it opened, the kids couldn't wait to began practices. They still needed to confirm a practice schedule with the pool manager, arrange for certified lifeguards during practices, schedule coaches, check chlorine levels and say a daily prayer for the afternoon lightening to leave us alone. If one of these elements is not in place, our tiger sharks are unable to practice. This years swim season was shortened due to the late opening date and our practice schedule was decreased from 5 days a week to 4. Even though our swimmers have less practice time this summer, they successfully made up for it with their determination. 10 out of 28 swimmers qualified in individual events for the sun dance championships where only the fastest swimmers in each district earn a spot. These swimmers did an encreadible job at representing our small but mighty town. Our unique organization of passionate kids and committed parents devote the majority of their summer to swimming. Our team also heavily relies on graciousness of local donations and a group of devoted volunteers. The large amount of recurring community support provides our swimmers an amazing opportunity to succeed and represent Truth or Consequences in a positive aspect each summer. We have an amazing community willing to support our kids and we are thankful for everyone believing in our swimmers and assisting along their journey. We would like to ask the City of T or C to please keep in mind our youth population and youth organizations when making decisions regarding the future of the J.A. Hodgers Municipal Pool. Thank you.

Cathy Eisen, from Water and Wastewater Department addressed the Commission related to:

1) She's a level 4 Water/Wastewater operator, she worked for the city since the end of January and she resigned a couple of weeks ago. She just wanted to let you all know that she really loves T or C, she worked out on the planes for a couple of years and she really fell in love with the area. She would have really liked to stay, but she found a lot of managerial issues. There was a complete lack of leadership and structure in the Water/Wastewater Department and the feeling she got from all of the city employees that it is a city wide issue. She would just like to encourage the Commission and the PUAB Board because she thinks that they were formed to oversee our operation and the function of the utilities and she feels that they have not been well informed and they haven't had the opportunity to support the employees, and to better the function of this city. There is a lot of failures, she would have loved to have stayed. If things change she would consider coming back. She has never gone in front of a Commission but she a lot of strong feelings and she is very disappointed. Thank you for your time.

Dennis Dunham addressed the Commission related to:

1) Recently moved here from Carrizozo which is a town of 900 people. They managed to get grants to turn the heating into solar heating and arranged for all kids to swim free all summer long. He has never seen a pool in New Mexico as classy as this one. They are willing to pay someone to do the grants. In order to do that the people who want to give money need to know that the City Commission is behind it. He heard the City

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Commission has undermined the needs of the pool. There are so many people in this town who could use that pool, but they can't unless they get something really positive from the Commission that says you want it and you're willing to so your part particularly in terms if maintenance. He hopes they will get behind us.

Sara Frothingham addressed the Commission related to:

1) Invited the Commission to come to the pool. It's phenomenal what was done last fall to this pool. It is an outstanding pool. Mayor Green, she happens to know that you will heal yourself if you went swimming. The water quality has never been this good. The guards are phenomenal, the pool and everything is clean, it is gorgeous.

2) She doesn't want to go negative but when Don told her the heater in the pump house was going to be up and running last spring and it didn't happen. She was disappointed when she saw the cover that goes over the pool was left out while the stuccoing was being done. She was told the cover can go back up and can be repaired but without a heater we're kind of lost. The utter happiness of the children and seniors is phenomenal. In the morning there are 20-30 people paying between 9am-10am to do exercises and there is exercise classes in the afternoon. It's truly a pool of the community so thank you and please maintain it. The cover was how many hundreds of thousands of dollars and the plastic cover had two more years left in it and now its destroyed. Friends of the Pool are willing to work with the city on smaller projects but they do need a commitment that this is going to be done. Her suggestion is to get in that pool, you'll never want to leave it.

Tom Smith, 609 Kruger addressed the Commission related to:

1) In regards to the Pool, he moved here about 10-12 years ago. They need three things for the lifestyle, a pool, a bowling alley, and a theater. He has been to quite a few cities and he doesn't understand why we are having problems with the pool. What it does for the community, he would agree with everybody here, we all need to do what we can and get behind the program.

Hans Townsend, Desert View Inn and Chamber of Commerce addressed the Commission related to:

1) He put in an application to be on the agenda today and his application obviously didn't go through, because it is not on the agenda. He figured it was very important and you've already had talk about the movies, about the Hollywood and Hopps festival and the most important events that we have are the events that we have been doing for years because people already know about them and they already come to town because of them and to keep dropping them and trying to install new events is not the way to go. New events are nice if you can afford to do it, but they entail commencing the public that are not here in town that it is going to be worthwhile and that hasn't happened in a lot of places and he would mention the fact that the Hot Springs Festival has not been successful as far as out of towners are concerned. That was his weakest week at the hotel. On Memorial Day weekend he had 30 people calling for rooms after he was full. That shows him when people are in town. For the Hot Springs festival he had none calling and also the advertising was not put out until the weekend of the event and that was the same last year and some of the hot springs didn't even know what was going on. He feels that those

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are the things we should be looking at. When people come into town, that's when they spend money.

2) He left information in the black box for the Commission to look at since his item was not on the agenda. The Lodgers Tax Commission squashed a rule that the non-profits could increase their amount of money and the request was for this Hopps n Hollywood which in past years was very successful. Another thing is that the city should be looking at the side effects of the mind, the advantages are unimaginable to us. Thank you.

Cary Vandevetter 1005 Kopra addressed the Commission related to:

1) The rumors are going around that the golf course manager is going to be leaving the 1st of September. We had a meeting with Juan and Rolf several months ago and we made the suggestion if it's going to take a new manager then start your search at least a few months ahead of time, not just a few weeks. If this rumor is true, then I urge you... when you go out for your new manager, please hire someone who is acquainted with golf courses, knows golf courses, knows what they need and how to do what they need because the one we've had for the last 4 years had no knowledge, he still doesn't have any knowledge and he has not been taking care of the golf course. That course has been set back 15 years since he has taken over 4 years ago. You can go up there and take a look. Just like the last few days, they had no water, we live in the middle of the desert, you have to have water if you are going to make anything work and for 2 days they had no water. Look at the greens and the rest of the golf course and you can see where there was no water involved there. He would like to know if the rumor is true that he is going to be leaving the 1st of September. Nobody seems to know anything, it's just talk among people.

Denise Addie addressed the Commission related to:

1) She will be going to Sierra County, Williamsburg and Elephant Butte to ask for their blessings and also join me in this little endeavor. She's hoping that you as a commission can help her out with her little or maybe not so little project. She would like to do a 911 Memorial at the Veterans Memorial Museum. She would hope that we all remember how we felt that dreadful day almost 17 years ago. The patriotism we had, the love and caring that we showed to each other, the compassion after 911 happened. It is time to make this community the best place in the world to live, full of love and kindness again instead of ugliness and tripe. She has spoken to Dianne Hamilton and Maggie Allen to get their blessings and they are both on board and will be there for the festivities. Just a little background, 19 men high jacked 4 fuel loaded US commercial airplanes bound for the west coast. A total of 2,977 people were killed in New York, Washington DC and outside Shanks Ville Pennsylvania. At the World Trade Center site in lower Manhattan, 2753 people were killed when the high jacked American Airline Flight 11 and United Flight 175 were intentionally crashed into the north and south towers or as the result of the crashes. Of those who perished during the initial attacks and collapses of the towers, 343 were New York City Firefighters, 23 were New York City Police Officers and 37 were Port Authority Police Officers. The victims ranged in age of 2 thru 85 years old. That's a huge range. That's our populatin here. We range from very young to very old. She is hoping that the JROTC will be on hand for the presentation of colors and the band to play the National Anthem which she will know later today when she meets with the High School

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Principal and the Band. She is working on several other dignitaries to speak as well. At the end of the memorial she would like to give every participant a balloon that they will release together to remember those lives that were lost. So at the end of the memorial she is hoping this will be something this community will be proud of.

Colly Sue Lawson, 701 Poplar addressed the Commission related to:

1) Thanked Interim Pool Manager Gardener for the wonderful presentation. She has to agree with Ms. Neely that the pool and the lifeguards they have there have been phenomenal, they are very kind, very helpful and very respectful. The next question is when spoke of paying the Lifeguards \$11 per hour, does that mean they will have benefits or no benefits. She would like some clarification on that. She didn't know if they were staying at the other pay level and paying benefits depending on how they were classified.

2) Next she would like to know if the pool cover can't be on for the winter, if they are going to winterize the pool and what that entails and how they do that. She doesn't know if anybody has that answer but she would like for you all to investigate and get back to the friends of the pool. She wanted to give thanks for their lovely pool and for working with them. You all have been very kind to meet with us with any questions we've had. Thank you very much.

D. RESPONSE TO PUBLIC COMMENTS:

City Manager Fuentes started with the pay of Lifeguards and if they are fulltime they do get benefits. In regards to the pool cover, he doesn't know the answer right now. They are focusing on recruiting to help stay open. In regards to Mr. Vandetter and Mr. Taylor's contract, he's still out there and is willing to extend his contract if we need to. In regards to Mr. Fenn's question on the budget, he showed a graph showing the General Fund expenses and there is a gap between the revenue and the expenses. He thanked those who complimented our staff, Tammy has done a great job and the pool has never looked better. Do they still have issues, yes, and they will work that out.

Mayor Green wanted to expand on City Manager Fuentes's commented when he mentioned small city assistance, just to give you an idea on how we took a hit, in 2016 or check from Santa Fe was \$638,000, in 2017 it was \$131,000, in 2018 it was \$131,000, where does a small community make up a half a million dollars in their operating budget. It is really tough. He wants to echo City Manager Fuentes' kind remarks and justified remarks about our staff and the uses of our pool. He complimented our staff and during their budget hearings there was never one question about the money that was put into the pool budget. The issue now is staffing it to keep it open. He cannot speak for his fellow Commissioners but he is behind the pool 1000% and if they can get the people to keep it open he will always vote for it.

City Clerk Cantin reported in response to the Lodger's Tax Board and the Film Festival, the Lodger's Tax Board did review the guidelines which the Commission will need to approve. It was discovered the current Lodger's Tax funding recipients could not request to increase their funding per the current Guidelines. Unfortunately, their meeting was last Thursday night and we did not get both the guidelines and the Chambers request for the

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increase for the Film Festival, but it will be included on the next agenda for Commission consideration.

Mayor Green had a meeting on Friday with a gentleman he respects who said the community is really upset that the Commission voted \$8,000 for you to go to California. Then on Sunday someone who lives here part time said the same thing, "Why is the Commission spending \$8,000 for you to go to California when we have so many pressing issues right here at home?" So he just wants to clear the air about that. Virgin Air is moving their staff and some of their support crew somewhere in Southern New Mexico. We know they are going to be operating out of Spaceport America. So they are going to live in Dona Ana County and/or Sierra County. He's working with a person in Las Cruces who is second in command for the relocation and this is at the wishes of the Commission. We delivered 40 relocation packages to Las Cruces and that person's boss is out in Mojave and will be coming here next month. He asked his fellow Commissioners if they would be comfortable with him and City Manager Fuentes going to Mojave to meet with them and have them look at our community. At that time the airfare was \$345 Roundtrip, car rental and room for the night maybe \$500, they are talking about maybe \$1,000. So he doesn't know where the \$8,000 came from. He then announced the budget for the Governing Body there was \$2,000 put aside for travel; there was \$2,450 put aside for travel for the City Manager. As it turns out, this person is coming to our community and he doesn't know if he's going to want them to go out to Mojave to meet with the families or not. He asked Clerk Cantin to print the minutes of that meeting and there is not one word mentioned about \$8,000, but he shared one line from the minutes which stated, "If we do nothing, we get nothing." If this community is going to wait for Ralph Edwards to come in and save it, that isn't going to happen. And we are in a fight for our lives to build back our community and get more GRT. We can't compete with Las Cruces, we are not in their league, but we are smart, we are aggressive, and we are going to go to that mountain. And that is one of the tasks that you have voted for these five Commissioners to serve you to make a quality of life for those dollars. Most of you who know him, knows if the Commission would have turned it down, he would've gone on his own dime. That's how important he feels it is for us to fight the battle and not just wait for people to drop gold in our laps.

Mayor Green also expressed disappointment in Mr. Townsends comment. They have an expression back east that goes, "It's not enough that I succeed, but my friends must fail." And he understands his position about the Hot Springs Festival, but to denigrate someone else's effort in public, he doesn't think is a valued exercise.

Commissioner Hechler asked City Manager Fuentes to give an update on the pool cover for the winter at the next meeting. Commissioner Clark agrees they would like to have an event every week. She commends Mr. Hendry for making an effort to put another event on the table. In comparison the off road vehicle event we had for Memorial Weekend was an extraordinary success and it was pulled off by some people she can see in the audience and with that being said, first time event can be extremely successful because that particular event did fill up a lot of hotels and rooms in town and brought a net of \$40,000 to our community.

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She would also like to comment that one of her concerns has always been why our health insurance is so high and it's a big variable of why it's so high. If they could do something about it, she would work with City Manager Fuentes to do it as well as Ms. Torres.

Commissioner Baca is disappointed that Cathy Eisen resigned, she was a good employee. He thought for City Manager Fuentes, that when there is an emergency that the Supervisor should be there to help these guys out. From his knowledge and understanding, the Water Department Supervisor never shows up. The latest thing that he has told them was to just deal with it. Another thing he obtained information on is that Arnie is also taking the city vehicle home to Sunland Park and his fuel receipts are showing that he is putting a lot of miles it. He could understand if he is taking a part to someone else to be dropped off, but with he would assume with his salary a little motor, he wouldn't think he would have to take a city truck taking a city vehicle home and not answering his phone to show up on these things.

City Manager Fuentes wanted to interrupt that this information is a Personnel Matter and this is the first time he's heard from these issues and he respectfully requested for us to have a meeting.

E. PRESENTATIONS:

1. Presentation related to an update on the Pool. Tammy Gardner, Interim Pool Manager.

Presented above.

F. CONSENT CALENDAR:

1. City Commission Regular Minutes, July 11, 2018 (removed)
2. Lodger's Tax Advisory Board Minutes, May 10 and May 14, 2018
3. Accounts Payable, July 2018
4. 4th Quarter Reports for Lodger's Tax Grant recipients
5. 4th Quarter Reports for Subrecipient Grants
6. Amendment No. 1 to the Severance Tax Bond Project Grant for the Veterans Wall

ITEMS REMOVED FROM THE CONSENT CALENDAR:

F.1 City Commission Regular Minutes, July 11, 2018.

**Commissioner Hechler moved to approve Items 2-6 of the Consent Calendar
Commissioner Clark seconded the motion. Motion carried unanimously.**

Commissioner Hechler moved to approve Item F.1. Commissioner Baca seconded the motion. Motion carried by a vote of 3-0-1. Commissioner Clark abstained because she did not attend the meeting.

I.2 Discussion/Action: MOU between Sierra County Regional Dispatch Center and the City of Truth or Consequences. Juan Fuentes, City Manager.

City Manager Fuentes began with saying that the Chief emailed a proposed MOU between the city and the volunteer fire department and SCRDA. In reviewing the lease there were two provisions in that lease that he had questions on which were the liability and also the ability to oversee in the termination of the lease. In my opinion, that property is city property, so I felt maybe it would be appropriate for the city to be the actual entities to be in place of that. Subsequent to that, the fire chief did send out an email saying that he did not agree as well as the membership to that change. So I did forward all of that information as well as the email with the proposed changes to our legal counsel John Appel and he did revise it further and I have provided a copy to you all with his changes. And based on some of the comments I have received to try and get this thing moving along those changes are presented before you in the revised portions from Mr. Appel which also names the city as well in the paragraph under duration and under the liability insurance. I guess the question remains Mayor, and maybe this might be the opportunity for Chief Tooley to answer the question under section of the liability and insurance; it specifically states there that both SCRDA, the city of T or C Volunteer Firefighter insurance during all times of this MOU, have and keep enforced liability insurance in the amount being appropriate by the party. So the question Mayor, for clarification is, does the volunteer fire department have a separate liability insurance policy to cover the property and all the fire department stations?

Fire Chief Tooley responded what they pay for is Volunteer Fire insurance service. So anytime we're at the fire station or on a training or on a call or anything, we provide the insurance to protect our fire fighters, of course. And we understand that this is a city building, our deal that we came up with the MOU was between SCRDA, the city, and the fire department, so where this got off the rails was basically we were not necessarily pushed out, we understand that it's a city building and we even stated that in the MOU, but I think our concern is that we're the ones that have to make sure that what SCRDA does doesn't interfere with what we do for the fire side, so there were some issues that we needed to work through to make sure that doesn't happen; that we don't lose our funding for the main station and so forth. That's where is got a little sideways and the MOU was presented to all of the parties so that they could get their two cents into the MOU. We were taken off of the MOU. The last version was going to be without the fire department on the MOU, so my guys brought it up at our last business meeting, that is we're not part of the MOU then we don't want SCRDA there. We need to make sure that we protect everything. We're going to be the ones that are in that building making sure that everything runs properly as far as their operations separated from our operations and make sure that we can both work together.

Commissioner Clark: Chief Tooley, how are you feeling about this latest version?

Chief Tooley: We authored about 80% of this to make sure that everything is where it needs to be. I'm ok, I don't make the final decision in that department where, we're our own organization there. No matter what, I still have to take it back for business meeting

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there at the fire department, to allow our guys to re-digest this. It took me a while to lay a lot of track to get them to commit that we could move SCRDA in that direction. After the last edit, they were pretty much up in arms.

Commissioner Clark: It does make sense to me that it is the city building, so we need to have our name on these MOU's, but I also appreciate the fact that the Fire Department would take a personal responsibility to make certain that dispatch is operating the way it needs to operate in that building; for not only the fire department but on behalf of the city. I think that says an awful lot about our fire department.

Chief Tooley: there are some things that we have to meet for our requirements for the State Fire Marshalls office as well, so we just need to make sure that those requirements are met.

Commissioner Clark: Attorney Ruben, are you quite confident that both the fire department and the city is covered with this MOU and how do we feel about the 10 year term of this?

City Attorney Rubin responded: I think the agreement looks pretty good. John Appel prepared this, but I went through this and I think it addresses some of the concerns that the chief has indicated and I think it also talks about our being a party to this which I think is something that is particularly very important to us. I think that the 10 year term is something that has been discussed before and maybe chief you can help me out with this, but didn't we agree that we need to have a longer term for some of the commitments?

Chief Tooley: The biggest commitment that we always have, is that you just can't pick up SCRDA and move them to another building. You've got 911 trunk lines that come in and there's a lot of infrastructure that has to go into the building and you just can't pick that up and move it overnight, so I think that long term was an agreement between both parties as to what the minimum would be.

Fire Chief Tooley: We have had it in there for 10 years.

City Attorney Rubin: A minimum of 10 years on the duration contract.

Mayor Green: and after the expiration of the 10 years, the parties may renew the lease in 10 year increments.

City Attorney Rubin: Yes, of course it's got to be by mutual consent.

Commissioner Clark: So basically Chief, that's protecting the infrastructure investment in moving SCRDA to that building because my understanding is that SCRDA puts a lot of that expense, is that not correct?

Fire Chief Tooley: SCRDA will pay the majority of that. The issue is that there is just a lot of infrastructure that needs to be moved. The trunk lines are huge because all 911 in

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Sierra County has to go not over here, it has to go over here now, so that takes a lot of engineering and everything to get that all taken care of. And then by the time they put their radios in and communication back to the hill and getting everything done, it's a major undertaking just to get them in business, much less just move them somewhere.

City Attorney Rubin stated that it does call for a 6 month termination clause if it doesn't work out, so that's the other thing.

Commissioner Hechler said the new MOU does look better. My disappointment comes with the process. It seems like we are up in arms on both sides because of the way things were handled and they shouldn't have been handled in that way. I would encourage our city manager and the fire chief in the future, if we have these differences to please sit down at the table first, discuss these issues, try to come to an agreement and bring it before the commission. I think we got upset on both sides and polarized some members of this community and those things shouldn't happen. So, I would just request your diligence in those areas in the future and let's work as a team and try to get these things done.

Mayor Green said they are all good comments. The city is the owner, the Fire Department is the Manager, and SCRDA is the tenant.

Mayor Green moved to approve the MOU with the understanding it must be approved by the other parties. Commissioner Baca seconded the motion. Motion carried unanimously.

G. PUBLIC HEARING:

1. Public Hearing: Infrastructure Capital Improvements Plan (ICIP) for Fiscal Year 2020-2024. Traci Burnette, Grant/Projects Coordinator.

Grant/Projects Coordinator Burnette presented the Public Hearing: Infrastructure Capital Improvements Plan (ICIP) for Fiscal Year 2020-2024. Their ICIP Plan establishes priorities for future projects for the city. DFA encourages Municipal entities to annually review prioritize and adopt by resolution the new plan. Once the list is adopted by the Commission she will update the database online to reflect the approved projects and ranking. The deadline for updating this list is September 4, 2018.

Commissioner Clark stated that her concern is why the booster station was put below the water distribution line replacement. Is there a connection between the two and she asked if they are going to keep the boost station under the water distribution line.

Grant/Projects Coordinator Burnette responded the list you have in the rankings, is what the Commission agreed on last year. As for the booster station and the water distribution project, both of them are a big concern, but it all comes down to a shovel ready project. It is almost instantaneous with the water distribution line because they are just replacing existing lines so they don't have to go through a whole engineering or

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environmental process. When it comes to the Morgan Street Booster Station Improvements, it may require a couple of phases.

City Manager Fuentes stated that the one big difference in this year's ICIP and priority project is the hospital renovation. He thinks that every entity in Sierra County is going to make that their #1 priority and for purposes of the legislator, this will be the only project that will be submitted. Which means even though the other projects are in our ICIP, for other funding purposes we need to leave them there but for legislative appropriation, the hospital will be the only appropriation.

Commissioner Hechler is concerned with the hospital. He would like to see Gold St. and 9th St. to be an important consideration because they lead to the multi million dollar facility. He would like to see those streets improved with an overlay of some sort so that you can get to the hospital in a safe matter, and the ambulances can get up and down those streets.

Commissioner Baca agreed.

City Manager Fuentes just for clarification, they want shovel ready kind of projects so if the Commissioners add that project to the list, then is the direction to staff to begin looking at internal funds to begin some sort of preliminary work to start working on those streets. He thinks that's part of the direction we need now, we need to have some kind of plan ready to say we're ready to go if you give us the money. He also wants to remind the Commission that they are going to be coming back with an update of the downtown streets that will require a significant amount of funds.

Commissioner Hechler would like to see it somewhere on our list.

Mayor Green closed the public hearing.

1. Public Hearing: Request for a Variance to make front set-backs 15' instead of 20' and rear set-backs 9' instead of 15' for a mobile home at 1005 Bosque, Truth or Consequences, NM. Applicant is Walter Pucci. Susanna Diller, P & Z Administrator.

City Attorney Rubin wanted to start by include a copy of the Code as it's related to a variance.

City Clerk Cantin did the swearing in for Planner/GIS Tech Diller and the applicant Mr. Walter Pucci.

Planner/GIS Tech Diller presentation:

Planner/GIS Tech Susanna Diller stated that Walter Pucci is requesting a Variance to allow the front set-backs 15' instead of 20' and rear set-backs 9' instead of 15' for his mobile home located at 1005 Bosque. She was concerned that though the applicant would undoubtedly take care of his lot, and would likely be an asset to that

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neighborhood and improve the overall character of that neighborhood she is concerned that the Commission might set an overly permissive precedence by allowing this variance. People come up to them regularly with setbacks and because of that, staff is recommending a denial of the variance.

Commission questions for staff:

Commissioner Clark asked about a previous request for two mobile homes. She believes in that case they approved one request and the larger request they denied. So with that, it seems that they already established a precedence of not allowing these large variances.

Mayor Green is disappointed that the realtor didn't disclose this information when they sold him the property.

Presentation by Applicant:

Mr. Pucci said he would like to be a part of the community and help clean up the place.

Commission questions to applicant:

Commissioner Clark asked if he had moved the mobile home before. He responded one time in Texas.

Staff had no further questions.

There were no proponents so Mayor Green closed the Public Hearing.

City Manager Fuentes wanted to bring to his attention the process.

2. Public Hearing: Request for a Special Use Permit to do a live/work art café at 422 N. Broadway, Truth or Consequences, NM. Applicant is Ingo Hoepfner. Susanna Diller, P & Z Administrator.

City Clerk Cantin did the swearing in for Susanna Diller, Ingo Hoepfner, Jasmine & Galen Brown and Sid Bryan.

Presentation by Staff:

P & Z Administrator Diller presented the request for a Special Use Permit to do a live/work art café at 422 N. Broadway. Ingo Hoepfner is a recent resident of T or C and is hoping to open an art gallery and café space on Broadway. Living units along Broadway, Main and Date Streets require a Special Use Permit for approval. This a situation where we would be approving the use so the certificate of occupancy would still need to come from the state to actually open the business. What the Commission is doing here is saying yes, we're okay with this space being used in this matter and this address has actually been used as a live/work space before by January Roberts. Staff recommends approval of this Special Use Permit.

Questions to staff by Commission:

Commissioner Clark said having been through this herself, for someone who wants to live here and open a business, we should give that to them. She hasn't see that being a problem as long as the business is open it's a contribution to the community. And where they live is none of their business.

Applicants questions for staff: None.

Proponents:

Jasmine Brown is here on behalf of MainStreet. They are in favor of this and believes it will increase the business in the downtown.

Gaelen Brown is in favor of the business. They think this is the kind of thing T or C could use more of.

Ingo Hoepfner, applicant gave an overview of his background where he came to Alamogordo with the German Air Force. They are leaving and his time was up in April. He saw the potential and willingness to grow as a community and thought what better place to have a business. He also has a Non-Profit for youth.

Sid Bryan wanted to give his support. When he came in and presented the project He also let them know how difficult the process is when dealing with the state now and not having our own building inspection.

Mayor Green closed the Public Hearing.

H. ORDINANCES, RESOLUTION, & ZONING

1. Discussion/Action: Resolution No. 07 2018/2019 approving the ICIP for 2020-2024. Traci Burnette, Grant/Projects Coordinator.

Grant/Projects Coordinator Burnette presented the recommendation with saying at this time she would like to get a quick ranking on the projects and then stand for discussion and your approval if you accept them.

- Project #1 for 2020: Hospital Renovations.
- Project #1 for 2021: The Cook Street Water treatment Facility, however she would revise that to also include all of the downtown water lines as noted in our PER.
- Project #2 for 2021: The Water Distribution Water Line Replacement and that would be because we have a current application with drinking water.
- Project #3 for 2021: The Downtown MainStreet roadway improvements. They have a current pending appropriations on that.
- Project #4 for 2021: Would be for Morgan Street.
- Project for 2022: She would like to combine the downtown Storm and Surface Water Control and City Wide Storm Drain Improvements and maybe revise that request starting with planning since they want us to separate those down.

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- Project for 2023: The Water Well North which is for looking at a possible extension of Water Wells to meet the Airport area. She will get with staff to discuss possible planning.
- Project #1 for 2024: Construction and Demolition Landfill.
- Project #2 for 2024: The Wastewater Treatment Plant which they already have funding for and that's why it is on her list but it is almost completed so we don't need to have it all the way up.

City Manager Fuentes asked City Manager Fuentes for the streets he mentioned. Commissioner Hechler said that would be Gold & 9th Streets. City Manager Fuentes said they can put that on 2023 and get the work done next year.

Commissioner Clark moved to approve Resolution No. 07 2018/2019 approving the ICIP for 2020-2024. Commissioner Baca seconded the motion. Roll call vote was taken by the Clerk-Treasurer. Motion carried unanimously.

2. Discussion/Action: Resolution No. 08 2018/2019 authorizing and approving submission of a completed application for financial assistance and project approval to the New Mexico Finance Authority. Traci Burnette, Grant/Projects Coordinator.

Grant/Projects Coordinator Burnette stated the forgiveness amount on that loan would be approximately \$500,000. We haven't received anything formal in writing. This was just given to us over the phone. The remainder amount of the loan which would be approximately \$658,797 we would be looking at 0% interest payback for the first \$600,000 and after that \$600,000 the interest rate would be roughly 1-2%. Part of the application process is approving the resolution for me to go ahead and submit the financials and the remaining application.

Mayor Green asked if he heard we are only paying interest on 50% of the grant.

Commissioner Hechler moved to approve Resolution No. 08 2018/2019 authorizing and approving submission of a completed application for financial assistance and project approval to the New Mexico Finance Authority. Commissioner Clark seconded the motion. Roll call vote was taken by the Clerk-Treasurer. Motion carried unanimously.

Mayor Green thanked her for her efforts.

3. Discussion/Action: Request for a Variance to make front set-backs 15' instead of 20' and rear set-backs 9' instead of 15' for a mobile home at 1005 Bosque, Truth or Consequences, NM. Applicant is Walter Pucci. Susanna Diller, P & Z Administrator

Commissioner Clark stated that Mayor Green's comment was well made about the realtor not disclosing this information when they sold him the property. She's disappointed that Mr. Pucci purchased a piece of property and the realtor didn't tell him that he had to have the setbacks.

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Mayor Green asked if it would be appropriate to have P & Z Administrator Diller get with the Sierra County Realtors and maybe make a presentation to them about the processes we have to follow.

P & Z Administrator Diller responded she speaks regularly with Realtor's about the requirements.

Mr. Pucci said when he went to visit the Realtor he told her he had a mobile home of this size and was told it's big enough.

Commissioner Hechler stated that the only concern he would have is there is a reason why we have setbacks. So he would like to know from Chief Tooley if they allowed the setback, what affect it would have on that trailer park in that area and if health and safety is compromised in any way. Lacking that information, he does not know if he can make a decision.

P & Z Administrator Diller can speak to that. The mobile home is not in a trailer park it's in a neighborhood area. It's not that it would be particularly close to another structure because there is a steep grade down to the alley behind his property so the rear setback isn't going to present a fire hazard in the way it might in other cases.

Commissioner Hechler said usually in cases like this we have testimony from neighbors. Is anyone effected negatively by this?

P & Z Administrator Diller stated that they were all notified by certified mail and notice was posted on the property within the 15 days.

Judy Hertzler stated that she has a rental home 2 doors down and she's here to get more information. She doesn't have a problem with it being set back further, She doesn't think that will be an issue because there is an 8 foot drop or whatever in the alley. So she doesn't think that will effect anybody behind him. Her only concern is how it would fit in with the neighborhood,

City Attorney Rubin said you might want to go into the public hearing again.

Commissioner Clark wonders if maybe we are not really equipped to make a good decision on this at this time. She is concerned that we have turned down a variance request in the past and if we approve this one, then we are not being consistent.

Mayor Green recalled that they turned down that other variance due to a safety issue of not being able to get a fire truck into the area and safely fight a fire. He asked if the Fire Chief was included in this discussion.

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Commissioner Hechler added what is difficult for these things is taking the personal feelings out of this. They have to make decision on what is best for the community and the tenant.

P & Z Administrator Diller added the failure in this case is between the Applicant and the Realtor.

Mayor Green called for a motion to re-open the Public Hearing for the variance.

Commissioner Hechler moved to approve opening the public hearing. Commissioner Clark seconded the motion. Motion carried unanimously.

City Clerk Cantin did the swearing in for Judy Herstler and Joanne Ingram.

Ms. Hertzlerk stated that she thinks if he is going to have to put his mobile home back she doesn't think that is going to make any difference to anybody because there is like a 10 ft. drop behind the end of the property and it's just an alley way. She came today because she was wondering what was going on with the whole thing.

Ms. Joanne Ingram stated that she lives on corner of his property and she feels like having a nice mobile home or another structure would be nice.

Mayor Green closed the public hearing.

Commissioner Hechler asked City Attorney Rubin is they are in the position to approve this. City Attorney Rubin responded he thinks it's at their discretion. The Commission can make the determination it would be an unnecessary hardship to the owner.

Commissioner Clark asked if they could make a provision that they approved the variance with the prevision that the Fire Chief take a look at it and if he had any questions it would come back to us with his concerns.

Attorney Rubin advised that if they have any questions for the Fire Chief that they speak with him before making a ruling.

Mayor Green he believes Ms. Diller did address that there is not going to be a safety issue here because if Mr. Pucci would place a trailer on the property, he would be in compliance of the 10ft. on either side.

Mayor Green moved to approve the Request for a Variance to make front set-backs 15' instead of 20' and rear set-backs 9' instead of 15' for a mobile home at 1005 Bosque, Truth or Consequences, NM. With the exception that he have a 20 foot setback on the front and that would leave only 4 feet on the back. Commissioner Baca seconded the motion. Motion carried unanimously.

Mayor Green welcomed Mr. Pucci to Truth or Consequences.

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4. Discussion/Action: Request for a Special Use Permit to do a live/work art café at 422 N. Broadway, Truth or Consequences, NM. Applicant is Ingo Hoepfner. Susanna Diller, P & Z Administrator

P & Z Administrator Diller had nothing to add.

Commissioner Hechler heard the comment that he might want to add additional applicants. P & Z Administrator Diller said her understanding was to make sure you know he would not be turning it from a business to the permanence residence.

Commissioner Clark moved to approve the Special Use Permit to do a live/work art café at 422 N. Broadway, Truth or Consequences, NM. For Ingo Hoepfner. Commissioner Baca seconded the motion. Motion carried unanimously.

I. NEW BUSINESS:

1. Discussion/Action: Request from MainStreet Truth or Consequences for the Great Blocks Program. Linda DeMarino, Executive Director.

Commissioner Baca left the meeting at 11:42 p.m.

Jasmine Brown presented the item. She will try to be as quick as possible. They tried to do this a couple of years ago and their designation of a three block area was not approved and this time they know more and have better information. It's a grant for a three block area of a city. This would provide us with shovel ready plans to implement improvements on Foch St. between Main and S. Broadway. This area was chosen because it's by the Healing Waters Plaza and it would be great to continue in that area. This is a planning project to work with the engineers or designers MainStreet would provide for us to make the area more appealing and more vibrant. They will need support from the city in the grant match for the amount of \$20,000.

Commissioner Clark asked if is just for design of that section on Foch Street or is there actually going to be some work done.

Ms. Brown said phase one is for planning and design.

City Manager Fuentes said the last project they did support the project. But to realize they are also competing with other projects.

Mayor Green asked City Attorney Rubin if there is any reason because he serves as the Ex-Officio that he could recuse himself. City Attorney Rubin said he doesn't see a reason I should be.

Commissioner Clark made some comments and asked if we do have the money.

City Manager Fuentes said there is money in the ending cash balance of the streets fund if the Commission wants to do it.

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Commissioner Hechler said we have made great strides in the downtown area and he would like to see it move forward.

Commissioner Hechler moved to approve Request from MainStreet Truth or Consequences for the Great Blocks Program up to \$20,000 for the match. Commissioner Clark seconded the motion. Motion carried unanimously.

Mayor Green really appreciates the effort and the time his fellow Commissioners put in to learn about all of these things to do the very best we can for our community.

Discussion/Action: MOU between Sierra County Regional Dispatch Center and the City of Truth or Consequences. Juan Fuentes, City Manager.

Presented after response to public comment.

Discussion/Action: NMML Annual Conference Voting Delegate & Alternate. Renee Cantin, Clerk-Treasurer:

Commissioner Hechler moved to approve City Clerk Cantin as the delegate and City Manager Fuentes as the alternate for the NMML. Commissioner Clark seconded the motion. Motion carried unanimously.

I. REPORTS:

City Manager:

- Reported on the Water leaks and the efforts they have taken. Water/Wastewater Supervisor Castaneda said it's been difficult with staff. It seems like they fix one or two leaks and three or four pop up. Pipe should last about 20 years and these lines weren't replaced by their expectancy. They are trying to get funds to replace the water lines. As City Manager Fuentes mentioned they are trying to make internal changes to get the employees with experience out there and working on it. To get the experience that is required is difficult. City Manager Fuentes said they continue with their efforts.
- He will be presenting to the PUAB the status of the Sims and McAdoo water lines project.
- He reported on the Water System and Cook Station.
- Mud Mountain Tower project. He and Electric Department Director Easley met with BLM about the tower. The current structure needs to be replaced and instead of constructing a new tower which can be quite expensive they can use an existing tower that is still in good shape. So they will do an analysis to make sure that the tower can operate all of the users that are up there.
- The effluent sulfur water system has been installed and they are waiting on the chemicals.
- They are coordinating with NMDOT regarding the Roundabouts landscaping and an issue came up regarding relocating the water and sewer lines in the project area.

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City Attorney:

None.

City Commission:

Mayor Green asked the Commission if they have anything to report.

Commissioner Hechler:

- Requested putting the City Manager evaluation on the next agenda where we know we will have five Commissioners here.

Commissioner Clark:

- Thanked everyone for holding down the fort while she was gone.

Mayor Green:

- Thanked Rebecca Dow, because when Joe McClintock was with SJOA he kept complaining that our program here was not ran by the city nor the county and a nonprofit was being penalized for the reimbursement of the State meals and transportation programs that they provided. Rebecca got the SJOA in town to be treated as if it were a municipal and or county organization therefore the funds have been doubled for the meals and transportation.
- He congratulated the Scat Cats for their 4th in the Nation finish in the Envirothon.
- He thanked Latitude 33 who partnered with the Brewery on a fundraiser for the Friends of the Pool. He understands they donated all of the food for the event
- He thanked the Brewery for making the space available.
- He asked that a report be made at the next meeting, if there is a plan the Parks Department have in moving forward on our Parks to address reseeding.

K. EXECUTIVE SESSION:

1. Threatened or Pending Litigation (City vs. McGeachy)
Pursuant to 10-15-1(H.7)

Commissioner Clark moved to approve going into executive session at 12:14 p.m. to discuss Threatened or Pending Litigation (City vs. McGeachy) Pursuant to 10-15-1(H.7).

Commissioner Hechler seconded the motion. Roll call vote was taken by the Clerk-Treasurer. Motion carried unanimously.

Mayor Green reconvened the meeting in open session at 12:29 p.m.

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

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

Commissioner Hechler moved in regards to the City vs McGeachy that the final agreement provided by the Mediator be accepted and if it's not we will go to court on the issue. Commissioner Clark seconded the motion.
Motion carried unanimously.

M. ADJOURNMENT

Commissioner Clark moved to adjourn at 12:31 p.m.
Commissioner Hechler seconded the motion. Motion carried unanimously.

Passed and Approved this 26th day of September, 2018



Steven Green, Mayor

ATTEST:



Angela A. Torres, CMC, Acting City Clerk

