

CITY COMMISSION MEETING MINUTES  
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO  
CITY COMMISSION CHAMBERS, 405 W. 3<sup>RD</sup> St.  
WEDNESDAY, AUGUST 23<sup>RD</sup>, 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 (by telephone)  
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 called for fifteen seconds of Silent Meditation and asked us to keep our past Clerk Judy Harris and her family in our thoughts and prayers for the loss of her husband Doug this week.

**3. PLEDGE OF ALLEGIANCE**

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

**4. APPROVAL OF AGENDA**

Mayor Pro-Tem Whitehead moved to approve the agenda. Commissioner Frankel 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.

Commissioners have received emails from those who could not be in attendance and they asked them to be read as a part of the public record. Commissioner Hechler added as a matter of procedure, he has reviewed all of the comments and they are well under three minutes, so he will not be timing them.

Anna Lehnert email, read by Mayor Pro-Tem Whitehead related to:

1) Explosions at the Gun Range. Her name is Anna Lehnert, a home-owner on Yucca St. She would like to voice her objection to the explosions at the Gun Range. These events are well beyond the intended use of the Gun Range and are becoming bigger and more frequent. She thinks they should be prohibited. If they are to continue, the city needs to accept the responsibility of the proximity to the Interstate Highway, where unsuspecting drivers are traveling at 75 mph. She thanked them for their consideration.

An Anonymous Concerned Citizen message read by Commissioner Hechler related to:

1) Explosions at the Gun Range. She is all about people exercising their Constitutional rights to blow stuff up and shoot giant guns, but it seems to her that there might be a better place to do that within city limits. She realizes that Impact Ministries and the local LEO's did what they did legally, and gave notice, but it sounded like WW 3 out there. The veterans at the Vet's Center probably did not have a very good day; her pets were terrified; and it seems excessive, as well as dangerous, to use tannerite within city limits. After just very minimal and limited research on tannerite she would question the use of it so close to ANY population. She also realizes that notices about when and where the explosive celebration was going to take place were supposedly posted in three Facebook groups, yet, most of the population here is older. Many of them don't even use Facebook. She is on Facebook a lot of the time, and even she didn't see anything posted beforehand. She had to go to one page to ask about the explosions. She doesn't live far from the Shooting Range, so it was concerning to hear what sounded like cannons being fired. People were commented that they could hear it at the Lake. One resident had her window shatter, and another, who is also a veteran, said it shook him up and his dog as well. This also happened at a time when U.S. tensions are running high, right after a Nazi rally turned violent, and the country is more divided and scared than it has been in a long time. She would never suggest that such a fine, godly church such as Impact Ministries, not be allowed to blow stuff up. However, perhaps they could take the explosives out of city limits, into the vast area of unpopulated land that literally surrounds us for miles in every direction? Or at the very least, they should not just post warning on Facebook, but also in the paper with enough notice, and maybe on the radio? Perhaps they should directly inform the Veterans Center, and the local animal groups, and businesses, so that people who do not belong to the church and those specific Facebook groups can also have notice?

Shirley Corrons read by Mayor Green related to:

1) Explosions at the Gun Range. She was on affect by the loud booms from the tannerite. Her windows rattled. Fortunately none broke. I am on Yucca Street. It also was loud over on Simpson and Nickel. I had to go put my daughter's dog in the house because he was freaking out. This same things happened about a year ago by the same people. She would like something to be done to prevent this happening in the future.

Susan Moore read by Mayor Green related to:

1) Explosions at the Gun Range. First she wanted to say that she knew the Gun Range was located near her house when they moved here and she has no problem with that. What she does have a problem with is the use of tannerite, an explosive. During the recent use of tannerite at the Gun Range by Impact Ministry, shocks and noise were felt/heard at the Veterans home, by the river and on the other side of town. People and animals were adversely affected. Someone's windows were broken. There were some complains from people, especially veterans, who are afflicted with PTSD. Her whole house shook and her animals were terrified. Her first thought was it was an earthquake. She understands the sport of shooting guns, but doesn't understand the idea of explosives at all. He thinks tannerite needs to be banned from the Gun Range. Tannerite's own website discourages using an around neighborhoods or towns. If blowing things up, specifically targets, is needed by the church, the Police and others, please find a place away from other people and town to do it. Everyone shouldn't have to suffer for the needs or wants of a few.

Destiny Mitchell, 815 Kopra read by Commissioner Frankel related to:

1) Explosions at the Gun Range. First, the window-rattling, animal-freaking, PTSD-inspiring, actions of Impact Ministries, which took place a few weekends ago sincerely made quite an impact on many community member in close proximity to the shooting range on North Kopra. However, it was also felt in downtown T or C and all the way out on east Third. She is all for the celebration of ones faith, however many people felt uncomfortable and uninformed about their practices. Her suggestion would be to maybe move them out to say the gun range, or maybe somewhere out towards Engle or the Spaceport, instead of in T or C's backyard. Should their rituals be allowed to continue, it would be nice if notice was given, specifically to the neighboring residents, possibly with complementary noise deafening ear mugs, so that people are at least adequately prepared.

2) Renovation of Pool Cover and a new pool. Second, she will suffice ot say that we have spent well over a million dollars in the past 10 years with renovation, upkeep, and the pool cover to ensure the pool is open all year around, as was the residents desires. She knows several years ago there was talk about partnership with the schools to build a new pool. She is not sure where the Commission stands on that issue but it seems a waste to her, to go that route, which indeed would take many many more years and lots more money, when the only thing holding our current pool from lasting another 20 years, is a pool resurface, to the tune of about \$70,000 based on previous quotes. Every year the state inspector requests a resurface, and many people feel it would be in the best interest of the City to fix our old pool instead of abandoning it in pursuit of a new and improved one in the future. It is analogous to buying a new car, if you never rotate the tires or change

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the oil or maintain it, you'll be buying a new one sooner rather than later whether you want to or not. Thank you for your time.

Susan Brandt, Cobblestone addressed the Commission related to:

1) She wanted to take time to thank everyone for their support, they had their first Triathlon. It was a hit and a success. Everyone had a great time and they got it done which was the greatest thing. She had five cases of butterflies she was willing to share the week before. The City Clerk's Office, the Parks Department and Don with the overall Supervisor were all great. The only problem, even though they did meet with the Police Chief on Monday, was they did not have any Police coverage for that. Even though there were Officer's at the Police Station, they pointed down to the area and then got in their vehicles and left. The person who saw them do this couldn't be here to support her today because she had surgery yesterday. The weather was down pouring at 3:30 at Sonic, they called everyone to help get the barricades up. But people did not stop, they would slow down and go around the barricades, but it creates a hazard. She did have a \$1 million insurance policy that protected her and the city was listed as a secondary insured as required. So the city was protected, but she hopes it is something that's looked into because next years triathlon will be August 11<sup>th</sup>. They already have businesses from outside of the market that are volunteering to be sponsors for the event, so it's going to be even bigger and better next year. They already have everyone who completed this year, signed up for next year, and already have 15 people who have showed interest in competing next year. And the last thing she has, is she wants to give notice that she will be talking to the city between now and the 15<sup>th</sup> of next month because the Cobblestone will, once again, be having their Pie in the Face fundraiser at the County Fair. Thank you for your time and you all have a nice day!

Debbie Jo Pipkins, 2335 S. Broadway at Winter Haven Trailer Park addressed the Commission related to:

1) They are having issues at the Trailer Park and nothing is getting done. We need to get something done because all of the people are moving out because they got evicted because they complained about the trailer next to them. It was supposed to be moved 15 feet from their trailer and in the back of it, it's 11 feet. Nothing's being done with it. She's talked with the CEO, he told them they could have the trailer there, and it's illegal. They're not even from here, they're from Albuquerque and are here to make a buck. They don't care what happens to people who live here. She also got evicted just because they are here and just put a \$5,000 ramp on her trailer.

Isaac Eastfolde, 301 Silver addressed the Commission related to:

1) Moving from Albuquerque and is very happy to be here. He explained the property they purchased. In the time they've been here, they've identified 41 species of birds on the property which is a very good indicator of the very healthy Chihuahuan Desert ecosystem. And just in short walks they have found fossils, archeological sites, three different types of geologically significant eluvian. Three desert willow wash and one species of cactus coripanthus which is rare to Sierra County and usually only found south of the border. As the Commission may know they live right across from the school. And those children need to know where they live in the desert, and the rich ecosystems that

exist here and the processes around them. It's an ideal opportunity to create an education preserves for the school and for the community. Some of you may be familiar with the Sonoran Desert in Tucson. He thinks there's a potential for something like that here. The Chihuahuan Desert is a treasure as are the Healing Waters, but perhaps unrecognized treasure. We're concerned when we hear about impacts that don't belong in the city limits taken out into the open desert. Well the open desert is a great resource too and needs to be looked upon that way, and they would like to work with the city and any interested groups to see what can be done on that. The land a private ownership and the land would have to be purchased, so there would be a fundraising issue. The time they lived in Albuquerque, they managed to lead the effort for the 7200 acre Petroglyph National Monument. The President gave him one of two pens they used to sign the bill. And when they lived in California, they led the effort to trade a 1,500 acre City Wilderness Park which was the second largest in California. Mayor Green thanked him for his time.

Sharon Eastfolde addressed the Commission related to:

1) Seconded her husband's opinions about the Chihuahuan Desert. It's one of the reasons they moved here was this beautiful vast expanse of open space and wilderness surrounding our home. The other thing she is interested in is the pool. She swims and has arthritis and swimming as we get older is one of the best forms of exercise. She understands the average population here is 55 or older so keeping facilities open like that are crucial to the aging population. So whatever it takes to keep the pool open, she supports that.

2) They live by the hospital and noticed not a single person who drives there follows the Speed Limit sign. Now they have these multi ton trucks delivering dirt through the school zone. You have trucks and parent traffic and she thinks it's something waiting to happen. They call the curve down Silver Deadman's curve, it's a blind curve and a potential hazard. The other thing is there are no sidewalks for children or elderly people. One gentleman in his motorized wheel chair comes up and down the street to the hospital and he had an umbrella yesterday, but her hearts in her throat when she sees him with all of this traffic going around. She would hope when they look at the streets and pothole issues, that they would consider sidewalks that help people get to those schools and facility in that area.

3) She would hope they will look at the value Truth or Consequences has in open spaces around here. As you look to relocate loud explosion things, please don't consider the desert as a dumping ground. It's a beautiful delicate environment that is worth investigating and teaching your children about.

Ron Fenn, 316 N. Foch addressed the Commission related to:

1) Thanked Mr. Frankel for his response to his comment last week. However, it was not directed at him, he is doing exactly what he would expect him to do, pay his own way. This was directed at those who are taking money from his fellow citizens and him for their own personal use. That needs to stop.

2) Secondly, he wants to talk about G.1 the discussion of funding mechanism for streets and potholes. Mr. Green, he's done a little checking and it seems that in the last ten years of his tenure, the city has spent \$8.2 million for the Street Department. He would like to know how much street work that entailed. It seems to him a big figure for pothole repair.

3) One of the problems is we have an elephant in our midst that needs to be dealt with. How do you eat an elephant with a spoon? It takes a lot of planning, thought, and consideration and can be done. But this community doesn't have any concept of well lets see, we do some preservation, and we do some storage and pickling and trying, we can have food from the future from that elephant. Instead we look at it until it decays then we have to dig a hole and bury it. Our management of this city is such elephant with a loan application in one hand and a begging bowl in the other. And that's supposed to resolve the problem. That is not going to resolve the problems in this community. Critical thinking, some long range planning, and some action. Not at the cost of borrowing that money and paying a premium for that money. The money we are proposing to spend on the Police Station for instance is about \$20,000-\$30,000. Why not put that toward Water or Sewer line replacement or Utility replacement. Oh we want to do the whole thing at once, that's not logical thinking. Because what happens if you do it all at once, in thirty years you do it all again.

Klaus Wittern, 618 Charles addressed the Commission related to:

1) He would like to address H.3, he believes the title of what is being attempted is misdirected. He thought that was in regard to the Impact Fees and now it's PUAB and those are two different boards. More importantly should that not be applicable to all boards. There is such an attempt to basically restrict and when it goes to the public hearing you will hear from him again. People who have a conflict of interest may very well have elements that can be discussed and should be discussed for the benefit of the public and should not be discarded. He certainly agrees if there's a true conflict the individual should not vote on that subject, but the discussion is in the public's interest and that need to be delineated from that ordinance.

Randall Lawson, 701 Poplar St. addressed the Commission related to:

1) At 700 Locust Street, you've got an idiot who would not pay his \$4,000 Utility Bill, and runs his generator 24 hours a damn day. He has trash piled up in the yard. He can't have water so he doesn't know what they use for toilet facilities. If he is in the house, he can't hear a thing, but he can't enjoy the outdoors. That's why he is here in T or C, he's here for the peace and quiet. Not listening to some generator going 24 hours a day. He doesn't know if we are doing anything about that, but something better be done soon.

2) That's not the only problem. One half block away at 613 Locust there's a doublewide trailer that's been used as a rental property and has been boarded up for six months. He went down there when they first moved out and talked to Code Enforcement who said they have two months to clean it up. But the people who own it gave it back to the bank. He doesn't care who has it, you've got two months, you clean it up. Well it was cleaned up and all of the windows are still boarded up to this day. Now, he has to go to the Police Department to make a complaint which he heard nothing about that.

2) His last and final statement is the Pool. It looks as if the money for resurfacing has disappeared. He added, "Either this thing gets done, and if Mr. Fuentes will remember, Mr. Lawson told him, he could be his biggest supporter or he could be his worst nightmare. If this pool closes, believe him, he promises, he will be all of your worst nightmare. Thank you very much. He appreciates it."

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Beverly Turflote, 170 Juniper addressed the Commission related to:

1) It's such a delight to be before you again. And she can guarantee it will pretty much always be about Parks & Recreation because she believes it's such a critical asset to any community. For a variety of reasons, health, lowering crime rates, and a number of things. She swims at the pool, three to five times a week. Actually, if she had to choose between the Tennis Courts and the Swimming Pool, she might actually choose the swimming pool. She has a few statistics. Drowning is the second leading cause of death in children under 17; and lower income children are at twice the rate of drowning. And we obviously live in a community that has a lot of lower income families and children. It's critical to have a pool and teach adults and children how to swim. The first idea of public recreation was established in the Sand Gardens in Boston in 1885; the first playgrounds in 1906; and the WPA between 1930-1940 began establishing the importance of pools in cities and rural areas. This establishes a precedence of what a gem it is to communities. As was said before, we live in a community who have a lot of seniors who are unable to do any other type of recreation. She knows of three people who sold their home and moved out of the community last time it was closed. She also did some research on how it impacts realty sales and prices, as far as, community services, pools are at the top of the list.

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

1) Dog Park project. She read the Petsafe Grant award letter for \$10,000. This is a result of the very beginning of PALS. She thanked everyone in the community, the city and Chief for listening to her and for their support and the Recreation. They requested a new timeline action plan which she just submitted and thanked everyone for their support, the Recreation Department, the Parks & Recreation Advisory Board, and Linda DeMarino for helping her make her application a soft and great application.

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

1) She is here to speak on behalf of the city Swimming Pool. She read a note from Alice Hutchkins, 408 N. Magnolia from the aerobics league about the use of the pool. When she moved here about a year ago, the city pool was the first area of connection. It was open early in the morning, there were different classes to choose from and was inexpensive. She quickly made it a daily part of her routine and made many lasting friends there. She had also just gone through extensive knee surgery a few months before and the water therapy made a huge difference in her recovery. Over the last year, she realize her experience was not unique. Patients at the pool call each other by name, making room for each other as they do laps or strengthening for exercises in the deep end. Many people there are only able to do exercises in the pool due to physical limitations. It's fun to go in the afternoon to see the children relaxing and cooling off. The Pool Managers have done a great and good job in offering reduced price days for seniors. It saddens her to hear of all of the controversy over the management and controversy at the pool. She felt very discouraged when a new Pool Manager was not hired after Destiny Mitchel left. A valuable resource like the city pool needs the commitment of city leaders for its maintenance and funding. It is unique quality of life assets that enhances the life of our most valuable citizens, the elderly and the children and the infirmed. She encouraged them to find the money to man the pool and the wherewithal to make the Manager a priority. She for one, will make an effort to continually use the pool and support the

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Friends of the Pool in any way possible. And hoping her willingness to do so will be an encouragement for others to do the same.

2) Ms. Lawson also wanted to say she totally agrees with her, there are so many older people who need the pool. And she hopes they will find the money to resurface or whatever they can do to pass inspection.

Susie Buehler, 303 Main in Lower Cuchillo Creek23 Pistachio Dr. addressed the Commission related to:

1) She did experience the explosions out where she is and it made her horses run around and it was frightening.

2) She wanted to throw in a big pitch for the Pool it is a gem, as Beverly stated. She has met so many people there who have come to our hotels and have come to swim at our pool. And we need to keep that pool, she implores them. She didn't properly address them and did so now and she thanked the Commission and asked them to please keep our pool.

3) She had one other thing to say and will at another time.

Linda DeMarino, 618 Lincoln addressed the Commission related to:

1) She said two things come to mind. It's really kind of a tie-in with the potholes and the pool. She read last week in the newspaper we just mailed out 40 relocation packets to Virgin Galactic. They will need places to live and we have to have a place that has the amenities they are looking for and we have to have our best foot forward. Because if they're coming to town we need to have fitness options in town and it would be a huge detriment not to have the pool. We need to tie those things in and we need to have our act together if we are looking at attracting people.

Cathy Rosinquist, 811 E. 5<sup>th</sup> Avenue addressed the Commission related to:

1) She has lived here two years before she bought her house here. She lived in the Michigan area and Chicago area half of her life in each place. When she came here, it was a very spiritual feeling when she first came here. Then she started thinking about buying a house here and she did her homework, the prices and taxes are low. One of the biggest reasons she bought here is because they have a pool larger than an Olympic pool. This community is very much a place for tourists to come and use the Hot Springs and the pool, and to increase the value of the town itself. It would such a big mistake not to take care of the pool. We need that pool very much. We need it for the Senior Citizens, for the children in the summertime, who wouldn't have anything if they didn't have those two free days a month. Please resurface it or do anything you can to fix it up. If not, she's afraid we will have a lot of people sell their homes. And these are people you want here.

Police Chief Alirez addressed the Commission related to:

1) He wanted to address one and say they are aware of the home that Mr. Lawson mentioned. One of the problems they face in the Code Enforcement is a lot of the homes are rentals and the owners don't live here. Mayor Green interrupted asking for order in the room because some audience members were talking. Police Chief Alirez continued they have reached out to the owners. He gave Mr. Lawson his card and asked him to please come see him so he can bring him up to speed on the properties he mentioned.



Melanie Anderson, new Tourism & Event Coordinator for T or C introduced herself to the Commission.

1) She is looking forward to working with the City and the People and Citizens of T or C to promote it. Her background is marketing and advertising and she also owns a resort currently in Wisconsin so she has a tourism background. She came to T or C as a snowbird, but she also enjoys the pool as well. So she also believes in the pool. She just wanted to introduce herself and let them know who she is.

#### **D. RESPONSE TO PUBLIC COMMENTS**

City Manager Fuentes wants to respond specifically in regards to the pool. It seems there may be some misinformation out there about the pool. There has been no discussion about closing the pool. Over the last months and weeks, he used to receive calls about the operation of the pool and now, he's not receiving those calls and is hoping things are getting better. He wanted to address Mr. Lawson about the money, there was never any money specifically allocated for the resurfacing. There was talk about what it would cost and if it will make it on the budget and it has not. He has not heard anything from the state. As far as he knows, the pool is operating the way it should be operating, there is no information from the state, so things are moving along. There has been no discussion or intent to close the pool or doing anything else. The project they referenced about the pool, there was an original feasibility study but that didn't go anywhere. The school is moving forward with its fitness center but the city is not doing anything in regards to a pool. It still stays where it is with the funding that is available. He invited the public that part of the process for the ICIP is to identify projects the community has a high interest in, as well as staff and the Commissioners. Over the last couple of years, the infrastructure has been at the top of the list. That's why they have been pushing with funding agencies. It's also why the Mayor put the potholes on the agenda. We understand the pool is important, but it's a quality of life project and we need to look at other things that need to be done also.

Mayor Green welcomed Ms. Anderson. Her success will be our success. He announced great job to Carole & Linda on the grant. Welcomed Mr. & Mrs. Eastfolde, before they moved to town, he and his wife lived on the Bosque de Apace Wildlife Refuge, he let them know they can get his contact information at City Hall or in the phone book. He would love to talk to them and let him know they do birding events down here during the festival of the cranes. He was a board member for ten years when he lived on the refuge. He loves their enthusiasm and welcomed them to the town. He does support City Manager Fuentes's position and was amazed that he did not see one email about issues at the pool. He doesn't have the authority to speak for his fellow Commissioner's, but for him personally, that pool is an asset that keeps people here and attracts people to our community. You cannot turn a profit on everything that you do, but if you don't do it, you will lose population. He would appreciate them staying here for the ICIP where they prioritize what they envision as the needs of the community.

**E. CONSENT CALENDAR**

1. City Commission Regular Minutes, July 26, 2017
2. City Commission/PUAB Joint Workshop Minutes, June 28, 2017

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

Mayor Green mentioned he asked Commissioner Clark if she had any response to public comments when she was not on the phone and offered her the opportunity at this time.

Commissioner Clark in response to public comments in support of City Manager Fuentes' comments. It was she and Commissioner Richter who were looking into building a new pool because of the condition of our pool at that time. Very honestly, they were looking at it for \$70,000 and it turned out to be more like \$120,000. None of them were ever considering not having a pool or any intention of shutting it down. They were just looking at options.

Mayor Pro-Tem Whitehead wanted to state for the record, although she was not at the July 26<sup>th</sup> meeting, she listened to the recording and feels she is able to make that motion.

**F. ORDINANCES, RESOLUTION, & ZONING**

1. Discussion/Action: Ordinance No. 686 for publication authorizing issuance and sale of up to \$2,500,000 City of Truth or Consequences Municipal Gross Receipts Tax Revenue Bonds for the purpose of constructing, purchasing, furnishing, equipping, rehabilitating, making additions to or making improvements to a Law Enforcement Facility or purchasing or improving any ground relating thereto, including but not necessarily limited to acquiring and improving parking lots, or any combination of foregoing. Juan Fuentes, City Manager

City Manager Fuentes introduced Linda Melendrez who is assisting George K. Baum and the New Mexico Finance Authority on this project, and turned it over to her.

Linda Melendrez, is serving with bond counsel in looking at the proposed ordinance. She explained the redlined changes have been submitted to the Commission for approval. What we are doing now is the preliminary step, but they received word from NMFA that what we would receive is a \$2.196 million and the interest rate is going to be a 2.4%. The closing date would be October 27<sup>th</sup> and the revenue that is pledged is the Municipal Gross Receipts tax. The loan agreement and intercept agreement will be brought to the next meeting for approval. The ordinance goes to the terms you are agreeing to and the loan agreement has more specific information and the scheduled in it.

City Manager Fuentes said for additional information for the public. The revenue source that will be used is the Police Department Gross Receipts Tax that is already in place. We are taking a little bit of that GRT to pay for this. One of the questions he was asked

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he wanted to respond to. This is a loan, but the ordinance does use the word bond. Just for clarification, he asked Ms. Melendrez to explain the the process NMFA follows.

Ms. Melendrez explained there is two different ways to get the money and they decided the best way is through the NMFA, who has the bonds. The City would do a loan through NMFA bonds, they have already acquired and the city would pay back the money through the state with the GRT money over a period of time.

Commissioner Clark thanked City Manager Fuentes for clarifying that ordinance and for the input. At the last meeting we discussed the City of Truth or Consequences does not have a bond rating and we are not putting out the bond for this, we are actually going with a loan and intercept. So how did we get to the \$2.5, is that the cost of the overrun? If we already have the  $\frac{1}{4}$  of 1% that has already been calculated. Second question is, the last time it was discussed the cost was \$1.93 and she just heard \$2.something. And what effect does that have on the annual debt service? And the other question is, Would it not be a good idea to reference the public safety GRT in that ordinance so we cannot be as vague with the revenue source?

Ms. Melendrez responded the ordinance they are requesting to put into place would be for up to \$2.5 million. The reason they did it this way is that was what the board approved earlier this year. This is the number NMFA approved. NMFA will be revising those documents. They will have the loan agreement and intercept agreement before the next meeting for their approval. Those will have the exact amounts and true interest costs. Unfortunately, she's not the person to talk to about true interest costs. The term sheet she is looking at is several weeks old and the next documents will have that information. Regarding the ordinance and summary, she is happy to include the intercept will come from the Police Department GRT.

Commissioner Clark said the only issue that she has, is at the last meeting, the city Commission approved to go through the NMFA based on what was presented to them and if we are going to go to the \$2.5 million, will be need to revisit the motion we made to change it.

Ms. Melendrez responded she is sorry if she did not make that clear. The loan is It's not to exceed and up to \$2.5 million, to ensure there will be enough for the actual principal amount. She reiterated again, the final will be given to the board to review with the exact numbers of the principle amounts.

City Manager Fuentes responded the Commissioner's already gave approval to go forward with the \$2 million project, as you are aware, there are fees that go up to \$2.5 million, but we are not going up to that amount. Commissioner Clark asked again if they need to change their motion or their direction that was given before. City Manager Fuentes responded when that ordinance comes back, it will have the previous information. Right now it's the general ordinance to approve going back for final numbers.

Commissioner Clark still feels vague and is sorry she couldn't be here today.

Mayor Green has had a couple of phone calls and is glad City Manager Fuentes explained it. This is not an additional Gross Receipts Tax, around 2011 we voted and it went into effect January 2012 to build a solid constituency for our department to be allowed to serve the needs of our community. It is dedicated money from an existing budget. As City Manager Fuentes said we cannot take that money out of the police department to use for potholes, it's strictly for the Police Department. There will still be money to pay the loan and give the department the flexibility to use the remainder.

**Commissioner Clark moved to approve Ordinance No. 686 for publication authorizing issuance and sale of up to \$2,500,000 City of Truth or Consequences Municipal Gross Receipts Tax Revenue Bonds for the purpose of constructing, purchasing, furnishing, equipping, rehabilitating, making additions to or making improvements to a Law Enforcement Facility or purchasing or improving any ground relating thereto, including but not necessarily limited to acquiring and improving parking lots, or any combination of foregoing, adding this is from the Police Department GRT moneys for public safety. Commissioner Frankel seconded the motion. Motion carried unanimously.**

2. Discussion/Action: Ordinance No. 687 for publication adding Section 2-276 providing a procedure for the recusal of Public Utility Advisory Board Members. Jay Rubin, City Attorney

City Attorney Rubin wanted to clarify both items on the agenda. Initially, when getting prepared for an agenda, he does get calls as to whether there may be a conflict of interest. He tried to come up with some proposed language to help with recusing themselves from a meeting. He read section 2-276. Recusal. A Conflict of Interest is also covered in the Governmental Conduct Act under section 10-16-4.A. He was trying to put together that if it would appear to the public that it could be a conflict, the person should recuse themselves. He also addressed the public comment that was made. If the person feels there's a conflict, it's appropriate for them to leave the room. Reason being they could influence the discussion. That's the way we have been doing it and it's been working well. Finally, this ordinance has been directed to the PUAB and then the plan would be to extend this to other boards.

Commissioner Clark said her understanding is, she's looked at a couple of things, the state legislators just say they have a conflict and don't have to remove themselves. If there is going to be a personal financial interest or an immediate family member. She asked why we are just going to that board and not including all boards. City Attorney Rubin doesn't disagree with her, it was discussed with management and it was decided to just start with one board at this time.

City Manager Fuentes said if this wording is approved by the Commission, you can approve this for publication or they can go back and change all of the boards and committees and come back with one that puts this language on every single board.

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Commissioner Clark thanked City Manager Fuentes for that explanation. The two main issues are if it's a financial conflict or a personal conflict and she thinks this could also carry over to the City Commission to remove themselves from the meeting when they recuse themselves. She would object to just taking on the PUAB at this moment

City Manager Fuentes let her know the similar item related to the Commission is further down on the agenda under the Commissioners Rules of Procedure, where the same language would apply to the City Commission.

Mayor Green added during the agenda review, in light of not spending too much of taxpayer money on all of the ordinances, they decided to just spend time on one board, to see if it was the will of the Commission. Commissioner Clark responded she agreed it's a great idea and the Commission should fall under that also. Mayor Green said it's under item H.3.

**Commissioner Hechler moved to approve Ordinance No. 687 for publication adding Section 2-276 providing a procedure for the recusal of Public Utility Advisory Board Members. Mayor Pro-Tem Whitehead seconded the motion. Motion carried by a vote of 4-1-0. Commissioner Clark voted nay.**

3. Discussion/Action: Resolution No. 06 17/18 adopting the Infrastructure Capital Improvement Plan (ICIP) for FY 2019-2023. Traci Burnette, Grant/Projects Coordinator

Grant/Projects Coordinator Burnette reported on August 9<sup>th</sup> the previous list was provided. At this meeting the final list must be adopted by the Commission. The ranking order is not as important, the city has received funding for items that are lower on the list. She reviewed some items on the list, including Water Department items and priorities for those and the streets that are better to address. This has to be completed before the 1<sup>st</sup> of September.

Mayor Green has a couple of questions. The Animal Shelter has been funded, correct. Grant/Projects Coordinator Burnette responded, if we receive more funding, we could put it towards equipping it. So we may not necessarily want to remove it, but it's up to the discretion of the Commission. City Manager Fuentes added the construction portion has been funded, so we may want to move it down.

Mayor Green Airport Fuel Farm, Schedule 3. Grants Projects Coordinator Burnette responded we have not received funding for that yet, but we are waiting on final word for the official funding.

Mayor Green added we did hear how important the pool is to the citizens. Mayor Pro-Tem Whitehead said it's not here but she thinks we should add it. City Manager Fuentes said on the second page is the ICIP process is requiring us to be more specific on the projects. In some places, there is a line for citywide water projects, we need to include more individual projects. Mayor Green said with his recommendation, we should put

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Swimming Pool. City Manager Fuentes said it could be T or C Swimming Pool Rehab. That would be plenty of detail.

Mayor Pro-Tem Whitehead said her thought process is our utility infrastructure which is important to our community. We are losing water and it's a valuable resource. We should look at putting all of our utility infrastructure at the top of the list and then again the pool is a vital part of our community and we need to include it.

Mayor Green asked if she can go down the list and pick out the ones she has heard is an ongoing drumbeat to help us start prioritize.

Mayor Pro-Tem Whitehead doesn't have anything particular other than the utilities and water lines.

They discussed the following items.

Water line replacement

City wide Storm Drain Improvements

Electrical Main feeders upgrade

Pole Replacement Program

Wastewater Treatment Plant renovation, need funding for phase 3. Drop down on list

Swimming pool renovations

Grants Projects Coordinator Burnette added in the past the Commission has picked the top five or six and staff filled in the rest of the list. Mayor Green said that's what he would suggest, otherwise this will be a dinner meeting.

Commissioner Clark agrees with Mayor Pro-Tem Whitehead and her comments.

Commissioner Hechler agrees with Mayor Pro-Tem Whitehead. These are the things he hears a lot about that we need to pay attention to:

Water Line replacement

Storm Drainage

Pool renovations

Sidewalks & signage in the community

Parks – provide recreation for our community and are the less expensive with a bigger impact.

Mayor Green said he's not at liberty to talk about sidewalks, but there is something in the wind that will be coming forth.

Water line replacement

Storm Drain improvements – downtown.

Electric Main Feeders & combine with Pole Replacement

Swimming Pool resurfacing

Cook Street Water Treatment Facility. Grants Projects Coordinator Burnette added that should stay and needs to be funded.

Commissioner Clark suggested city wide broadband, hospital expansion, Senior Citizens Complex. Not that she would put that at the top. Mayor Green believes the new hospital has been taken from the GRT. We won't be on the hook for additional monies for the hospital. Commissioner Clark asked about where the Senior Citizen's Complex came from. City Manager Fuentes said the hospital can come off the list and added to keep in mind, some of these projects have been on the list for years. We may want to start earlier next year and remove some of the projects that are on the list to clean it up.

Mayor Green added citywide broadband could also be for our visitor's and tourists. We might want to look at using part of the Lodger's Tax money for that because it's a tourist attraction. It's just an idea he is planting in City Manager Fuentes's head. Commissioner Clark feels it's a good idea and would be in everyone's best interest.

**Mayor Green moved to approve to move forward with submitting the ICIP in a timely fashion and prioritizing the projects they listed as prior Resolution No. 06 17/18 adopting the Infrastructure Capital Improvement Plan (ICIP) for FY 2019-2023 with the priorities being:**

**Water line replacement**

**Storm Drain improvements – downtown**

**Electric Main Feeders Pole Replacement**

**Swimming Pool resurfacing**

**Cook Street Water Treatment Facility**

**Citywide Broadband**

**Mayor Pro-Tem Whitehead seconded the motion. Roll call vote was taken by the Clerk. Motion carried unanimously.**

Mayor Green likes City Manager Fuentes's suggestion to have a workshop down the line to clean up the list for future funding.

## **G. UNFINISHED BUSINESS**

1. Discussion/Action: Funding mechanism for streets and potholes. Steve Green, Mayor

Mayor Green said first, the punchline is, to put an item on the ballot to issue a General Obligation Bond for streets and potholes and let the citizen's decide if they want to issue one to do this. He explained how we could get there. The Streets Department has approximately \$140,000 a year in GRT. Every year the Department of Transportation allows the city to apply for the Local Government Road Fund which fixes about 800 feet of a street. Somewhere between \$60,000 to \$70,000 with a 25% match for the award. He's going to say we have about \$190,000 and we'll say we are dealing with \$200,000.

That's how much Public Works Director Armijo has to deal with in his budget. Under Municipal Property Tax, we are the 12<sup>th</sup> lowest out of 106 communities. We get \$140,000 a year in Property Tax which is nothing. However, he's on a fixed income and has to

write that check twice a year and it hurts. But he wrote down the percentage and the city is getting \$38 a year out of his household money. That money goes into the General Fund, and he doesn't want to touch the General Fund money. He wants to start with the \$200,000. So if the Commission votes for this today what you are voting for is to ask staff to give us an analysis in sixty days to determine how much he and his staff can do in one year to make improvements. He also understands there is technology to find out if there are pipes leaking underneath the roads, and of course you have to fix that before the road. His point is, if the Commission feels comfortable with this idea, to bring it to a March vote by the public. His challenge to Public Works Director Armijo would be in sixty days to prioritize, mix up the city zones for different parts of the city. It's a time sensitive project that the citizens would help pay for. But he wants to make sure the citizens are comfortable with this and will be the determining factor as to whether we move forward with this. There is no other way to come up with this money other than this. City Manager Fuentes mentioned in a meeting yesterday that we borrow some money for the streets that we are still paying off. We talked about \$30 million to \$47 million in water replacement that is needed. If we can't take care of our own, how can we expect others to take care of theirs?

As you know we have lost money in Santa Fe and we can't expect them to bail us out if we can't put our own hands in our pockets. He reiterated if they vote for it, this would be to authorize us to go to publication for a bond to be decided by the citizens.

City Manager Fuentes thinks part of the task would be not just to identify the need but to indicate which methods need to be used. Last time it was all chip seal for the loan and a complete rehab is different. He also suggested involving Mark Valenzuela for the bond ordinance information and identifying a number and how the G.O. Bond process works. To put it on the balance it will require an ordinance and a specific time frame. Mayor Green added once staff gets back to him and tells us what it's going to cost for what our department can do every year, then we have to take that and equate it to what the increase in Property Tax would be for funding. City Manager Fuentes confirmed and said that is why we need our Financial Advisory Mark Valenzuela to help with the numbers. Mayor Green cannot see another way to have a visible impact on our community. And he is certainly open to any suggestions anyone has. Clerk-Treasurer Cantin brought up there would be a time schedule to get this on the ballot for March. If we don't make it for the March Election, then we would have to have a Special Election which will cost us \$6,000-\$8,000 and that's a waste of money. Or wait two more years for the next election cycle for 2020.

Commissioner Clark thinks the proposal that he's putting forward to the public is a good idea, if they are willing to tax themselves to have their road paved then they are making the decision.

**Mayor Green moved to approve starting a process to authorize staff as to the discussion to get back to City Manager Fuentes in a timely fashion and work with Mark Valenzuela so the end result will be on the ballot in March to let the citizens decide. Commissioner Hechler seconded the motion. Motion carried unanimously.**



2. Discussion/Action: SCRDA Contract and future participation. Juan Fuentes, City Manager

City Manager Fuentes mentioned this item was tabled at the July 26<sup>th</sup> meeting. He's pleased to report the meeting has been changed to the third Wednesday of each month and he extended his appreciation to the Executive Director Mickey and the Chair, and the other members of the SCRDA board for making that change.

Mayor Pro-Tem Whitehead said all she wanted was an update because it was postponed and put back on the agenda. And the public did not know what the final outcome was. She thanked him for the update.

Commissioner Hechler had a couple of concerns. His thought is perhaps we should look at our participation in SCRDA as to the money that is contributed to them. It seems there is equal participation from the communities, but unequal payment to SCRDA by all of the communities. Perhaps we should look at the representation on the board as to how much funding is provided. He wondered if we shouldn't revisit those contracts and look at our involvement as to representation. He thinks it will take some of the politics out of the foreground. Mayor Green said there was an article that mentioned the Hospital wanted to look into possibly have a voting member on that board.

City Manager Fuentes said the Hospital is also considering requesting to have a representative on their board since they pay a large amount, as well.

Mayor Green responded if you look at the Hospital Board, we have three representatives and own 40% of it, the County owns 40% and has three representatives, Elephant Butte owns 15% and has two representatives, Williamsburg owns 5% and have one representative. This is certainly not breaking new ice. He thanked Sheriff Hamilton and the board and Mickey for assisting in coming to an agreement.

**Recessed at 11:07 a.m. and reconvened at 11:17 a.m.**

#### **H. NEW BUSINESS**

1. Discussion/Action: Bid Award for the Airport Fuel Farm Schedule 3. Pat Wood, CPO

Central Purchasing Officer Wood presented the item. The bid opening was held on June 27<sup>th</sup> and only one bid was received. Delta Consultants are recommending the award to CSW Contractor's in the amount of \$242,063.73 pending grant funding from the FAA and the DOT Aviation Division

**Mayor Pro-Tem Whitehead moved to approve ITB 16-17-007 Airport Fuel Farm Schedule 3 to CSW Contractor's in the amount of \$242,063.73 pending grant funding approval from FAA and the DOT Aviation Division. Commissioner Hechler seconded the motion. Motion carried unanimously.**

2. Discussion/Action: Cell Tower Lease Agreement at Louis Armijo Sports Complex. Robbie Travis, Building Inspector

Building Inspector Travis presented the item. Sun State Towers is requesting to lease the property at the Louis Armijo Sports complex. It will be replacing an existing tower and putting the lights back on the cell tower at the same height. The property is in a T-1 zone which allows for towers as permitted by use by right. Staff is recommending approval of the lease that has been reviewed by City Attorney Appel.

City Attorney Rubin wanted to make a few comments. He knows City Attorney Appel has reviewed this, but he went ahead and looked at it. He asked them to look at page 2 of lease agreement. The two big questions in his mind is how long does this lease last; and how and when do you get the money for the rental. He referred them to specific sections of the lease agreement. He spoke with City Attorney Appel and he explained how the lease agreement is put into place and how much needs to be paid. If nothing happens in the first year, it kicks it automatically to the second year. You would get \$1,000 for the first year and second year, then it would go to \$950 per month starting with the third year. Then you would get the 10% increase for each year after that.

Commissioner Clark asked City Attorney Rubin if that was a long winded way to say he was uncomfortable with this. City Attorney Rubin said no not at all, just so you understand they are giving the Sun State the options and the only way to terminate would be if they are in default. There is not a provision to terminate the lease for convenience. Building Inspector Travis also responded one of the reasons they asked for the initial period is because they have to do environmental studies, reports to FCC, and different things. He added because they have been working on it for six months already, he thinks this will initiate within the one year period.

Commissioner Clark asked if we have looked into Sun Towers as the LLC in Delaware and asked if they can do the broad area going up to Water Tank Hill. Building Inspector Travis responded they are one of many acquisition companies but they would not be able to help us in the downtown area. This is for the West End of town and Williamsburg area. City Attorney Apple researched Sun Towers. City Attorney Rubin elaborated a little bit further. It's true during the option period they expect some states would be active. He would anticipate there will be some active investigations during this options period.

Mayor Green asked Robbie if he knows for a fact that 80' tower would not reach the downtown. Building Inspector Travis responded yes, he is almost positive of that. It's so far away, the Veteran's and Sierra Vista blocks it from coming downtown. Mayor Green mentioned to Commissioner Clark one of his businesses was not in Delaware, but he was licensed and incorporated in Delaware for tax reasons.

**Mayor Green moved to approve the Cell Tower Lease Agreement at Louis Armijo Sports Complex with Sun State Towers. Commissioner Frankel seconded the motion. Motion carried unanimously.**

3. Discussion/Action: Amendment to the City Commission Rules of Procedure related to recusals. Jaime Rubin, City Attorney

City Attorney Rubin added as we discussed in F.2 this will be the portion applying to the City Commission and that is what this does.

**Mayor Pro-Tem Whitehead moved to approve Amendment to the City Commission Rules of Procedure related to recusals. Commissioner Hechler seconded the motion. Motion carried by a vote of 4-1-0. Commissioner Clark voted nay.**

4. Discussion/Update: Gun Range guidelines. Police Chief Alirez & Don Armijo, Public Works Director

Police Chief Alirez announced a couple of weeks ago, we did have an entity in the city go out and detonate some tennarac which is not illegal to possess and it is used for target practicing and so forth. It's not conducive to the community or to that location to have it there. They were able to find some guidelines for the Adobe Hills Shooting Range, so the big question he had was who oversees this. It appears there were different organizations who did in the past. They would like to go over the rules, add some things to prevent this in the future, and put up signs. He will be contacting some other stakeholders also so they can be included. The signage will include the Police Department's number because they're here 24 hours a day, 365 days a year. And should they be having an event, we can have some input to make sure they are staying within the guidelines. They had over 51 noise complaints that day, so it definitely taxed our resources as well. And they were unaware of the event also. They will reach out and come up with new guidelines to bring back to the Commission, then we can make the change and make sure those using it are notified. He understands all of the problems with the animals, and are planning to revise the guidelines and do something about it,

Public Works Director Armijo said in the interim they were directed by City Manager Fuentes to put the no explosive devices allowed signs at the gun range. He is sure other gun ranges will start running into these things and it will be good to reach out with the other people and talk to them, in the meantime, they will get signs up and see what we will do with the decisions.

Mayor Green said if we have the information on our website on the Gun Range, we should add this information as well. He also added there are some tours being done by Sierra Grande where they will be going out into the desert where the Ladder Ranch is and next to the Airport. We should also when we try to find a place that will not have a negative impact.

Mayor Pro-Tem Whitehead would like to attend and suggested we put out a potential quorum notice so any Commissioners can attend when he meets with the Gun Club and other organizations. Mayor Green thanked them for the update and we hope we do not have a repeat of what happened last weekend.

5. Discussion/Action: To equalize the Airport GRT rate with the rest of the city.  
Steve Green, Mayor

Mayor Green reported when he heard we were the fourth largest GRT in the state, it just didn't sound right to him. So he asked Clerk Cantin to get some information about it. When they looked at the list they realized the GRT rate was different at the Airport than it was in the city. There is no GRT on Hangar Rentals or AVGas, but we do get it for Jet Fuel. Right now the Airport is at 6.9375% and the rest of the community is at 8.500%. For manufacturing out there, it's a major asset owned by the LaFonte brothers that might be a economic development opportunity. He asked if the Commission was comfortable with this to authorize staff to move forward to take the necessary efforts to equalize our airport GRT.

Commissioner Clark mentioned so the city property when we put in the tax, how did the Airport get exempted from that. Mayor Green responded back in 2002 when we annexed that land, he thinks it was an oversight on someone's part to notify Taxation and Revenue to make that change. It has stayed at the same rate. There is nothing we can do to capture that lost money but we need to position ourselves to have an equal GRT with the rest of the city. He wants to make sure we are getting the maximum that we are able to collect.

Commissioner Clark said one, if would have to be done administratively in Santa Fe. And what does that mean to us if they are paying the T or C GRT rate. Mayor Green responded we met some some ladies from Taxation and Revenue and our Clerk-Treasurer can track to see how many people are paying their taxes in the city.

Commissioner Clark asked about the amount. Mayor Green said take last week's budget, see how much jet fuel we sold and see the difference in the GRT Tax we collect now as opposed to the increase.

**Commissioner Clark moved to approve to authorize staff to move forward to take the necessary efforts to equalize our airport Gross Receipts Tax with the city. Mayor Pro-Tem Whitehead seconded the motion. Motion carried unanimously.**

## **J. REPORTS**

- a. City Manager

Notice of Invitation Ribbon Cutting Ceremony for Workforce Solutions at the Nadyne Gardner Learning Center on Monday at 10:00 a.m. Staff has done an excellent job cleaning up the place. Part 2 will be working with Representative Dow and NMSU to make sure the classes are scheduled.

- b. City Attorney - None.

c. City Commission

Mayor Green announced there is a scam going through our community about the utility department. He thanked the newspapers for helping to get the word out. They are telling people their utilities will be shut off they do not pay immediately by credit card. He read the 800 number that has been calling. The Utility Department doesn't work that way and would not call and ask for a credit card number.

**K. EXECUTIVE SESSION**

**1. Threatened Litigation (714 Kopra Easement) Pursuant to 10-15-1(H.7)**

Mayor Pro-Tem Whitehead moved to approve going into executive session at 11:53 a.m. to discuss threatened litigation (714 Kopra Easement), pursuant to 10-15-1(H.7). Commissioner Frankel seconded the motion. Roll call vote was taken by the Clerk-Treasurer. Motion carried unanimously.

Mayor Green reconvened the meeting in open session at 12:22 p.m.

Mayor Pro-Tem Whitehead certified that only matters pertaining to threatened or pending litigation (Hot Springs Land Development) pursuant to 10-15-1(H.7) was discussed in Executive Session and no action was taken.

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

Mayor Pro-Tem Whitehead moved to authorize staff to work on negotiation to settle this dispute at 714 Kopra regarding the easement. Commissioner Frankel seconded the motion. Motion carried unanimously.

**M. ADJOURNMENT**

Mayor Pro-Tem Whitehead moved to adjourn at 12:23 p.m. Commissioner Hechler seconded the motion. Motion carried unanimously.

Passed and Approved this 13<sup>th</sup> day of September, 2017.

  
Steven Green, Mayor

ATTEST:

  
Renee L. Cantin, CMC, City Clerk