

CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
CITY COMMISSION CHAMBERS, 405 W. 3RD St.
TUESDAY, OCTOBER 25, 2016

A. CALL TO ORDER

The meeting was called to order by Mayor Steve Green at 9:00 a.m., who presided and Renee Cantin, City Clerk-Treasurer, acted as Secretary of the meeting.

B. INTRODUCTION

1. ROLL CALL

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

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

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

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

2. SILENT MEDITATION

Mayor Green asked Mayor Pro-Tem Whitehead to lead us in the Silent Meditation. Mayor Pro-Tem Whitehead recognized a very prominent member of our community, Ken James who passed away on September 21st, 2016. She read a history of his life including starting the Senior Lunch Program, and later the Meals on Wheels Program. He was instrumental in getting the Old School where the SJOA is located today, he served as the Director for 29 years. On June 4, 2003 the School was officially renamed the Kenneth W. James Building. She asked that everyone please join her in 15 seconds of Silent Meditation in memory of Kenneth James.

Commissioner Clark added that was well said and he was a great man. Mayor Pro-Tem Whitehead agreed he was, and he was known as Mr. T or C.

3. PLEDGE OF ALLEGIANCE

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

4. APPROVAL OF AGENDA

Mayor Green asked for item No. H.3 for the Resolution 14 16-17 for the Budget Adjustment to be pulled from the agenda and to note there was a typo under Item K.2 of the Executive Session to be changed from H.2 to H.8.

Mayor Pro-Tem Whitehead moved to approve the agenda pulling item H.3 Resolution 14 16/17 for the Budget Adjustment and correcting the Executive Session from H.2 to H.8. Commissioner Clark seconded the motion. Motion carried unanimously.

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

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

Ron Fenn addressed the Commission related to:

1) This is really a small matter but it's important in its effect on this city. At the last meeting we paraded out the Sanitation Department and handed out awards based on what Mayor Green said was a National Award. Well you were wrong Sir. This award was given to one of two nominees at a Regional Conference. It's not even an award listed on the SWANA Awards list. And the nomination was made by Mike Kreepo who was the head of the Engineering Firm that build our trash plant on our Water Well Field. The President of the New Mexico Roadrunner Chapter of SWANA is none other than one of the Directors of Gordon Environmental who is one of the sponsors of the organization. So in effect, it was based on their construction plan, their siting and everything of this trash plan. It had nothing whatsoever to do with the 10, 11, or 12 people that were standing there. Mr. Avelar at the time was just a worker, he had nothing to do with the project for which the award was made. And if anyone had checked, they would have found out you could just put this thing in a drawer somewhere instead of making a fanfare out of it and making a fool of the city. This is the kind of thing he finds unbelievable in a city with supposedly intelligent people running it, that no one checks the facts. They accept everything that looks good, and a little fluff piece that makes you all look good, and at the same time, you're making a fool of us. This is the worst Sanitation Department in the State of New Mexico. In its operations, its cost to the people, in what it doesn't do for the people any longer, thanks to Mr. Fuentes and you praise it. Think about it next time.

Sophia Peron addressed the Commission related to:

1) She has not been here since the meeting of the 27th when they spoke about the Office of the State Auditor citing us for four problem deals that were done without public input. Now today on KOBTV, they did a great story about us and now the Tourism Department can add that to earned advertising that's free. Another wonderful story about T or C and why we should move here. At the last meeting when we read the problem with the City's appraisal, they weren't appraisals of the property. They were values of leases. The Mayor took it upon himself to call the County Appraiser and asked him to devalue our public property by a Million Dollars. He argued that our Lee Belle Johnson center is worth less without the condemned Youth Center and without the

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brand new \$350,000 park. That devalues all of our property, our bonding, our net worth. This town does everything it can to ruin our property values, and everything else around them. Our properties, we have to walk away from or drive away from them when we go to Vista Memory Gardens. We have to give it back to the city because our City Building Inspector has 81 cases in three years. He is doing nothing, all of those cases are opened and not even resolved. She can tell you that the city stinks and shows for it. People are running away and no one is coming here. She was just up North, and if you don't start distributing our Tourism information, and all of this stuff you put out touting Sierra County and our city. You don't pay someone and not have Steve Green pulling it out of his trunk once in a while. Nobody knows about T or C. I was in Los Alamos, Taos, everywhere. Linda DeMarino walking around the Santa Fe Plaza handing out business cards, don't cut it. And we can see failed, failed, parties and junk that we are paying for like \$35,000/year to MainStreet. Start worrying about the State Auditor and giving away our property and lowering our property values till they're zero. Thanks a lot.

Linda DeMarino, MainStreet Truth or Consequences addressed the Commission related to:

1) Thanked the Commission for doing this job. She knows it's not always easy. But she appreciates the Commission and so does the MainStreet board.

2) They have been getting a great response on the Healing Waters Plaza. They have been working on the bricks and families, couples and people have been coming and enjoying it in the afternoon. She encouraged them if they have time to just come sit there and enjoy it. It's nice to see all of the hard work and money that has been put forth is really paying off. If you're interested in buying a brick, MainStreet has bricks on sale again. Order Forms will be at the Clerk's office and online at www.torcmainstreet.org

3) Upcoming Events. Halloween changes & Festivities. They are excited to announce the additions to this year's festivities. We'll have a bunch of family activities around the new Healing Waters Plaza, on Halloween night, October 31st starting at 5:00 p.m. there will be a costume contest, a pumpkin carving contest, pet costume contest, carnival games, and a Monster Mash Street Dance. Also a Shop with a Cop Fundraiser, BBQ around the Healing Waters Plaza. Trick or treating starts at 6:00 p.m. which will give families time to go home and eat and come with your kids. Haunted House fundraiser Friday, Saturday from 7:00 p.m. to 10:00 p.m., then on Monday from 6:00 p.m. to 9:00 p.m. at the Boys & Girls Club. They are excited about the changes that have been made this year and they are also looking for volunteers,

George Szigeti addressed the Commission related to:

1) We heard a lot about the leases the last couple of months. And yes, indeed, the city stepped on its toes and did not do an appraisal and decided to save the city a few bucks, and thus walked down the wrong path to do these leases. Now, let's say we had gone out and gotten the appraisals, and followed the ordinance procedure to do these leases, what would have changed? Would any of the Commissioners have changed their votes? Would it have affected the monetary value of these leases, at all? No, we'd be sitting right where we are now, the same leases, to the same people, under the same terms. Accept, we would have followed the procedure that would have been

approved by the State Auditor. Now there's talk about fraud and criminal actions and all of that, when all we had was a simple procedural error. In order for it to be any kind of criminal connection, you would have to prove that going by procedures the city took, actually made a difference. But it wouldn't have. None of the Commissioners would have done anything different, other than approve it by ordinance. So the whole thing is an ant hill that's been blown into a mountain.

D. RESPONSE TO PUBLIC COMMENTS

Commissioner Clark knows the MainStreet has taken over the Halloween project and she appreciates that. She has been part of the event for 17 years and having had Broadway closed off, being a business owner she knows how many people come through there. Last year there were 2,000 that went into her business. She had a meeting with Police Chief Alirez. She asked Police Chief Alirez to speak on the traffic issues and the plan they have in place. Her preference is to have the Sentinel put some notes into the paper that a lot of things have changed and to please ask parents to be particularly careful with their kids on Halloween Night. Police Chief Alirez announced they have a plan in place to slow down and mitigate some of the traffic and they will be out there in force to ensure the safety of our public.

Mayor Green responded to Ms. Peron, who indicated that he had the Assessor's Office change the value of the public's personal public property in this community. Ms. Peron is ill-informed. What he did do is when they got a letter from the state Auditor, in one of the buildings they talked about, was where we moved the Building Inspector and Manager Fuentes' office. The old Police Office on McAdoo St. It was valued at \$1.7 or \$1.5 million dollars. He just couldn't get his arms around those numbers. He knew it was not valued and worth that type of money. He spoke to Virginia Womack who's title is Appraiser #1. He said he thought these numbers were wrong and asked her to check them for him. And over the phone, she went on to the computer and she told me that number encompasses a lot of other lots and land the city owned. The true value of that building was \$169,000 and when the city moved into it and spent some money upgrading it, they revalued it at \$174,000. He would never ever put the citizen's property or the value of your property in jeopardy, just to win on an item. Just to say, I win, and you lose. That is not what he is about in his service to this community for 15 years. He resents an implication that is not built on fact but conjecture that is laid on his doorstep. He will take responsibility when he messes up because he is human. But he will not take responsibility on someone else's prefabrication.

Commissioner Clark said in his defense, she did some research on those properties and three properties were involved in one of the figures and there were eleven involved in the second figure. And she feels it's unfair for him to be challenged on something directly. Mayor Green appreciates that and it's the public's opportunity, and he respects that. But he doesn't respect misinformation.

E. PRESENTATIONS

1. Presentation of the Chief's Commendations to Dispatchers and Officers.
Lee Alirez, Police Chief

Chief Alirez made the presentation to Dispatchers: Curtis Cherry, Michelle Howard & Candy Torres. Unfortunately, Lakin Yaw and Kaylie Lundsford were not able to be here. He also presented Chief's Commendations to Officer Anthony Zagorski, State Police Officer Ray James, Sierra County Sheriff's Deputy Brandon Torres. Deputy Jose Manuel Marin could not be here today. The teamwork was proven from the three separate agencies on that day. On behalf of the Truth or Consequences Police Department he commends their professionalism and actions. He thanked them for their dedicated service.

F. CONSENT CALENDAR

1. City Commission Regular Minutes, October 11, 2016
2. Public Arts Advisory Board Minutes, August 15, 2016
3. First Quarter Subrecipient Reports, FY 2016/17 and Quarter Reports for TBA-BB for 2015/16 Extended Contract

Mayor Pro-Tem Whitehead moved to approve the consent calendar including the City Commission Regular Minutes for October 11, 2016; Public Arts Advisory Board Minutes, for August 15, 2016; and the First Quarter Subrecipient Reports, FY 2016/17 and Quarter Reports for TBA-BB for 2015/16 Extended Contract. Commissioner Hechler seconded the motion. Motion carried unanimously.

G. PUBLIC HEARINGS

2. Public Hearing: Final Adoption of Ordinance No. 674 2016/2017 change proposed by the Public Utility Advisory Board for Discounted Utility Rates for large businesses. Renee Cantin, City Clerk-Treasurer

City Clerk Cantin notified the Commission, the ordinance was brought to them on August 23rd and the Commission approved it for publication at the September 27th meeting. The ordinance was published on September 30th and we have met that deadline. To date, we have received no additional comments. We are here to answer any questions you may have for this public hearing.

Chairman Szigeti added this is meant to be a tool to attract new businesses and he hopes we have the opportunity to use it. We've gone over it several times and we feel it's a fair and equitable proposal. He will leave the rest in their hands.

With no further comments Mayor Green closed this portion of the public hearing.

H. ORDINANCES, RESOLUTION, & ZONING

1. Discussion/Action: Final Adoption of Ordinance No. 674 2016/2017 change proposed by the Public Utility Advisory Board for Discounted Utility Rates for large businesses. Renee Cantin, City Clerk-Treasurer

City Clerk Cantin let them know staff is recommending final adoption of this ordinance.

Commissioner Clark wanted to thank Mr. Szigeti and Mr. Dornbush from the PUAB Board in our audience today for your help in putting this together.

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Mayor Green said they have put together a list of 119 companies, they feel they can contact to consider coming to Truth or Consequences.

Commissioner Frankel moved to approve the Final Adoption of Ordinance No. 674 2016/2017 for Discounted Utility Rates for large businesses. Mayor Pro-Tem Whitehead seconded the motion. Roll call vote was taken by the Clerk. Motion carried unanimously.

2. Discussion/Action: Resolution No. 13 16/17 declaring nonessential surplus property. Renee Cantin, City Clerk-Treasurer

City Clerk Cantin said you have before you the next resolution for surplus property for the November 12th Auction. The publication has already been sent to meet the deadlines for this sale.

Mayor Pro-Tem Whitehead moved to approve Resolution No. 13 16/17 declaring nonessential surplus property to be auctioned on November 12, 2016. Commissioner Clark seconded the motion. Roll call vote was taken by the Clerk. Motion carried unanimously.

3. Discussion/Action: Resolution No. 14 16/17 Budget Adjustment. Melissa Torres, Finance Director

Item was removed from the agenda.

4. Discussion/Action: Resolution No. 15 16/17 finding the property at 1308 Tin St. to be a dangerous and unsafe structure and authorizing demolition. Robbie Travis, Building Inspector

Building Inspector Travis stated this property is at 1308 Tin and we have been dealing with it for years. We find the property to be a dangerous and unsafe structure. It has been vacant for many years and the owners have not been able to keep it up to code or maintained. The neighbors have been complaining about rodents and infestation for many years. We have sent many letters over the years with no response. They do sign the letters, but never respond or call or come in. He has tried to find their number through the utility company, their home number is disconnected. He hasn't been able to get a cell number. He did find one of the people on the title who works at a Utility Company in Elephant Butte, with no success. We have in the packet the letter of notice, mailing receipts, the Resolution, and pictures of the property. Staff recommends to approve this resolution. Hopefully within the time, we can get them to respond to get something moving. We have not been able to get their attention. He stands for any questions.

Mayor Pro-Tem Whitehead asked if we approve this today will the residents still have time to respond before we actually do anything to the property. Building Inspector Travis responded they will have ten days to respond. We will send the resolution to

them, and post it, and publish it. They have ten days from that point to come back to the Commission and give a reason why we should not condemn the property.

Commissioner Clark asked if they are current on their property taxes. Building Inspector Travis did not check that, but he believes they are because we receive a list and they are not on there. They own several properties in town and they pay the taxes on them, they just don't maintain them.

Commissioner Hechler asked if he reached out to any of the family members. He has contact information for one of them that may be related to provide another lead. He asked if Mr. Travis has reached out to anyone who may be relatives to the property. Building Inspector Travis said we only do what it on the property record at the county office. Every time they signed the letter that they did receive it. He did try to get ahold of a granddaughter who is handling it, to work with her and see what their intentions were with the property, but he has not been successful.

Mayor Green asked what we are talking about dollar wise if they don't respond after ten days. He assumes that triggers the next step in the process. What are we talking about that the city will have invested in this piece of property? Building Inspector Travis guessed it might be \$3,000-\$5,000 to demo the property. We might be able to go in and clean the property and leave it that way until we want to do something with it. But if we were to demolish it, he would say between \$3,000-\$5,000. Mayor Green asked if we seal it up would it help with the infestation problem. Building Inspector Travis said it might. We try to work with people and the last thing we want to do is take somebody's property or tear it down. But if we don't have any response, we have no other choice. Mayor Green asked if there is no response does this vote trigger the next step or will it come back to the Commission. Building Inspector Travis said our resolution is worded where it will give staff the authority to go ahead and proceed with it through the City Manager.

Mayor Green moved to approve Resolution No. 15 16/17 finding the property at 1308 Tin St. to be a dangerous and unsafe structure and authorizing demolition after a process of procedures are followed. Mayor Pro-Tem Whitehead seconded the motion.

Discussion was held: Commissioner Clark really appreciates how hard Building Inspector Travis tries to work with people, but Commissioner Hechler has put a question mark in her head that says there might be another contact. She would like to suggest Building Inspector Travis explore the other contact before we continue on a demolition process.

Roll call vote was taken by the Clerk. Motion failed by a vote of 1-4-0. Mayor Green, Mayor Pro-Tem Whitehead, Commissioner Clark, and Commissioner Frankel voted nay.

Mayor Green asked Building Inspector Travis to put this on the next agenda if there is not response from the other party.

I. NEW BUSINESS

1. Discussion/Action: Appointment of Juliet Sullivan and Bill Loomis as the two City Representatives to the SJOA Advisory Board. Renee Cantin, City Clerk-Treasurer

City Clerk Cantin notified the Commission we did receive word that John Wheeler has resigned from the SJOA Board a couple of months ago, we advertised that position and had no responses. They came to us at a previous meeting to let us know about another vacancy. We published again for the two vacancies and attached you have the two applications for the two positions. One of the applicants are here if you have any questions. She added because of the announcement made at a previous meeting, you can tell both applicants are well qualified and we recommend appointing them to fill these positions.

Mayor Green thanked Ms. Sullivan and Mr. Loomis for volunteering. We appreciate the energy, effort, and time that is devoted to volunteering and he is very comfortable with supporting their appointment. Ms. Sullivan thanked them for allowing her to be a part of it.

Sue Penner, SJOA Finance Director notified them this is not the Advisory Board, this is the SJOA Board of Directors, it is not an advisory board. That is a separate thing we have. They appoint those from within. And they approve of both applicants.

Mayor Pro-Tem Whitehead moved to approve the appointment of Juliet Sullivan and Bill Loomis as the two City Representatives to the SJOA Board of Directors. Commissioner Clark seconded the motion. Discussion was held: Commissioner Clark made a couple phone calls and her concern with a board is that they can work together one, and whether administration can work with them. Sue answered her question and SJOA is approving the appointment of these two and she approves. Commissioner Hechler has had favorable past experiences with both. **Motion carried unanimously.**

2. Discussion/Action: Animal Shelter Selection of ESA Construction Inc. Lee Alirez, Police Chief

Police Chief Alirez said this shelter has been in process for the last 18 months. From site location, architectural design, and engineering plans. Once the plans were adopted the tedious task of selecting a contractor began for the City of Truth or Consequences Animal Shelter. Three (3) C.E.S. registered General Contracting firms were selected and interviewed by Truth or Consequences City Staff along with NCA Architect(s). The three firms selected to interview for the project were; SmithCo Construction, Mick Rich Contractors Inc. and ESA Construction Inc. After careful consideration, the final selection was ESA Construction Inc. for their expertise in the construction of this type of project. He asked Dave Puritz to come forward to explain more of how this process took place. And to answer some questions as to why it was selected in this manner.

Mr. Puritz gave a little background on this project. We chose to go through ESA Construction rather than doing a hard bid on the project. And we did that because of the built in complexity of the project. We feel if we had bid it out and a questionably qualified contractor had been the low bidder on the project, then it could impose some problems too everyone in the process. CES prescreens contractors, through quite a lengthy process and it's a good way to know that the contractor you select, is a qualified contractor. We did hear from three contractors and we agreed that ESA Construction, Inc was probably the most qualified to do this project. Specifically because they just completed an Animal Shelter project. Our building is a pre-engineered metal building and the project they just completed was also a pre-engineered metal building. They seemed very responsive to our questions, and very easy to work with. Should we approve their selection today, they would start generating a cost for the project based on all of the subcontractors involved. They expressed interest in using as many local contractors as they can. And if the cost was above our budget, they would work with us to bring it within our budget. He believes we are not committed to go with this until they provide us a cost we are comfortable with. This is just to approve the contractor we will work with.

Commissioner Frankel said in the process of selecting a contractor, he is familiar with Smithco being a local company. He asked where the other two companies are from. Mr. Puritz responded both Mick Rich and ESA are from Albuquerque he believes. Commissioner Frankel asked if there was any consideration for local contractor's during the process. Mr. Puritz said that was an issue that did come up. He doesn't want to speak for the other people on the committee, but he thinks the fact that ESA had just completed virtually the same project, it's not like building an office building. We've got trench drains that have to be installed correctly and complexity with the dog runs and things like that which you might not ever do, if you do standard construction. That was an issue for sure in terms of local hiring.

Commissioner Hechler asked where this other facility was constructed and if the Chief has seen it. Mr. Pruitt responded he has not been to it, but they did include it in their packet they provided. It was in Dona Ana, he shared a copy of the picture that was in there packet.

Mayor Green asked if we had some past history with ESA. City Manager Juan Fuentes responded we used them for the Solid Waste Center. Mayor Green asked if the Dona Ana project came in on budget and if not, how many change orders, and how many dollars were they over.

Mr. Puritz responded there are two things that drive change orders. One is the set of construction drawings are not very good and you leave yourself open to unclear items they can say, they did not bid on. And the other piece is an unforeseen site conditions. Like when you run into Gypsum or some other kind of dirt. Working in the CES format that we've chosen to use, the contractor isn't hard bidding the project so we are going to work with them in this project. Typically if they bid a project and see that the case work isn't clearly identified, they might throw a low number at that casework and have to come back and ask for a change order. Here there is no casework to low bid anything.

They get the same amount of overhead and profit on everything whether there's a change order or not. He believes this will reduce the change orders on the project. We think we've done well with our plans and will do our very best to minimize them.

Mayor Green asked if he is the oversight for the job or the straw boss so to speak. Mr. Puritz responded yes they will go through each line item for costs with them and keep an eye out for savings. They will be involved during construction and coming down once a week depending on how often it's required. They are here for the long haul.

Commissioner Clark said we are looking at 4,749 square feet of that facility that was built for 24 animals for approximately \$818,000. She has a couple of questions about that. One is she's been banned from the animal shelter here because she adopts everything she sees. But with that being said she is trying to remember how many indoors and outdoors we have. If we are looking at the \$818,000, then what on top of that are we looking at. She is asking how many animals it will be built for and will it be the same size or if there are add-ons.

Police Chief Alirez said in comparison to Dona Ana, ours is going to be set up for 36 animals. We have maximized the use of space we have. Over the past 18 months, he can't tell you how many meetings we have had. Our total budget is \$465,000, we have \$451,000 in Capital Outlay monies so we are really close here. We've even gone to the size of our dog runs which are actually going to be larger than average. What has helped us is we had an existing structure. And we are making use of that so it can be something we are proud of. Our budget realistically is kind of the same but our needs assessment separated us as far as numbers. He has to give credit to the advisory committee who has really generated and pushed a lot of this along. We wouldn't have made it this far without all of their help.

Commissioner Clark asked how long he thinks we can have this done. Mr. Puritz responded it might be 4-8 weeks meeting with contractors and getting building permits and 3-4 months should be a realistic construction time of having it done. Commissioner Clark said that would be excellent because shipping these dogs off to Socorro can be a real problem. Police Chief Alirez said the reason for Socorro is to allow us to integrate to a system that already exists. It mirrors the culture and brand of our community. He reiterated the great involvement of the advisory committee.

Mayor Green thanked them and the Chief for the team he has surrounded himself with to get us to this point.

Commissioner Clark moved to approve ESA Construction Inc. for the Animal Shelter Project. Commissioner Frankel seconded the motion. Motion carried unanimously.

3. Discussion/Action: Regional Law Enforcement Complex. Lee Alirez, Police Chief

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Police Chief Alirez stated one of the tasks aside from the Animal Shelter Project was a location for a Regional Police Facility that will maximize resources and drive down costs for Public Safety in the area. A lot of meetings have taken place on this as well. We have a great building and we are very fortunate to be able to obtain that from the National Guard and it's really an icon in the community. He didn't know Mr. Tafoya but he feels he does because he's talked to so many people in this community and learned how that building played a part in so many lives. When we started looking at it, it was more than the PD could use. We started looking at how we could regionalize this. The State Police are interested in a portion of the building, as well as, SCRDA. This presentation is to affirm whether or not our City supports SCRDA being in a portion of this building. Part of this plan was presented to that board on October 12th which included a non-participant comparative cost for a stand-alone facility. Because there was some that said SCRDA needed to be a stand-alone facility. So plans were drawn up and there is plenty of room to make it a nice facility. SCRDA would move from their approximately 1,200 sq. ft. to a 2,228 sq. ft. facility at an approximate cost of \$354,000 as compared to \$1 million cost for a stand-alone facility. When we presented the plans there was a lot of excitement in the room and it was discussed at length. Each entity was asked to go back to their board for support of SCRDA being part of this project.

Mayor Green asked if Police Chief Alirez is asking the Commission to endorse the concept of moving forward with the Safety Complex and bringing SCRDA into the fold. Obviously, the Police Department would be a prime tenant there and continuing discussions with the New Mexico State Police. Police Chief Alirez confirmed this is correct.

Commissioner Clark is sorry the Sheriff's Department cannot be part of this too, but she thinks it would be awesome to have SCRDA and the City Police in the same complex. Police Chief Alirez said there is discussion on the Sheriff's Department being involved but he didn't want to put their name on something they are not fully committed to doing. Even at the last meeting they asked what kind of space would be available for them. There will be multiuse rooms to accommodate that. State Police were very interested because there will be sleeping quarters, showers, and locker rooms. So when they bring in State Police from outside areas for high volume weekends at the lake, they will have somewhere for the officer's to come.

Commissioner Clark asked if there is enough room to have storage for the things we have had to store at the current place or will we have to build something for that. Police Chief Alirez responded we have some small storage areas, but as far as the evidence is concerned, we are in the process of disposing of evidence that should have been disposed of 20 years ago. We had evidence as far back as 1984. Depending on the nature of the evidence, there's a different process for it. So they won't be taking all of that evidence to a new facility, but they are going to have the space to accommodate that much evidence should we acquire that partnership in the building.

Mayor Green asked the Chief, if there is a holding facility in the plans. Police Chief Alirez responded yes and he showed them where it's at on the plans. However, that will be changed. He presented the place where it should be moved.

Mayor Green asked about the cost savings from shipping them to Deming. Police Chief Alirez gave an example as to that issue and how if we did not have a holding facility, they would have to be transported to the Detention Center.

Mayor Green moved to approve endorsing the concept of a multiuse complex by different agencies and to authorize staff working with the Chief to take it to the next level and bring the information back to Commission. Mayor Pro-Tem Whitehead seconded the motion. Motion carried unanimously.

4. Discussion/Action: Request from Geronimo Springs Museum for a Letter of Support for a Grant Application through SCCOG to build scenic/nature trail on South slope of Water Tank Hill behind Museum and the use of City Property (lots) Streets to alleys for the life of the project. Geronimo Springs Museum

Mr. Ivan Padilla and Jeff Dornbush are asking for a letter of support for a Grant Application through SCCOG to build scenic/nature trail on South slope of Water Tank Hill behind Museum and the use of City Property (lots) Streets to alleys for the life of the project. No resources are required at this point. He had some pictures to pass around to the Commission.

Mayor Green asked if the nature trail will have signage or plants and what is the educational component they would like to talk about. Mr. Dornbush responded originally it was planned as a water fall in different temperate zones, and the group disbanded and donated the land to the museum. They are following through with a proposed nature trail up the side of Water Tank Hill. They are specifically looking at the native plants, lots of signage, benches, shelter, and a Handicapped toilet on top. Mayor Green is familiar with the TAP Grant because the city has one for the sidewalk where Apple Tree is connecting to Williamsburg. There is a match about 16% that can either be cash or in-kind. The total would be about \$157,000 and the match would be somewhere around the \$25,000-\$26,000. So if they were to ask you to have a certain portion of that in cash, would you have that money. Mr. Dornbush thinks they have money set aside for the grant writer, and possibly money for compensation to the city. He is not 100% sure on that. The grant writing process is ongoing and they have until November 8th to get the grant in.

Commissioner Clark was involved with that original project. She would love to see the hot water up on that trail. Does the city need to be compensated for giving access to use the property. She's not sure that's a requirement if we are just allowing egress on our property.

City Manager Fuentes responded we can research and ask Legal Counsel to see if there is a need for that. He believes that area has the Right-of-Ways even though the streets are not developed. Just like any other street, what they are proposing is from Point A to Point B through a Right-of-Way, as long as, the city maintains that, he doesn't

think it would require us to get compensation. We are not donating, not leasing, and they are not the exclusive users of that property. It would still be available to the public.

Commissioner Clark also asked about the well for the geothermal permit for the 3.2 acre feet, or something like that. Her understanding is it's on a timer because it's kind of a little faulty. Mr. Dornbush said that well is out of service at this time. Commissioner Clark continued, in this project, is there the ability in the grant to get another well built for that 3.2 acre feet. Mr. Dornbush responded the museum has banded putting a water fall because of the water issue up there and the cost. It's not a good use of water there to pump it up the hill to let it fall down and evaporate. They would just be asking for easements up Zia St. and Lincoln St up to Water Tank Hill, for the trail only.

Commissioner Hechler said this is just a letter of support which basically allows you to go after this grant. Once you do or don't get this grant, we will still have the chance to look at the parameters of this project and will be able to approve or disapprove. Or how does that part of it work? Mr. Dornbush responded he is not really clear on how to answer that question. They do hope the city will abandon those properties to the museum. They are just asking the city to allow them to trespass on the properties for the trails and the visitor's. If they do get the grant, it would be a public trail which means they would have to have access to it 24-7. Commissioner Hechler added he doesn't have a problem with approving the letter. He thinks it's appropriate to go after the grant. But he would like to see what the final outcome is going to be, to see what we are going to get. Or what the parameters of the project are going to be.

Mr. Dornbusch responded the grant is for the toilet at the top of the Hill, where the parking will be; graveling the parking facility; ¾ mile of the trail; a 40 ft. metal building with tables at the top; and there is a talk of an amphitheater but that is not included right now. Now they are just trying to get the grant for the trails and the facilities.

City Manager Fuentes said with some of these projects, they need a letter of support to apply. If they are successful in obtaining the grant they will be developing the extra plans of where the trail is going to go and how it's going to look. At that point we will need to solidify the agreement which will come back to the Commission with a more detailed plan, with a layout and design.

Mayor Green added once a grant application process is closed; the applicants will present before the Regional Planning Organization which is a subset of the SCCOG. And that board is made up of representatives from T or C; Williamsburg; Elephant Butte; and the County with NMDOT in attendance. And that board would recommend if any applicant should be funded and how much depending on how many applications there are. Then it would come back to the Commission for a vote.

Commissioner Clark moved to approve a letter of support. Mayor Pro-Tem Whitehead seconded the motion. Motion carried unanimously.

5. Discussion/Action: Quarterly Report for DFA. Melissa Torres, Finance Director

Finance Director Torres gave her presentation which will be included with the agenda packet. She asked them to please note that monthly and quarterly reports can help you to manage current operating and personnel budgets and with preparing future budgets. It can provide an early warning system to accounts that are running higher or lower than expected. Overall, she highlighted any budgets that are over the 25%. The overall budget is at 24.57% of the revenues. The area of Special Revenue is at the 41.53% which is due to receiving grant money. The Electric; Water; Wastewater; and Solid Waste are all over the 25% in revenues, because of us sending out billing and collecting billing revenue. We also started our Red Tags within this first quarter which made them come in and pay their bills. We have quite a few customers with six months to a year who haven't paid their bills. On the Expense side, all of the departments saw a 1% increase across the board on benefits. On the Joint Utilities, we had a miscellaneous where we paid our bank fees, credit card fees, and overdrafts of our ACH, so that goes hand in hand with collecting more revenue. We are also having to pay our NSF's or direct payments not being collected that come back returned. She reviewed each of the Enterprise funds and their Capital Projects that have been expended and the YTD Budget to Actual comparison on page one of the presentation.

Finance Director Torres continued with page two of the presentation on the General Fund Revenues. She wanted the Commission to take note of the Tax Receipts which have gone up due to our GRT Revenue for the Veterans Home construction; and the Federal Grant Loans fourth quarter revenue was received for this first quarter. She went on to the General Fund Breakdown page where she explained the Fire Protection fund increase; Recreation Fund; Corrections; LEPPF; Lodgers Tax; Mayor Pro-Tem Whitehead Collection Center; Streets; and Other. In the Capital Projects, we ordered the Law Enforcement Vehicles and once we receive the vehicles we will get invoiced and should receive the reimbursement for that.

She continued on the General Fund FY End Graph, the goal is for our revenue to go up and our expenditures to stay below the revenue. As you can see we are starting to climb that ladder in the right direction. Even looking at past fiscal years you can see where our expenditures are a bit significant of that. She went on to slide 6 for the Revenues our revenues are slightly up and that's just a majority of collecting on Joint Utilities and receiving our grant monies. On Slide 7, our Revenues have been expended, however, we have not received reimbursements. Some of the major things we have going on is our TAP Grant, which is our ADA Streets Improvements, our vehicles for USDA and the Loader. Slide 8 give you an overall percentage of our Enterprise Expenditures. One of the major things our departments are seeing are over that 25% threshold is because of the Personnel Services which includes the New Mexico Self Insurers and Benefits. That's what's causing a lot of departments to go over that 25%. On page 9 with the Expenditures graph, she called attention to the Electric because of their capital projects. Once their items were approved, they went with it and purchased in July. Ordering of the Boom Truck, the Metal Roof, and the Metal Building, which are the major factors. Finance Director Torres went on with page 10 of the Expenditures where you can see the Capital Projects are a major factor also. And the last page is an overall itemized schedule of our first quarter of the GRT collections.

Mayor Green asked about credit card fees. He asked if it would benefit the city to look into new rates for credit card fees. Finance Director Torres believes that as we do and continue to do our in-house billing, it will even itself out. With the in-house billing and the red tags, we had many people coming in to ensure their utilities wouldn't get turned off. That's why you see the jump in utilities. We also incorporated on-line pay. But with that said, when they pay online, there is a \$1.25 charge to that bill. Once things start to balance out, we can make that determination if we are losing out with the credit card fees.

Commissioner Clark asked Mayor Pro-Tem Whitehead if the County started adding a service fee to use a credit card. Mayor Pro-Tem Whitehead wondered if the consumer doesn't absorb the credit card fee instead of the City. That's what the county did with the taxes; the county didn't pay that fee. Commissioner Clark said the possibility is to look at the payment at some point to tack it on to the top. Mayor Green said that's what he was wondering because he just got the tax bill from the county and they have a toll free number that you can pay with a credit card over the phone or online. He just wondered how much business the city is doing with credit cards. If we are paying \$100 a month, it may not be worth staff's time. But if it's a fairly substantial amount it would be worth looking into.

Finance Director Torres said we are definitely going to look into it as soon as we start balancing out. We are looking at Administrative Fees just like Mayor Pro-Tem Whitehead said. We spend a lot of time collecting payments on the phone or payments that are done online. So we are looking at that to see if we need to put administrative fees because of that.

Commissioner Hechler would like to get an update on how the Utility Office is functioning now. How are the interactions with the public and the general consensus of the public who have been in arrears or behind in their bills? And just the overall feeling we get now from the Utility Office? That was a major issue when he first became a Commissioner and he would like to see where we are.

City Manager Fuentes interjected saying that he would ask that we reserve that question for another time.

Mayor Pro-Tem Whitehead moved to approve the quarterly report for DFA. Commissioner Clark seconded the motion. Motion carried unanimously.

6. Discussion/Action: Authorization to participate in the 2017 Legislative Authorization for a Public Project Revolving Fund Loan from the New Mexico Finance Authority. Juan Fuentes, City Manager

City Manager Fuentes said several years ago, the city submitted a letter of interest to the New Mexico Finance Authority to participate in the Public Project Revolving Loan fund. All of the entities are eligible to participate in this. This automatically commit us to any type of loan. This is just giving us the opportunity to use this funding source as the

means to finance some of our projects. For example, whether it's the Law Enforcement Project, or any other project that we might have. He has been advised that our Authorization will be set to expire by the end of 2016, and they are inviting us to again submit a letter of interest to participate. If authorized, we will be one of the entities that will be presented at the next Legislative Session to be able to participate in that program for the next couple of years. Staff recommends approval to participate and should an opportunity arise for the funding, it will have to come back to the Commission for approval.

Commissioner Clark asked what the interest rate is. City Manager Fuentes responded he doesn't have that at this time. It varies depending on when we submit the application for funding. He believes it's less than 35. Commissioner Clark asked if this is available to us if we have an emergency, for example, we can get a loan from this fund without having to find money someplace else. City Manager Juan Fuentes confirmed that is correct. It is a funding option for some of our projects. The process is usually quicker when you deal with NMFA to provide the revenue if we need it.

Mayor Pro-Tem Whitehead moved to approve Authorization to participate in the 2017 Legislative Authorization for a Public Project Revolving Fund Loan from the New Mexico Finance Authority. Commissioner Clark seconded the motion. Motion carried unanimously.

J. REPORTS

a. City Manager

He announced he, Finance Director Torres, Electric Department Director Easley, Christina Bruch, and Traci Burnette will be attending the New Mexico Infrastructure Conference in Ruidoso this week. This will give us an opportunity to visit with some funding agencies to see what is available out there.

b. City Commission

Mayor Green thanked Police Chief Alirez for being here for the French Film Crew. They spoke so highly of the Chief and Captain Morgan. Their Team effort is appreciated.

He reminded everyone of the car show at the Veterans Home on November 5th. There will be a dance at Grapes Gallery from 6-9 for people in our community who can come and have a good time.

He read an email he received from Foe Trent Dog Shows about the dog show related to Bob Hupp and Hoss Baste who were extremely helpful. "Of all of the cities he has visited he hasn't seen such helpful people in many of them." He also read a note from Bob Hupp about his involvement which included assisting the Gentleman with his computer.

K. EXECUTIVE SESSION

CITY COMMISSION OCTOBER 25, 2016 REGULAR MEETING MINUTES

1. Limited Personnel Matters - Employee Grievance Hearing, Pursuant to NMSA 1978, 10-15-1(H.2)
2. Sale, Disposal, or Acquisition of Real Property (Ashbaugh Property), Pursuant to NMSA 1978, 10-15-1(H.8)

Mayor Pro-Tem Whitehead moved to approve going into Executive Session at 11:00 a.m. to discuss Limited Personnel Matters (Employee Grievance Hearing) pursuant to NMSA 1978, 10-15-1 (H)(2) and Sale, Disposal, or Acquisition of Real Property (Ashbaugh Property) pursuant to NMSA 1978, 10-15-1 (H.8). Commissioner Hechler seconded the motion. Roll call vote was taken by the Clerk. Motion carried unanimously.

Mayor Green stated that the Commission was now in Open Session at 1:49 p.m.

Mayor Pro-Tem Whitehead certified that only matters pertaining to Limited Personnel Matters (Employee Grievance Hearing) pursuant to NMSA 1978, 10-15-1 (H)(2) was discussed in Executive Session and no action was taken.

Commissioner Hechler moved to support the decision of the city manager to demote Mrs. Jankowski, however we recognize procedural errors were made by the city. Mrs. Jankowski is to be compensated the difference between her present and previous Manager's pay which is \$3.40 per hour starting May 24th to Present day salary minus the time she was on FMLA. Commissioner Frankel seconded the motion. Roll call vote was taken by the Clerk. Motion carried unanimously.

Mrs. Jankowski was unclear of the outcome and asked for clarification. Mayor Green notified her she would be compensated the difference between her present and previous Manager's pay minus the time she was on FMLA. It was asked how the appeal process would be handled.

Mr. Fitch stated under the law and the rules of Civic Procedure of the District Courts of New Mexico, Rule 1-074 and 1-075 provide for the Right of Appeal for an Administrative Personnel Matter like this one would go to District Court.

Commissioner Hechler requested to offer some clarity to Mrs. Jankowski saying one of the things they discussed was if procedures were followed correctly, and we were able to hear her grievance within that 30 day period, they would have come to the same conclusion at that time. The problem is there was a procedural error that they did not hear her on time, but it did not change the facts of the situation. Therefore, they felt she should be compensated for that timeframe that they were in error to the extent that they said so in their documents here. That is the reason they came to the conclusion, they came with. If that makes it any clearer for her. Mrs. Jankowski responded, "somewhat".

Attorney Fitch suggested he prepare and issue the appellate rights to Mrs. Jankowski, so we are clear not only about the time frame but the method of appeal.

Commissioner Clark believes we have them in our Ordinances too in the policy. Mayor Green thanked them and added we have one more item to go back into Executive Session to deal with.

Commissioner Clark moved to approve going back into Executive Session at 1:56 p.m. to discuss K.2 Sale, Disposal, or Acquisition of Real Property (Ashbaugh Property) pursuant to NMSA 1978, 10-15-1 (H.8). Commissioner Frankel seconded the motion. Roll call vote was taken by the Clerk. Motion carried unanimously.

Mayor Pro-Tem Whitehead certified that only matters pertaining to Sale, Disposal, or Acquisition of Real Property (Ashbaugh Property) pursuant to NMSA 1978, 10-15-1 (H.8) was discussed in Executive Session and no action was taken.

Commissioner Clark moved to approve to thank Mr. Ashbaugh for his very generous offer but we have looked that property and we have potential plans for and as of right now we are not ready to make the trade. Mayor Pro-Tem Whitehead seconded the motion. Motion carried by a vote of 4-0-1. Commissioner Hechler abstained from the vote.

3. ADJOURNMENT

The meeting was adjourned at 2:06 p.m.

Passed and Approved this 15th day of November, 2016.



Steven Green, Mayor





Renee L. Cantin, CMC, City Clerk-Treasurer