

**CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
TUESDAY, FEBRUARY 9, 2016**

The Mayor and the City Commission of the City of Truth or Consequences in the County of Sierra, and State of New Mexico met in Regular Session in full conformity with the law and ordinances of said Commission in the Commission Chambers of said City on February 9, 2016 with the meeting starting at 6:00 P.M.

A. CALL TO ORDER

Mayor Whitehead called the meeting to order at 6:00 p.m.

B. INTRODUCTION

1. ROLL CALL

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

Hon. Sandra Whitehead, Mayor
Hon. Steve Green, Mayor Pro-Tem
Hon. Jeff Richter, Commissioner
Hon. Kathy Clark, Commissioner
Hon. Russ Peterson, Commissioner

Others Present: Juan Fuentes, City Manager
 Bradley Springer, City Attorney
 Renee Cantin, City Clerk-Treasurer

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

2. SILENT MEDITATION

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

3. PLEDGE OF ALLEGIANCE

Mayor Sandra Whitehead called for Commissioner Peterson to lead the Pledge of Allegiance.

4. APPROVAL OF AGENDA

Mayor Whitehead requested pull Item E.1 from the Consent to discuss.

Mayor Pro-Tem Green moved to approve the agenda with the exception just noted. Commissioner Peterson seconded the motion. Motion carried unanimously.

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

Mayor Sandra Whitehead 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.

Mr. George Szigetti is speaking as the Chair of the Public Utility Advisory Board. Concerning the content of the ordinance for meter access, the Board discussed the issue at the last meeting and the ordinance as presented was one of the options. The board itself did not come to a consensus on that particular ordinance. He doesn't know if there is a time frame on this ordinance whether it needs to go to publication sooner, but there was not a final decision from the board.

Ms. Linda DeMarino, Executive Director of MainStreet Truth or Consequences, let the Commission know they had a downtown clean up this weekend. She thanked all of the people who came out and helped clean up. They washed windows and picked up garbage and weeds and ended up dropping off 140 pounds of stuff at the dump. They will talk in the future about potentially getting those fees waived for us. Second Saturday Art Hop this weekend. February 27th at Grapes Gallery the MainStreet membership party and Annual meeting.

Ron Pecourek said there was an absolute wonderful article in the Sentinel about SJOA. He brought to their attention all of their activities and the difference between the funding with other organizations. He mentioned the Commission gave the Golf Course \$120,000 and MainStreet Group \$50,000 for the Healing Water Plaza, and you only gave the SJOA who serves 300 plus Home Delivered Meals a day and they only get \$24,000. He thinks the priorities are a little skewed here. Next, he asked where are we on the new billing for the utilities. In August, there was a headline in the Sentinel saying City Addresses High Utility Bills. Transparency is a new phrase we are using, so where are we at with the bills. He asked how we are handling that. How are we paying our bills. He's disappointed in the local papers not following up on our utility bills.

Steve Zeski, snowbird. Talked about the Golf Course, he seems to remember last March when he was down here he saw big red letter the Senior Center was getting thrown out of the Lee Belle Center, then he saw big red letters "The Golf Course was losing \$40,000". That was when you were only paying Howie \$70,000. If you can't make any money on it, close it down. This aint a charity thing. You had \$45,000 for the Healing Waters Plaza, he doesn't eat at the SJOA, but he goes down there to play pinochle three times a week and it seems like they should put money down there. Still rolling out the tote a carts, he put his in his garage last year and he kept getting frantic calls about getting it back. He wants to purchase his Tote a Cart because he doesn't want one back after somebody else has had it for the six months he's been gone. There's tar and other kinds of crap even if you guys power wash it out. He wants his cart, in his garage, with his germs on it, and no broken wheels and lids. He owns a house up in the Zuni Mountains and Waste Management let him buy his cart. The city has been rolling this program out for two years and he doesn't want somebody else's cart with wobbly wheels.

He followed Mr. Greens advice, he took a bunch of city promos, he has a house in Illinois. He dropped some off where he plays pinochle and Bridge back east. A couple of people says well it's a little beat, but I'm going to get a place by the Lake. So you just renewed the contract for your marketers I saw again and people in El Paso and Albuquerque know where you are, you need to start getting the snowbird states.

Ron Fenn, 316 N. Foch wanted speak on the DFA Report on budget. We are calling debt service a revenue. He has 100+ negative percent on some things, how do you get more than 100% on anything. Big discrepancy between the RP500 for November in the accruals and what they reported that I downloaded. There's a difference between \$224,000 and what I downloaded at \$211,000. Where does that come from? Look at the GRT in one area for construction, and we are in sad shape last November compared to the previous two years and we are going downhill. If he were the Commission, he would be calling an Emergency Meeting and firing the City Manager immediately.

D. RESPONSE TO PUBLIC COMMENTS

Commissioner Clark said there has been some confusion on the Golf Course contract. At the last meeting she asked specific questions of Finance and the City Manager and her understanding is this contract is a contract to operate. It's not a salary, it's a contract. That person must at his own expense hire the personnel to work at the Golf Course and must pay for the cost to keep up the greens, etc. At the end of the day, her interpretation was this contract is not nearly as valuable as the contract to the previous operator. She really feels there is a misunderstanding that this is a salary and in fact it's a contract to operate the Golf Course.

Mayor Pro-Tem Green followed up on the Golf Course contract. The previous contractor kept a majority of the fees for himself. With this contract, all of the fees that are collected are turned over to the city to help offset the overall contract. City Manager Juan Fuentes confirmed. Mayor Pro-Tem Green continued the other thing was on the \$50,000 for MainStreet, that was a grant they received to do a downtown Master Plan which affects the city in a major way.

E. CONSENT CALENDAR

1. City Commission Workshop & Regular Minutes, January 12, 2016. (Removed)
2. Golf Course Advisory Board Minutes, January 6, 2016.
3. Lodger's Tax Board Minutes, October 29, 2015.
4. Public Arts Advisory Board Minutes, November 16, 2015.
5. Accounts Payable – January 2016

Mayor Whitehead asked to remove the January 12th minutes from the Consent Calendar for Clarification.

E.1. City Commission Workshop & Regular Minutes, January 12, 2016

Mayor Whitehead requested the minutes to be changed on page 13 when we had the vote for the process to appoint the Recreation Advisory Board, she stated that was not her intent to vote nay on that item related to the appointment of the Recreation Board it states she voted against the item for the process instead of in favor of the item.

Mayor Pro-Tem Green moved to approve the consent calendar with the amendment to the January 12th 2016 Minutes. Commissioner Clark seconded the motion. Motion carried unanimously.

F. PUBLIC HEARINGS

- 1. Public Hearing: Final Adoption of Ordinance No. 669 amending Chapter 14, Article II, Section 14-30 Access to Property; Inspection. Christina Bruch, Electric Dept. Admin. Asst.**

Electric Dept. Admin. Assistant Bruch announced this Ordinance is being brought for Public Hearing it was approved for publication on January 12th, 2016 and it was published in the Herald on January 20th, 2016.

Commissioner Clark reminded the Commission she voted against this item when it was brought for publication. Some of the input she received indicates there could be a question on Due Process. Due Process was put in the Fifth and Fourteenth Amendments of the Constitution for a reason and that was for vagueness. There is some vagueness in this ordinance is written in that who is going to make the decision in the Utility Department to shut someone down. Do they get a 30 day notice, can they argue with the City Manager, who do they argue with whoever shuts them down? The vagueness is what due process was put into those amendments of the United States. She continued the other problem is a New Mexico Utility has an obligation to serve the public. In a letter from the attorney brought this morning, it states if somebody is invalid or ill we legally cannot shut them off for whatever purposes. Her concern with this is not so much the vagueness of the writing, although she would like to see this cleaned up a little bit. Her concern is there is no clear administrative process by which they go into somebody's house to say they want them to put a new meter in or move the meter without that person having a process through the city on who they can speak to so they can have due process. This would at least give them a 30 day period to be able to make their case. Because she has had three attorneys bring that to the, she recommended this be postponed to clean up with wording on the due process.

Mayor Pro-Tem Green agrees Commissioner Clark has nailed it and he referred to and read an email sent by City Manager Fuentes to the Commission from a lawyer and his opinion. It stated we would avoid a lot of the issues by changing the last sentence. He thinks it was a great attempt to begin to do something that will support our Electric Department Personnel, but he wants this document to stand on its own and not be challenged, he would like it to be postponed also.

Mayor Whitehead also agreed she would like to have it cleaned up and brought back to the Commission.

Proponents:

George Szigeti wanted to stand up and speak on this ordinance, in light of what has been brought up, he thinks it's a good idea to do this but he is a cautious proponent and he agrees we probably need to clean up that language and the ambiguity in the ordinance.

Fred Ateri, Austin Stree stated he sees them try to get in the neighbor's yard all the time with their six foot fence. A lot of people aren't getting their meters read. He's not sure why they don't just go to the electronic meters so you don't have to go in.

Janice Gray is in favor of it. We need to have some safety for the electric company to get in there and access properties to get the bills correct. She agrees with Commissioner Clark

and Mayor Pro-Tem Green that the ordinance may need to be cleaned up. But she sees some staff members may not be safe and we might prevent some fires in this town.

Mayor Whitehead closed this public hearing.

2. Public Hearing: Approve the waiver for the Microbrewery at 410 Broadway from the minimum distance of 300 ft. to 230 ft. from the Methodist Church for alcoholic beverage license. Robbie Travis, Building Inspector

Building Inspector Travis gave an update on this item request. In our Code it states we can do a waiver for a distance from a church or school for a sale of alcohol license. The applicant is John Masterson, and this property has been used for several different businesses in the past. It is a live/work unit in the heart of our downtown district. Per Article 3. Section 762 for Alcoholic Beverages, if the applicant meets those conditions, the Commission may grant a waiver. We did notify 50 people in the area by certified mail and the publication for the public hearing went in on January 22nd.

Proponents:

Susan Lowe, Springs Realty has helped bring several businesses to downtown. El Faro, Passion Pie, and the Brazen Fox. This is the time to bring a microbrewery. She has worked with several businesses over the years we weren't ready then, we are now. This owner has done lots of homework with breweries all over the state, including Seattle. She thinks it will bring something to wake us up but not too loud. These people have seen a vision, they know what it is to produce that vision. They have been very realistic as to how to do this, and we found a place with a great price. She added this is the perfect time to do it, we have the Centennial coming and it will increase our GRT. We don't have one, we need one, and we found the right people to do it. Thank you to the commissioners for everything you do for us.

John Masterson, is the owner of the microbrewery he is wanting to bring to the city. He currently lives in Seattle now in a neighborhood that is infested with microbreweries. Prior to that he lived in Missoula Montana, great college town with ample breweries. He is an experienced business owner and a connoisseur of beer. He and his wife have developed a major crush on this town and when he looks at the downtown he sees an enormous amount of potential. A microbrewery could help all of the businesses downtown as a whole and she is here for any questions.

Tamra Temple wanted to say it's a fantastic idea to bring it downtown. She added hopefully they make good brew but she feels it's a great addition to the town.

Fred Attarian is one of the people who got the letter. He drove here today from Scottsdale to vote his pleasure in being able to walk downtown to get a beer.

Colleen Davis has been talking to some friends to get one here. Most of her friends say it's too costly to do this, they don't bottle their own beer. She thinks it's a wonderful idea to have a microbrewery in the city.

Janice Gray wanted to speak in favor of it as well, living downtown we need something like this downtown. She has seen a big increase in tourists there are not a lot of businesses downtown and she encouraged the commission to vote in favor of this microbrewery. It will also be great for the Spaceport Visitors Center.

Joshua Frankel is a homeowner in the neighborhood. He lives right next door to the Methodist Church. He fully supports the microbrewery downtown. He further asked the commission not to discourage any new businesses downtown.

Carry Gustin said from a business standpoint, we absolutely need something like this downtown. It's complementary, it will help business, and it's a win for everybody. From a tourism standpoint as part of the chamber they have been asking for something to do after hours downtown. So please vote in favor.

Sid Bryan owns property within 100 feet and he thinks it was a wonderful thing. He hopes it goes through the only thing he would wish more is it's a full liquor license.

Linda DeMarino said ditto. The one thing we always here is where do I go for a drink. So we have all this stuff within walking distance and she feels a microbrewery would be beneficial and will help the economy of our downtown.

Sazzi Marri agreed with everything everyone else said.

Lanire Wrye agrees with everything they say and it's a great idea.

Steven Zeschke added before he came out here, he went into Colorado for a couple of weeks. He's been around and all of these places had microbreweries. We need something like this downtown, he's getting tired of going to Raymonds. He knows what would make the art walk better, a brewery. It would be nice to have a beer and then walk around to look at the great art.

Mayor Pro-Tem Green he have received emails and he asked their names be added in support. He read two of the emails. One email from Lidia Dixon and one email from Li song expressed their great support for a brewery in the city.

Lydia Dixon, Li Son, Ann Sage, Wendy Tremain, Mikey Skelar, Albert Russell, and Kyle & Jeannie Cunningham

Commissioner Clark stated her husband and she went to every brewery in Missoula, they also chased a brew fest in Seattle and that was a blast. She does remember approving a waiver for another restaurant downtown that was within a certain distance from the church, and she feels that if we were not to do this, then we would be hypocrites. If we do this for one person we should do this for everyone else. She welcomes them to town.

Commissioner Peterson believes it's a sound economic thing for the city to have. He likes the demeanor of the owner is requesting it feels we should move forward.

Mayor Whitehead is excited and thinks this is a great opportunity for the downtown area. Especially for Centennial coming this year she wishes them great success.

Mayor Whitehead closed the public hearing.

G. UNFINISHED BUSINESS

1. Discussion/Action: Request to consider including R. Lee Tafoya in the name of the Armory Building. Ivan Padilla, Requestor

Mr. Padilla comes before them one more time for Lee Tafoya. He asked the commission to vote your conscience please vote yes for this item. As you know, Mr. Tafoya has done many things in this community. All of the Tafoya's have been very active in this community. We knew what he stood for, he was a member of the school board and more than 20 years in the fire department, and the pilot club. So he leaves the commission with that. He thanked them.

Commissioner Peterson worked with Lee and he by far would be an outstanding person who would shine without blemish within the community.

Mayor Pro-Tem Green seconded Commissioner Peterson's thoughts. He would like to add this is a wonderful opportunity to honor someone who is left in indelible footprint on our community.

Mayor Whitehead is also in favor of naming the Armory after R. Lee Tafoya.

Commissioner Clark moved to approve the building currently known as the Armory carry the name of R. Lee Tafoya indefinitely irrespective of the purpose of the building. Mayor Pro-Tem Green seconded the motion. Motion carried unanimously.

2. Discussion/Action: Final Adoption of Ordinance No. 669 amending Chapter 14, Article II, Section 14-30 Access to Property; Inspection. Christina Bruch, Electric Dept. Admin. Asst.

Electric Dept. Admin. Assistant Bruch announced they still feel we should have this ordinance approved. They will stand for any questions.

Mayor Whitehead stated earlier in the meeting we had a public hearing regarding this ordinance, commissioners made their comments at that time.

City Manager Fuentes had no comments.

Mayor Pro-Tem Green appreciates the work from staff and legal that has gotten us to this point and absolutely this ordinance must be passed on approved but he wants to write verbiage in the right ordinance to be approved.

Mayor Pro-Tem Green moved to postpone and bring it back to staff and work with legal on an ordinance that will stand up to the test and bring it back as quickly as possible to the commission so we can move forward. Commissioner Clark seconded the motion. Motion carried unanimously.

3. Discussion/Action: For Publication Ordinance No. 671 amending the Ordinance related to the Public Utility Advisory Board. Juan Fuentes, City Manager

City Manager Fuentes said at the last meeting there was a question asked about the language that we're trying to adopt to match the statutory language set up for the impact fee board. If you look at the ordinance section C, that language is no less than 40% of the advisory committee must be represented by the real estate, development or building industries. That is for the impact fees statute we adopted. As he previously explained when the city adopted the impact fee the commission's intent was to adopt using the public utility advisory board as the impact fee board. But the makeup of that board is different than what we had in the code. The intent of this ordinance is to require that at least 40% of the PUAB board which is two members meet the makeup of the impact fee board. Under section D, the remaining membership would be made up of folks with the background of electric utilities, financial, or general contractor. He believes Commissioner Richter had a question of on paragraph C where it says the representative "must", makes it mandatory. Speaking with her legal counsel, it is mandatory. An easy fix would be to separate those two provisions and say 40% would need to have those requirements and the remaining would be the other. If you look in section D if there are no other qualified people the commission has the ability to select a member who will serve. And that will take care of our ability to appoint someone if we don't find someone under the categories. Under the requirements of the impact fee board we do have to adopt the same language which is under section C.

Commissioner Clark asked a question to Commissioner Richter who brought up the word shall which was the issue. She remembers he had the most difficulty with the wording in this, she asked if he was comfortable where it is now.

Commissioner Richter responded he wanted to make sure we could appoint someone if we couldn't find a qualified person. This takes care of that issue.

City Manager Fuentes added we have two members who were just re-pointed, we would not be required to change those members at this time but we should look at it at the time their turn is up.

City Manager Fuentes said even on the existing board we know at least one on the board qualifies. This will allow us to be in compliance with the statutory requirements of the impact fee board.

Mayor Pro-Tem Green said not to repeat it but he wants to make sure he understands. The last line onto the allows commission to appoint any other person to serve. Right now we might not have 40% of the members of the PUAB, when he is hearing as we are okay with the composition of the board but when their term is over we are going to try to get volunteers to fill those categories. City Manager Fuentes confirmed.

City Manager Fuentes had no comments or questions and recommended authorization to publish.

Mayor Pro-Tem Green moved to approve for publication Ordinance No. 671 amending the Ordinance related to the Public Utility Advisory Board. Commissioner Peterson seconded the motion. Motion carried unanimously.

4. Discussion/Action: Resolution No. 23 15/16 amending the Golf Course Fees. Juan Fuentes, City Manager

City Manager Fuentes said this resolution is just to clean up the previous resolution which had the previous GRT rates and this is changed to plus GRT so we don't have to change it every time the tax changes. This resolution identifies the fees the city is collecting for golf course.

Commissioner Peterson asked if we need to have Terry's signature on this.

City Manager Fuentes responded no, this is a resolution the Mayor and Clerk will sign. Terry is aware so we will make sure he has a copy of that.

Commissioner Richter asked where the acronyms are defined. Specifically he's asking about GRT and GIF which are actually Gross Receipts Tax and Golf Investment Fund. City Manager Juan Fuentes referred to the bottom where it is defined.

Commissioner Clark said in the last section it doesn't spell it out. City Manager Juan Fuentes responded we can spell that out more.

Mayor Pro-Tem Green reiterated we are not raising the fees at the Golf Course.

City Manager Fuentes recommended approval with the modification to spell out the acronyms.

Mayor Pro-Tem Green moved to approve Resolution No. 23 15/16 amending the Golf Course Fees. Commissioner Clark seconded the motion. Commissioner Peterson asked when this was published. City Manager Juan Fuentes responded Resolutions are not published, only ordinances.

Ron Pecourek brought to their attention the difference in the Resolution numbers. One is 32 and one is 23. City Manager Juan Fuentes said resolution number 32 12/13. It was determined to be correct.

Commissioner Peterson called for the question. **Roll call was taken by the Clerk. Motion carried unanimously.**

5. Discussion/Action: Amendment to the Fiscal Agreement for Professional Services with South Central Council of Governments (SCCOG) for Project #13-1783 Animal Shelter. Juan Fuentes, City Manager

City Manager Fuentes stated the Executive Director of SCCOG is present. As discussed at the last meeting, the SCCOG is the fiscal agent for the animal shelter. There was a question about the fee and whether it was negotiable, he spoke to Jay Armijo and whether they were willing to negotiate and he is here to address the Commission.

Jay Armijo, Executive Director of the South Central Council of Governments addressed the Commission. He apologized for not being at the last meeting. He had a discussion with the Manager and added the fee is negotiable and one of the reasons we arrived at the \$3,000 is because this was essentially a new program. The Governor signed the Executive Orders creating new entities. We weren't able to assess what issues might come up with this type

of program so when they talked to DFA, they said they would like to see the services be capped at 3% of what the grant was. And because they didn't know what their requirements would be, they set it at the 3%. They worked with the different entities and one of the luxuries of having the office in Elephant Butte is they don't have to travel very far to be the fiscal agent. He talked to his fiscal administrator Friday and they have about \$600 in on this project already. They have worked with the Police Chief on this as well as Finance Director. They agreed to cut this contract down to \$1,500. And the reason we do charge that is the City of Truth or Consequences does pay membership dues annually and there are a lot of things covered in that. Dues also allow us to leverage other grants, but this program is not covered in any of those other work programs the dues pay for. If he tries charge DFA for that, they will ask where it is in our work program. It could cause an audit exception on my end, we have to do a contract like this in order to pay staff without getting in trouble in our audit. We are not looking to make money in this program, just to pay for hours they have already put into it and what it will take to complete it. They don't expect very many pay requests to do it. With that he hopes the Commission is okay with the cut in the agreement by half from the 3% fee to 1.5% fee.

Mayor Pro-Tem Green is the one who questioned this in the first place. He is proud to serve on the COG board as a representative for the T or C Commission. He believes our membership deserves some perks. If they were a standalone organization that we did not have a relationship with, and we asked them to perform a service, they are absolutely entitled to be paid to perform a service with their expertise and their knowledge. He just has a problem with this, he knows they have waived their fees in the past on a similar demand by the Governor and he doesn't feel comfortable in paying for something he is already paying for. If they already have money into this, then absolutely they should be paid. He feels there should only be one or two more pay requests and feels \$1,000 should be enough.

City Manager Fuentes recommended approval and if Jay is in agreement with reducing the contract then he is in favor.

Mr. Armijo said he is fine with reducing it to \$1,000. He appreciates our relationship with the city of Truth or Consequences and he appreciates Mayor Pro-Tem Green's participation on the board and if he feels that number will work. They will try to do it within that amount.

Mayor Pro-Tem Green moved to approve with the amendment of the fee to be capped at \$1,000. Commissioner Clark seconded the motion. Motion carried unanimously.

Mr. Armijo just wanted to say it's a pleasure and always has been to work with the city manager and his leadership on this. He has worked with the fiscal staff and they all do a great job. He thanked them for allowing the SCCOG to be a part of this project.

H. NEW BUSINESS

- 1. Discussion/Action: Approve the waiver for the Microbrewery at 410 Broadway from the minimum distance of 300 ft. to 230 ft. from the Methodist Church for alcoholic beverage license. Robbie Travis, Building Inspector**

Building Inspector Travis gave a little background on this. Every response he received has been positive. They did talk to the Methodist Church and they don't have any problems at all.

Mayor Pro-Tem Green wished them great success and open soon.

City Manager Fuentes had no comments or questions and recommended approval.

Mayor Pro-Tem Green moved to approve the waiver for the Microbrewery at 410 Broadway from the minimum distance of 300 ft. to 230 ft. from the Methodist Church for alcoholic beverage license. Commissioner Clark seconded the motion. Motion carried unanimously.

2. Discussion/Action: Resolution No. 24 15/16 declaring Surplus Property to be nonessential for Public or Government Functions to be Sold Pursuant to §3-54-2 NMSA at the March 26, 2016 public auction. Renee Cantin, City Clerk-Treasurer

City Clerk Cantin notified the Commission we are working on the list for the next auction to be held on March 26th. She had a couple of corrections on the list which was presented to them. Under the 500 dumpsters, the weight is the 1.5 yard cans which are 300 lbs. and the actual value of each one is set at \$25, so we don't have the 3 yard cans or the \$45 price as listed on the there. Our Deputy Clerk has received most of the Titles for the vehicles and we are also working on the values of the vehicles and that will have to be added in. Staff is recommending approval.

Commissioner Clark asked why we are selling something for \$5. Wouldn't it be easier to put it in the trash? City Clerk Cantin responded she's heard "one man's trash is another man's treasure". But actually, this is the way we have to dispose of property according to state statute.

Commissioner Clark said that dumpster if you took it to the landfill it would be considered construction debris, at \$21 for 60 pounds that dumpster would cost us \$100 to send it to Las Cruces. So that dumpsters only worth \$25. Solid Waste Director Alvarez responded if you take that dumpster to the collection center, we would take it in for free, no charge, as scrap metal and we would turn around and crap it as a revenue. Scrap goes for \$35/ton.

City Clerk Cantin said it's her understanding we are going to keep them at the transfer station and make the bidder pick the items up.

Mayor Pro-Tem Green said we might consider if there are no takers, we might contact the art council to see if they want to use these to come up with painted art for the dumpsters. We were getting \$155/ton for salvaged metal at no cost of transportation and now it's down to \$30. We don't have to pay to get rid of these, but we could get rid of them. \$25/unit is a great price.

City Manager Juan Fuentes recommended approval.

Mayor Pro-Tem Green moved to approve Resolution No. 24 15/16 declaring Surplus Property to be nonessential for Public or Government Functions to be Sold Pursuant to §3-54-2 NMSA at the March 26, 2016 public auction. Commissioner Peterson seconded the motion. Roll Call Vote was taken by the Clerk. Motion carried unanimously.

3. Discussion/Action: Approve the DFA Quarterly Report. Lori Montgomery, Finance Director

Finance Director Montgomery presented a revised report with the backup documentation from the new software. You did receive the full report last week. She began with a summary of the funds, as well as, revenues and expenditures. She added yes there is opportunity to be over 100% and she will go into that in a little more detail if there are any questions on that. She started on page 1 with the General Fund, we are approximately half way through the fiscal year so the budget should be around 45%-50%. We are at 41.2% percent level for revenues and we are at 41.5% for expenses also. Capital projects are also listed on that page, they are a little lower because those are special projects and will be requested by reimbursements at the time the work is done. The next accounts are the enterprise accounts, they are the revenue generators for the city. On page 2, you see the special revenue fund capital projects, this is a detail that supports the front page summaries. Page 3 she added we should see a spike in licenses and permits as we get closer to the end of this month and next month because the business registrations and licenses are due. In the area of gross receipts tax collections he can see there is last year to this date. We are down about hundred and \$175,000. A couple of areas she looked at in particular is construction which was up, retail trade was down and food services overall were down. There is a separate sheet that looks over the gross receipts taxes at the Lodger's taxes. She kept track where you can see where GRT is with Lodger's tax. There are additional graphs showing comparisons. Then you have the actual running totals GRT that takes you back to fiscal year 2009 and brings you to December 2015. Please remember the GRT usually runs about three months behind. So we have to look at those and gage past practice as to what those should or should not be. This was the report she submitted to DFA it was due January 29 for the last quarter. She will stand for questions.

Commissioner Peterson said it doesn't seem to be as dismal as the report we received from the audience. Finance Director Montgomery responded there are ups and downs of course, we are paying close attention to the gross receipts tax. We take a look at that every month and we tracked all of those very closely. One thing I want you to notice is the expenditures are also down.

Commissioner Clark said the main issue in the General Fund is the GRT. Finance Director Montgomery said it's partially that. Your special revenues is the second line and that's reflected on page 2.

Commissioner Clark said the biggest impact is for the streets, is that because we haven't realized the money for that. Finance Director Montgomery said there are some grants with outstanding funds to be collected.

Commissioner Clark added it's not like we're going to go broke we just need to hold their breath and wait. Finance Director Montgomery referred to page three in your report.

Overall the general fund collections are 44%, some are not off that much we're close. Finance Dir. Montgomery added you can look at page 6 to see how the GRT's are fluctuating. As you can see, compared to last year they are down. Commissioner Clark responded it could adjust itself once we get the information.

Mayor Pro-Tem Green appreciates the effort to keep us informed constantly. The next reporting period will put us closer to where we need to be.

Mayor Whitehead thanked her for her report and asked her to give an update on the utility bills at this time.

Finance Director Montgomery did prepare a PSA about the issue and sent to the City Clerk's office to be published this week and next week. She also posted a PSA on the website. We finally finalized Cycle D, which was the one we had the issue with billing. It billed October rates for the same rates as they were billed for November. So we had to go in there and correct all of the items for cycle D, those were finalized and corrected. They should be in the mail today or tomorrow. We have Tyler here this week Monday through Thursday working on all of the billing correction and Cycles A-D. There were some accounts that were billed in one cycle and billed in another. They had to be moved to the cycle where they were read. Those are the errors that they are working through this week. A, B, and C will be going out this week. They are trying to do one cycle a day depending on how many errors there are. The unfortunate part is the customer will encounter another bill shortly thereafter to get everything right. So they will be receiving a bill in December then shortly after they will receive the January bill. We are hoping by March 1 everything will be in sync and right. There are no late fees going to be charged, there are no red tags being issued. Once we get all of this right we will go back to those practices and work with customers. If there any hardships and community we are willing to work with anybody as much as we can.

City Manager Fuentes added our Staff supervisor and Lori have been working hard on fixing Cycle D and we are talking over 900 accounts have had to be corrected manually. Throughout this process they have been trying to work with the software provider but unfortunately some had to be corrected manually. It looks like most of the issues have been resolved but is causing hardship for users and our staff to make sure we apologize for the inconvenience and moving forward I think will be able to catch up on this issue behind us back to normal.

Commissioner Clark asked her to please tell her frontline people thank you. It's added so much extra burden on you and your staff. We were promised they were utility specialists and I don't feel we've had the quality of what she would expect from a company like that. She added he feels Finance Director Montgomery has handled it very well.

Commissioner Peterson said he only has one Commission meeting left. He would like to have them come to the next meeting. He would like them to stand tall if we're still working on this at the next meeting. He hates having Finance Director Montgomery and her staff working so hard on this.

Mayor Pro-Tem Green asked if we owe Tyler any money. He strongly suggested we hold their payment until we negotiate with Tyler. We should quantify the extra hours and the

inefficiency and the tremendous emotional pressure on staff, on the commissioners, and the customers.

City Manager Fuentes recommended approval of the report.

Mayor Pro-Tem Green moved to approve the DFA Quarterly Report as presented by Finance Director Montgomery. Commissioner Clark seconded the motion. Motion carried unanimously.

4. Discussion/Action: Approve the job description for Journeyman/Electrician. Bo Easley, Electric Dept. Director

Electric Department Director Easley is presenting a job description for Journeyman/Electrician. This position will help the City of T or C and all of the departments within it. The Electric Department has the ability to fully fund this position now and in the future. The journeyman position would include line work on the city's distribution system and working with the line crew. The Electrician portion of this job would require and EE98J Electrical license, which will allow them to do electrical work on all city buildings and bring them up to code if necessary. Creating this position will eliminate the need for the city to hire an outside electrician at the rates of \$75 per hour. At this time he stands for any questions.

Commissioner Clark said it's about time we had an Electrician on staff. She asked manager Fuentes how much it costs to hire the electrician at the Lee Belle Johnson Center. Every time we go out to do something we are hiring an electrician and this one would be on staff, is that correct? Commissioner Clark asked about the difference in the journeyman. Electric Department Director Easley responded a journeyman/electrician is also a journeyman lineman. Commissioner Clark thinks it will save us money in the short-term and long-term.

Mayor Pro-Tem Green said it sounds also the like there may be opportunities for local employment. Certainly if you save money in other departments it is a good move to have this on hand.

Commissioner Peterson added since this is his last meeting he's not interested

City Manager Fuentes had no comments or questions and recommended approval.

Mayor Pro-Tem Green moved to approve the job description for Journeyman/Electrician. Commissioner Clark seconded the motion. Motion carried unanimously.

5. Discussion/Action: Approve the Amended Budget request for the Sierra County Farmers Market as recommended by the Lodger's Tax Advisory Board. Julie Durham, Chair and Colleen Davis, Requestor

Ms. Durham presented their request to move some items around in their budget and the board recommended approval of the amendment.

Commissioner Clark said this is changing hacker using the funding.

Ms. Davis responded she was able to get some free radio ads and free web stuff. They found ads in Las Cruces brought more positive results and they would like to move more to that category.

Commissioner Clark mentioned advertising in local papers and Hatch for what she understands doesn't meet the requirement of the state matching fund grant. So the question to manager Fuentes is will that funding hurt us by reclassifying it.

City Manager Fuentes responded these funds are not part of the matching funds. This is a more lenient separate pool of funds that we use to match the grant.

City Manager Fuentes had no comments or questions and recommended approval.

Mayor Pro-Tem Green moved to approve the Amended Budget request for the Sierra County Farmers Market as recommended by the Lodger's Tax Advisory Board Commissioner Clark seconded the motion. Motion carried unanimously.

6. Discussion/Action: Approve the Amended Budget request for MainStreet as recommended by the Lodger's Tax Advisory Board. Julie Durham, Chair and Linda DeMarino, Executive Director

Ms. Durham presented the request. She thanked the commission for reviewing this issue she apologizes Ms. DeMarino now has left and she will try to explain the request. She had taken her budget from the more easy-going Lodger's tax money and she is requesting to transfer over for the Hot Springs Festival in May.

Commissioner Clark asked where this is coming from.

City Manager Fuentes responded this is the allocation the commission has approved.

Commissioner Clark said it's basically local advertising. City manager Fuentes confirmed this is correct.

Ms. Durham believes she wants to use it for El Paso and Albuquerque to bring people in from these areas to bring them in for the week of May during the Ralph Edwards parade and the Hot Springs Festival. She envisions this is a grand week to bring in tourism. The previous amount was in her operating expenses.

City Manager Fuentes recommended postponing this item to have Linda here to answer the questions.

Mayor Pro-Tem Green would like to bring it to the next meeting, but the Hot Springs Festival is in May. It will be melded into a healing arts Festival as well including all of the things that I've grown up around our community including the Hot Springs. And it won't just be a tour, but it will be a targeted marketing campaign we are going after.

Ms. Durham added she feels Mayor Pro-Tem Green has explained it exactly the way Linda did to the board. It's just an amended budget we don't need to find new funds for this. If we approve this adjustment she can move forward if we delay it she cannot start as early.

Mayor Pro-Tem Green said we don't have a signature event. Fiesta with all due respect is no longer our signature event, he would hope we've moved beyond that. He would hope the commission would look into taking the same dollars to build a new event that has the possibility to build year after year.

City Manager Fuentes said if the Commission is satisfied with the explanation, he recommended approval or it could be brought back in two weeks for further clarification or discussion.

Mayor Pro-Tem Green moved to approve the amended budget request for MainStreet as recommended by the Lodger's Tax Advisory Board. Commissioner Peterson seconded the motion. Motion carried unanimously.

7. Discussion/Action: Agreement with Professional Document Systems for Maintenance/Support for the Laserfiche System. Renee Cantin, City Clerk-Treasurer

City Clerk Cantin said you have the background in your commission action form. The current agreement expired January 20, 2016 and deputy clerk and I have already received training on how to use this records management system. Which by the way is one of the best in this state and I'm thrilled to come into a community that already has it because I've been fighting for it everywhere I've been. In 2015, there were no documents that were entered so we will have a little bit of catch up to do but not too bad. As of the last meeting in December we are starting to add the documents after each meeting to get them scanned in and get them distributed correctly. This agreement is not only for the LaserFiche it's also for the maintenance which will help with the current scanner. We have had requests from the Police Department and Municipal Court who want to add modules. They would also like to add documents to make them more assessable so that is what we're looking at in the future. The system also has a web link module where the public can go in and pull the records that are already redacted. That will help us tremendously with the Inspection of Public Records Act requests. We are recommending approval of this agreement and that with that I stand for any questions you may have.

Commissioner Peterson commended the Clerk for doing a great job.

Commissioner Clark asked if this is just a renewal of a current contract that we already have a place, so it's in the budget. City Clerk Cantin confirmed it is. Commissioner Clark added if it kept down the IPRA requests that would be amazing. City Clerk Cantin said that may be a budget cycle or two down the road, but yes, it definitely would help.

Mayor Pro-Tem Green said knowing his technology background, he does have one question for Renee. He asked we have a VPN, so we don't get charged for services. City Clerk Cantin responded yes we do through our network system.

City Manager Fuentes has no comments or questions and recommended approval.

Mayor Pro-Tem Green moved to approve the agreement with Professional Document Systems for Maintenance/Support for the Laserfiche System. Commissioner Peterson seconded the motion. Motion carried unanimously.

I. REPORTS

1. City Manager

City Manager Fuentes reported on the Capital Outlay Request. There has been some funding allocated to the legislators. We have submitted for funding on the Animal Shelter Project and some Water Projects. We also have a bill with the Water Trust Board that is going through the legislative session. That is for the water projects we submitted for \$976,000. At the end of the day we could get a grant loan because not much was allocated. We should know by the next meeting money will be allocated.

2. City Attorney

City Manager Fuentes introduced Bradley Springer. He gave a brief introduction of his firm.

Mr. Springer addressed the Commission. He is happy to be here. He knows there's going to be a shakeup in March. But he looks forward to working with the City of Truth or Consequences. He doesn't have a report at this time and he is here for any questions the commission may have.

3. City Commission

Commissioner Clark thanked people on the community who have helped her with SB157. There is a senator and Las Cruces who is trying to take away local government ability to determine how we tax ourselves and how we spend our money. We would not be able to use it for education whatever purpose we chose. And she has a couple of commissioners some people from the spaceport and manager Fuentes wrote a note to Santa Fe to hopefully help us kill the bill.

Mayor Pro-Tem Green thanked Commissioner Clark for taking the lead on that bill. Incredibly important that goes nowhere. There was a very short window of opportunity to have our voices heard. He also thanked City Manager Fuentes for writing a great letter. He told Commissioner Peterson he would succeed his comments at the next meeting to him so he could start preparing his comments now. He also thanked City Manager Fuentes for lobbying for our requests. He knows we have written Sen. Smith and Representative Hamilton to let them know our needs, but it looks like there is going to be some capital funding available and he would like to see a letter reminding them of our needs. Let's be the first.

J. EXECUTIVE SESSION

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

Mayor Pro-Tem Green moved to approve going into Executive Session at 8:04 p.m. to discuss Threatened or Pending Litigation (City vs. Kenneth Reidemann) Pursuant to 10-15-1(H)7. Commissioner Richter seconded the motion. Roll call vote was taken by the Clerk. Motion carried unanimously.

Mayor Whitehead said we will go into executive session after a five minute break and she will be recusing herself on this Executive Session so she will turn this over to Mayor Pro-Tem Green.


Mayor Pro-Tem Green stated that the Commission was now in Open Session at 8:30 p.m.

Mayor Pro-Tem Green certified that only matters pertaining to Threatened or Pending Litigation (City vs. Kenneth Reidemann) pursuant to 10-15-1(H)(7) was discussed in Executive Session, discussion incurred and no vote was taken.

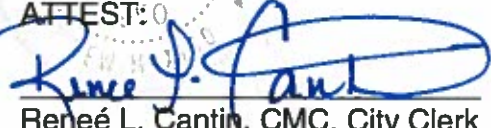
2. ADJOURNMENT

Commissioner Richter moved to adjourn at 8:31 p.m. Commissioner Peterson seconded the motion. Motion carried 4-0. Mayor Whitehead was absent.

Passed and Approved this 23rd day of February, 2016.


Steve Green, Mayor

ATTEST:


Renee L. Cantin, CMC, City Clerk