

CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
CITY COMMISSION CHAMBERS, 405 W. 3RD St.
WEDNESDAY, JUNE 28TH, 2017

A. CALL TO ORDER

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

B. INTRODUCTION

1. ROLL CALL

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

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

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

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

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

2. SILENT MEDITATION

Mayor Green called for fifteen seconds of Silent Meditation.

3. PLEDGE OF ALLEGIANCE

Mayor Green led the Pledge of Allegiance.

4. APPROVAL OF AGENDA

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

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

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

Diane Lombardo, Silver Street addressed the Commission related to:

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

Jason Lanning, 702 Locust addressed the Commission related to:

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

Mrs. Lanning addressed the Commission related to:

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

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

Ron Pacourek addressed the Commission related to:

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

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

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

D. RESPONSE TO PUBLIC COMMENTS

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

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

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

E. PRESENTATIONS

1. Presentation of Medal, Award of Excellence to Officer Blacklock for his service to the City of Truth or Consequences. Lee Alirez, Police Chief

Police Chief Alirez asked this item to be removed from the agenda.

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

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

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

F. CONSENT CALENDAR

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

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

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

G. ORDINANCES, RESOLUTION, & ZONING

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

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

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

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

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

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

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

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

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

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

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

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

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

H. UNFINISHED BUSINESS

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

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

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

I. NEW BUSINESS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

J. REPORTS

a. City Manager

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

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

b. City Attorney

None.

c. City Commission

Mayor Pro-Tem Whitehead wished everyone a safe and Happy 4th of July.

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

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

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

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

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

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

K. ADJOURNMENT

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

Passed and Approved this 26th day of July, 2017.


Steven Green, Mayor



ATTEST:


Renee L. Cantin, CMC, City Clerk