

**CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
CITY COMMISSION CHAMBERS, 405 W. 3RD St.
WEDNESDAY, SEPTEMBER 27th, 2017**

A. CALL TO ORDER

The meeting was called to order by Mayor Steve Green at 1:03 p.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 called for fifteen seconds of Silent Meditation.

3. PLEDGE OF ALLEGIANCE

Mayor Green called for Commissioner Clark 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.

City Attorney Rubin announced he was tasked with reading a letter from City Attorney Appel for the record. He asked if they wanted him to read it now or during his comment period. Mayor Green responded we will wait until the response to public comments because it's related to one of his previous public comments.

Susan McGeachy, addressed the Commission related to:

1) Bought her house six months ago and has been nothing but harassed since she moved here. When she came she had all of the paperwork reviewed by an attorney and the City Inspector harassed her immediately and the City Manager comes over and gets out of his car and screams at her to take down the illegal fence. The city built a substandard ditch without any easement from any of the property owners. The park located at 8th and Kopra is not a real park, but the taxpayers are paying to maintain it. She has pumped out over 10,000 gallons a month from that ditch. Not feeding anybody, not making any money, costing the city money. She feels like the city needs to be more friendly to people moving here. To come and say the city is taking care of it, is a very far cry. The city's property is very obvious, their sprinklers are very obvious, and they've never taken care of anything. Her biggest problem is she has no insurance on that cement ditch. Her insurance company and five others refuse to insure that because the city built it substandard. So if she goes and falls in that ditch, she doesn't have insurance. If any kid riding a bike or skateboard or swimming in that ditch, it's 100% liability on her as the property owner. And she doesn't like the fact that she went to an attorney, and she thought she had an attorney, and found out Deschamps isn't even an attorney. On his website, he doesn't even have an office in Truth or Consequences. He's not even an attorney, he's nothing. And he was representing her with the city attorney. If you read the letter, they are colluding against her, and she doesn't appreciate that. She thought she had an attorney and she doesn't. If she needs to start over and sue the city, she will. But she will not be harassed by the City Manager and the City Inspector. She hopes the Executive Session will allow her in, she submitted her statements.

Deborah Martin, owner of Professional Dog Grooming located at Sierra Veterinary Clinic addressed the Commission related to:

1) She read the article in the Herald related to the two Holloman Air Force Base proposals to expand their training maneuvers for the F-16 Pilots. It was specific to the use of chaff. The land matters and the creatures matter, so she wants to speak for the creatures and the little deer that will get abscesses in their jaws from trying to eat the animals who are going to try to build nests with this substance. Nature matters, not just the people but also the land around us. Thank you for your time.

Paul Pearce, a seven year resident addressed the Commission related to:

1) Wanted to follow up on her comments. He's on a little different track. We got short changed by the Air Force. A couple of weeks ago the Air Force had a Public Hearing where almost everyone thought we were going to be allowed to be part of their proposal to expand to fly zones of consequence to Sierra County, West of T or C, and East of T or C. Public involvement is required with the NEPA Law. With a few exceptions, we thought the Public Meeting and the comment period included the East R-51-11 flight

zone, the critical one. And their comments and input on this one close to T or C, over the Lake, and River corridor were part of their public involvement in the EIS. That was not so. The Air Force weeks and months before the public meetings for the EIS, had arbitrarily decided to create a lesser ERA study assessment on the East Sierra County fly on the R-51-11. They are putting it through obscured under the EIS that covered the critical area just East of us. He has named this Environmental Assessment (EA) the Mysterious Yea, for the hard it's going to cause the Citizens of this town and county. Because the comment period is almost done. This Sunday, October 1st is the deadline. The Citizens of this town and county are going to be denied the opportunity to be involved in this legal NEPA process. How many folks are going to have time to read and comment on this 150 page document? A draft document he has read and it should clearly have an EIS status instead of a lower EA status. That's why he is saying we have been short changed. The Air Force arbitrarily gave it that status, possibly to avoid having to give the public more notice and hold the meetings like they did a couple of weeks ago. Is there a remedy for Sierra County, yes there is. An Air Force representative told him, if they hear from enough concerned citizens, which needs to include our Government Representatives, before the comment closes on Sunday, their mysterious EA could still turn into a high level EIS with some Public Hearings. He respectfully requested the Commission to ask for a time extension on the public comment period and that this draft EA become an EIS. This fly zone could be more critical than we have an EIS for. He thanked them.

Destiny Mitchell, 815 Kopra addressed the Commission related to:

- 1) She would like to address the Commission on behalf of herself and not necessarily as a Friend of the Pool. She believes Millie McCloud suggested a proposal at the last Commission meeting about closing the pool for the winter for resurfacing. Again that was not with the Friends of the Pool but as an Aerobics Instructor for the facility. The proposal was discussed with her and she honestly felt that it made sense for the current climate of the swimming pool. We've known for years that we needed a resurface on our pool. It was originally put on hold because we didn't have the funding and we were given passes by the state inspector because the Commission was looking into building a new facility in conjunction with the schools. However, seeing how that plan has not progressed, it's imperative now that the pool be resurfaced. She has done extensive research and it boils down to two possibilities. The first is to replaster the pool, which would last about 20 years and would need to be drained every 4-5 years and acid washed. Which would also eat up the plaster layer by layer and will again require a new resurface down the road. However, all facilities require maintenance and since it should be expected and we decide to go with plaster, perhaps we could set aside a certain amount of money each year for the next 20 years so when the time comes. The second method is a spray on epoxy liner which would attach to the stainless steel gutter systems and would protect against leaks. The liner has a life of approximately 10-15 years depending on maintenance and upkeep. Since it is an epoxy base instead of plaster, it would be much more slick and maybe a different surface than the patrons of the pool are used to. She offered her services and expertise for this project in the future and any and all information that she has is at their disposal. Though she is no longer

employed by the City of T or C, the pool is still a passion of hers, and she will do anything in her power to help keep it functioning. Thank you for your time.

Ron Fenn, 316 North Foch addressed the Commission related to:

1) Came to speak about the proposed move of the Police Station to the armory. \$3.3 million is what he calculates. He doesn't know why the City talks about \$2.18 million, that's just a face of a loan and does not include interest or the \$600,000 difference with the Engineering estimate for the cost. Where \$600,000 is going to come from, your guess is as good as mine. It's paid for, which has been spouted by Chief to a number of people, is false. Because in the government taxation package or their website, there is also an ordinance for repeal of GRT. And since the GRT that was given to the Police Department is not a ¼% is two 1/8ths, then he believes we can do an initiative ordinance to repeal that 1/8th they would spend on this particular project. In the meantime, he doesn't believe anyone has done any serious studying of the facility that is there from a practical standpoint. There is room in the back of that building to hold 1,500-2,000 sq ft. of storage space and make it look like the building and blend in. He doesn't know of any community that wants to move their Police Station away from their downtown areas and Municipal Buildings. Many Police Stations are in the Municipal Buildings, they're not off somewhere. And he believes that the Fire House on 9th that was being built, land was offered to the Police Department to build a station there, and have use of the generator at other facilities. If you want to be downtown, well you are downtown, please stay downtown. And if someone needs help studying what can be done with the building, please contact him as part of his expertise, he would be more than happy to help out. And he won't charge anything in the process. Thank you.

D. RESPONSE TO PUBLIC COMMENTS

City Attorney Rubin was requested to read a letter written to Mr. Ron Fenn for the record. The letter was in reference to Misrepresentation as an Officer of the City. A Copy of the letter is in the Agenda Packet.

E. CONSENT CALENDAR

1. City Commission Regular Minutes, September 13, 2017
2. Public Utility Advisory Board Minutes, July 17, 2017
3. Public Utility Advisory Board Minutes, August 21, 2017
4. Public Arts Advisory Board Minutes, August 21, 2017
5. FAA Land Lease Renewal for the Remote Communications Air/Ground Facility (RCAG)

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

F. PUBLIC HEARINGS

1. Public Hearing: Request for a Variance on Space #28 to be closer than 15' apart at Winter Haven Mobile Home Park 2335 Broadway St., Truth or Consequences, NM. Robbie Travis, Building Inspector

CITY COMMISSION SEPTEMBER 27, 2017 REGULAR MEETING MINUTES

City Attorney Rubin explained the Battershell Hearing process which Williamsburg be used. He explained anytime you have any item that may have to do with real estate, or

Mayor Green explained we will take these individually. We will start with Space #28 City Clerk Cantin did the swearing in for Robbie Travis, Jeremy Peck, Clinton Langdon, Connie Langdon, Glenice Rouch, and Elena DeLaTorre.

Mayor Green read the agenda item and turned it over to Building Inspector Travis.

Building Inspector Travis presented the item. Mr. Skinner and Mr. Peck recently purchased this property and came to his office and they went over the conditions of the park and how many spaces they would have and if they were grandfathered in and those types of issues. They did ask about code for the mobile home parks, and he gave them the code and where it was found. They proceeded to move in two bigger mobile homes than the park could really handle. At that time, the park did not require them to get a permit from him. If it's an approved mobile home park considered as temporary housing where they can move in and out. So they did not contact him when they moved them in, they did get a state permit and moved them in. He got a call from some of the tenants there, some of the complaints about it and that they were too big. So he went down there and contacted Mr. Peck and Mr. Skinner. Space 28 is approximately 2 inches under the code, so its 12.7 inches from the closest part and the back is 13.1 feet. So at that time his recommendation was to go ahead and approve that one. The planning application and the plans are in your packet, he showed a photo of that one and one more showed the other side of it. There is room to go ahead and move it over 2 feet, but then there was the other space that needed to be moved. The code provides for a storage unit, a parking space is listed in there also.

Commissioner Clark responded she is looking at that and sees a gas meter which looks like its about 3 or 4 ft within that space, so there really is no access in there for another car. Building Inspector Travis responded this side would not be the parking, it would be on the other side which does have room for parking. Commissioner Clark asked if the meter is not even considered in the spacing. Building Inspector Travis said it might be, it's under the gas company and plumber inspector's jurisdiction. As far as he knows on houses the gas meter can be right next to the house. Commissioner Clark asked if there is enough space for parking as the house next to it. Building Inspector Travis confirmed there is. They have a carport which he believes was on the other side in the beginning and they moved it to be able to use that space.

Mayor Green asked Fire Chief Tooley referring to the variance Section 11-5-5 which he read the section about the safety issue. He then asked does the 2.5 feet closer effect the allowability for them to fight the fire.

Fire Chief Tooley responded the State Fire code is 10-15 feet. He would love our code to be 20 or more feet which makes it safer. Having the issues with gas meters, they do have some that right up against the houses. Their biggest concern is people hitting them. He would of course like to see 15 feet, the issue he sees is you have that porch

overhang which is considered part of that structure. If the fire was to come out instead of going out it would go underneath the porch and spread. He would like to see this further apart from a public safety point of view, but they could live with it.

Commissioner Clark asked Mr. Travis if we are going to look at that porch, she is reading three feet from that trailer, if we are only two feet away from the other mobile home, they could both potentially catch on fire.

Building Inspector Travis agreed that is true. When he spoke to Fire Chief Tooley in the beginning he said 10 ft is the distance he would like it to have. So that is what he based his decision. In this mobile home park, all of them is like this. Because this park was grandfathered in there were a lot of different things they had already done. It's up to the Commission how they want to apply it but we just want to be fair with everybody and make sure we are consistent.

Commissioner Clark said the other question is to define grandfather. Her understanding is when you have an existing structure and you haven't touched it and as long as you don't touch it, it's grandfathered in. If you do something after a new ordinance is put into place that would have made it improper, you lose that grandfathered and it has to be brought up to code, is that correct? Building Inspector Travis said yes, you lose that once you change something. Commissioner Clark then said once you lose that grandfather if there was nothing in space 28 after that ordinance was created? Building Inspector Travis said essentially they came in they asked and were told if everything stays the same, they had 31 spaces. But because mobile homes in the 60's or 70's were 10 x 30, most of them and then they move in a 14 x 70 or 14 x 60 it might be.

Commissioner Hechler asked if the people who live in the adjacent mobile home here to testify. Building Inspector Travis responded yes they are here.

Proponents may Cross examination of Staff:

City Attorney Rubin recommended if they have any photographs for written material to please put it in the black box. City Manager Fuentes added if it's a picture it should be shown to the Commission and passed to the clerk.

Mr. Jeremy Peck – He wanted to clarify a couple of things. It was only him who visited with Mr. Travis, Mr. Skinner did not attend that meeting with Building Inspector Travis. There has always been 31 spaces in that park and what he means by that is there has always been 31 gas meters and utility connections. He feels Mr. Travis can testify that the mobile home park can allow for 38-39 mobile homes, so they are a lot less dense than what they truly could be. they are not proposing to increase but rather to keep what they had which is 31 spaces. When they looked at purchasing this park 31 spaces seemed reasonable to keep low income rent for their tenants.

Mayor Green interrupted and let Mr. Peck know as the Proponent he will have the opportunity to present his case, he should be using this time to question Mr. Travis or Chief Tooley.

Mr. Peck said in regards to questions they believe they did the right thing. They went to the State of New Mexico and took care of every permit they needed to to move these mobile homes into the park. They were issued the State transportation permits to move. He asked why is the Town of Truth or Consequences not proactively working with the State of New Mexico if you have a different requirement to verify setbacks and distances before the State of New Mexico issues a permit to bring a home into this park. All of this could be avoided before there was any financial expense made from moving to utility hookup. If the town is proactively working with Construction Industries before the permits are issued. Mayor Green asked Building Inspector Travis to address the question. Building Inspector Travis responded we do work with CID the Manufactured Housing Division and they have a slot on their application that has municipality approval. The problem is this is a mobile home park not setting on a permanent foundation. That's the issue and CID doesn't have anything like that right now. One of the corrective actions the Commission took recently was we did a new Manufactured Home ordinance an updated our code to where now every mobile home in town has to come and get a permit from us for this reason.

Mr. Peck would also like to acknowledge that they did the right thing when they brought in these homes. The minute these homes were put in this park, they went to the Assessor's Office and took titles and all of the information to start the taxes immediately to help the income on this town. They are paying all of the taxes for something that is not producing income for them as well.

Mayor Green interjected this is his opportunity to cross examine staff so it becomes part of the record.

Mr. Peck said he would like to honor those terms, he would also like to verify they were given consent to move forward and occupy this home, correct? That would allow them to call out utilities and the gas is approved, but he wanted to clarify that Mr. Travis did give them consent to move forward and occupy this home. Building Inspector Travis said that is right. Mr. Peck said in that process they answered his questions, the Gas Company came out and signed off on the permit and all of the other companies have done so as well. So they need every other regulation that is required. He thinks that's all he has for cross examination.

Mayor Green asked if he had any questions for Chief Tooley. Mr. Peck responded he did not. Mayor Green then asked if anyone else had any questions for staff. Being none, he said we would move on to the Proponents.

Proponents:

Mr. Peck mentioned there questions about who lives in the home to the left of that. That home is currently vacant. Two individuals who were sworn in here at the last meeting, Joe and Elena. He would like to make it very clear for the record that you guys are willing to go look at the Magistrate Court and look at the default judgment against them. They do not live in their park and he feels they were here to act against them because

they are upset because of the forced judgment against them, and have been evicted for non-payment. They were awarded that judgment for their eviction. That should contradict them saying the Proponent are awful owners. It's also important to know they have been very good tenants of this town. Your Compliance Officer cited 15 people for weed control, and we were the only one who participated in adequate clean up. The town had to move on action on all of the other 14. He has family in this town and that's what helped him to invest in the town because he saw the bigger picture. He did again go into Town prior to buying this park to verify that they had the right to 31 spaces as they sit. He wanted to make it clear that there are Post Office boxes for all 31 of those spaces, and utilities for all 31 spaces. He will also tell the Commission and the Mayor's Office that since they bought this park, it's critical to note that on June 30th, 2017 another one of the homes removed from the park and down to Copper Street. The same issue now exists on Copper Street. The home was moved out of their park with no permits and the Town wasn't notified and they didn't go get their Construction Industries permit like they did. They moved it from their park to another park and their setbacks are even less. So this same issue like Mr. Travis indicated, is in all of these parks in this town. He doesn't have a problem if you ultimately decline both of their sets today, as long as, they are going to be consistent and do it for all. He brought this space to Mr. Travis, he is aware of that space.

Commissioner Clark brought up this was still the portion for questioning staff. Mayor Green corrected her and let her know this was the section for the proponents to state their case and that is what he's doing.

Mr. Peck mentioned it was at 2 minutes and 30 seconds and asked if he could have that time please.

City Attorney Rubin also wanted to clarify something for Mr. Peck. He wanted to make sure he knows we are actually having two Battershell Hearings today and right now we are doing the first one and if he's reading the Commission Action Form right, the staff was approving the variance for this particular one. Mayor Green said it is approved by the Commission. The vote is made by the Commission, so no approval or pr staff and staff was actually the one that made the recommendation to approve the ordinance. He didn't know if he was aware, we had segregated the two variances apart.

Mayor Green said maybe he didn't and he apologized and we are taking these things individually. Staff's communication with the Commission has nothing to do with the vote the Commission has to take. City Attorney Rubin responded he knew that but didn't know if Mr. Peck was aware that he was cross examining staff on an issue where staff was already on their side.

Mr. Peck apologized because he doesn't participate in Public Hearings like this. And his advice would be maybe some more information to your constituents before they come up here. Because he doesn't know what any of this is. So in respect to other property owners in the future, maybe more education for them in advance would be helpful.

CITY COMMISSION SEPTEMBER 27, 2017 REGULAR MEETING MINUTES

Mayor Pro-Tem Whitehead asked Mr. Peck to specify what the benefit of approving this variance would be. And what it's going to do to benefit our community. Mayor Green asked Mr. Peck if he has anything further to say before we get to the questions.

Mr. Peck offered some closing notes for this proposal. The recommendation from staff is for approval and they appreciate that. They believe this is the right thing for this town. They believe they were given the approval for 31 spaces grandfathered in and that is what they agreed to stay with within those confinements. To answer the question, what this will do is give low income housing for Senior living in this town. If they are forced to move or spend anymore money or additional loss of income, all it ultimately does is affect their overall rates that they have to increase to the current rent tenants that are living in their park. That is what it does for us. He is asking the Commission to work with them. They will be a great tenant and property owner and will work with them. They believed they were under the right pretense when they moved these homes in.

Mayor Green asked if there are any other questions for Mr. Peck from the Commission.

Commissioner Hechler asked what year the mobile home was plotted and planned out. Mr. Peck said he proposed the same question and the town has no information on that. and they don't have it either. He believes it's been in existence since the 70's through some of the discussion with some of the tenants who have been active in that park for many years.

Commissioner Hechler asked him that he knows for sure it's plotted out for 31 spaces. Mr. Peck responded yes sir. On the survey they purchased has the initial layout which has utility hookups and Gas Meter stubs for 31 spaces. And 31 Post Office Box addresses as well.

Commissioner Hechler asked how he proposed we fit the newer units into 31 spaces. They are obviously larger and won't fit into the spaces.

Mr. Peck said he believes it's going to create additional change to every park owner in this town. The town will have to look at that and its up to the Commission to make those decisions. No mobile home park in this town meet any of those regulations. This could be potentially a major can of worms for this town if you are going to change enforcements. Like he just indicated, he just gave another property that has a home without any permitting and it's actually occupied right now from what he's been told. So he doesn't have the answer for them there. They can be proactive if there is a worry of fire. He was a firefighter/paramedic, he fought fires. There are lots of conditions that change that, humidity, temperature, porches, no porches. He agrees to all of that but he doesn't know what the answer is for that. But he will tell them when they bought this park they honestly were told they were grandfathered in for 31 spaces and that's all they wanted. They did not want to increase the density, even though they were told it was originally up to 38 or 39 homes. That wasn't their goal.

CITY COMMISSION SEPTEMBER 27, 2017 REGULAR MEETING MINUTES

Mayor Green asked if any other Commissioners have questions for Mr. Peck. Being none, he asked staff if they have any questions.

Fire Chief Tooley asked what date the mobile home was put there?

Mr. Peck responded February 16, 2017.

Fire Chief Tooley asked to the right, how much room is between the home and the carport in the next space?

Mr. Peck responded he doesn't know how much space is between them. You've got at least 30 feet.

Commissioner Hechler asked when he was given the current regulations. Was it before or after they moved the trailer?

Mr. Peck said it was after they moved the trailer. In the preliminary meeting they talked about a website and he left with nothing but his business card. There was no regulations given, there was a website provided to them and then a variance after he visited the mobile home park.

Seeing no other questions from staff, he moved on to the opponents who have the opportunity to cross examine Mr. Peck.

Opponents:

Clinton Langdon, resident of Winter Haven Senior Park. He wondered why Mr. Peck wasn't given the regulations before he moved it in. To him that should be something you have access to so they don't make a mistake. Mayor Green corrected him this was an opportunity to question the proponent.

Connie Langdon, asked the proponent. From what he has said does that mean they will all lose their carports to get more trailers in to the spaces.

Mr. Peck responded no Ma'am and let her know it doesn't affect them. He can show how the 31 spaces were laid out. He doesn't think that had anything to do with her portion of the park.

Ms. DeLaTorre asked Mr. Peck if she was the only one who had their carport and storage building moved. They had a carport and storage where the trailer is now. Everybody else has their carport and storage building. They took away their back yard and front yard. So why could they do that? Why didn't they pick someone else besides them.

Mr. Peck responded her home where the carport and storage unit was formerly, was one of the existing lots.

Ms. DeLaTorre asked why they didn't pick something smaller instead of this big humongous thing.

Mr. Peck responded he didn't make that acquisition, that was actually his partner.

Ms. DeLaTorre then asked if he noticed the front door was on the back side. Mr. Peck said there are doors on both sides. Ms. DeLaTorre said but there are no door knobs on that side so it's not the front door. Mr. Peck said it's not occupied yet, so either side could be used. Ms. DeLaTorre said it's been occupied since May. So she asked why he put it in and made their electric bill go up and their two little air conditioners were not working. Not being able to occupy it is not due to their delay.

Ms. DeLaTorre then asked why they raised the rent, now it's up for rent and they raised the rent. That is what she heard. She asked if he just made them get out so they could do that, right? Mr. Peck responded no Ma'am. Ms. DeLaTorre said that's what she believes.

Debbie Jo Pipkins, 1407 Aluminum wanted to know why they were evicted from that trailer.

Mr. Peck said their Magistrate Court case dictated that. Debbie Jo Pipkins said no they didn't because they appealed it today.

Mr. Peck said at this point it has been awarded and he doesn't have to publicly answer that question.

Debbie Jo Pipkins responded no you don't because you will in District Court.

Mayor Green said excuse me, we are talking about a variance request for slot number 28. It has nothing to do with any other trailer that is on this piece of property. If you have an issue with Mr. Peck that's going into the Magistrate Court, that will be discussed there.

Right now as a signed up and sworn in opponent, do you have any question of Mr. Peck that pertains to the application for the variance on slot number 28?

Debbie Jo Pipkins asked how come that trailer has not been moved? Mr. Peck responded because they are in a variance state right now, but they were given permission to move forward and occupy it. Now that's delayed or rescinded and they are going through the process.

Debbie Jo Pipkins asked Mr. Travis if he didn't tell him he had to move them. Mayor Green stated this is not the point where you can ask questions of staff. This is your opportunity to question Mr. Peck about space 28 and that is all this Commission will entertain and hear.

Debbie Jo Pipkins said she wanted to know why it hasn't been moved. Mr. Peck believes he just answered that for him. They were given consent to fully occupy the trailer and that's been rescinded and they are on the variance process today.

Mayor Green said we will move on to Opponents. This is your opportunity.

Opponents:

Clinton Langdon just wanted to say one thing, he just got a plat of the park from Mr. Peck and he doesn't think there is enough space to put a trailer in space 27. It's a

CITY COMMISSION SEPTEMBER 27, 2017 REGULAR MEETING MINUTES

Senior Park and he's very high on Fire Code because he had a very good friend who was killed in a trailer fire. He explained the trailer fire.

Mayor Green then asked if the Commission, staff, or Proponent has any questions of Mr. Langdon.

Elena DeLaTorre wanted to say they were real happy when they were there for three years and when they moved it in, they measured five feet from the porch to the window. What kind of life are you living if you've got your neighbor doing something in their room while you're sitting out on the porch trying to relax. It's the quality of life here that pertains to the senior community. She thinks they are taking that away.

Mayor Green asked if the Commissioner's, staff, or Mr. Peck have any questions.

Mr. Peck agrees to the quality of life, he asked if she had a beautiful porch on that house?

Ms. DeLaTorre responded nope. Mr. Peck said he would disagree. Ms DeLaTorre said it's a little square porch and two chairs sit on there. And then they did have a ramp on the back porch and it had to be dismantled and the new ramp had to be put in the front which is more difficult to get to than it was in the back. She continued you can go down the back steps and the front door to the next trailer is right there. There are no steps there yet, but how are they going to get in the building? That's what she is saying, it's the quality of life between the two trailers. She has family that still comes down to visit and she knows you're supposed to be quiet but you're still going to have a little buzz with people talking and having activities, and you don't want to disturb the neighbors. And she doesn't want them to disturb her. But if you're five feet away, you're going to disturb somebody.

Mayor Green asked if there are any other opponents that want to make a statement. Being none will be Moving now to the public.

Debbie Jo Pipkins wanted to ask a question for Mr. Travis. Mayor Green explained the opportunity to question staff has passed. City Attorney Rubin agreed. Mayor Green announce he will not allow his request

Mayor Green called this public hearing closed on this item.

2. Public Hearing: Request for a Variance on Space #11 to be closer than 15' apart at Winter Haven Mobile Home Park 2335 Broadway St., Truth or Consequences, NM. Robbie Travis, Building Inspector

Mayor Green said everyone signed up has been sworn in and moved on to staff's presentation.

Building Inspector Travis said this is the same address and Space #11 and it's a request for a variance to be closer than 15 feet and per Section 11-14-5.A standards for

minimum distance for mobile homes. Mr. Skinner and Mr. Peck came in and met with him and it's the same situation. They went over it and he thinks the real key here is the units are too big to go into the spaces that they have. They are going to keep 31 spaces to go to bigger units, it's going to be an issue. Space #11, Mr. Skinner and Mr. Peck had agreed to move it and sell it off, if we were to allow #28 to stay there. And that's the reason we said if it's within two foot or so, we could go ahead and let that one stay. The main reason this one is an issue is it also sticks out into the driveway quite a bit and it's between the two trees. It sticks out a good ways. The turnaround they need for Fire Safety for emergency vehicles to get in. The Google map is a good indication where it shows one which is a very small unit, with a storage unit behind it. When they moved the bigger one in, that is the issue. Staff's recommendation is to not approve this one and it's only 10 foot, 4 inches.

Commissioner Clark asked what the state regulation is for spacing mobile homes. Building Inspector Travis doesn't really know, our code says 15 feet. Commissioner Clark said if we go and allow this and its different from the state, we can't be less lenient than the state.

City Attorney Rubin responded a zoning question, the courts will generally refer to the local ordinances. Commissioner Clark said but if the state says one thing, we can't make it more lenient, we can make it more strict, correct. Building Inspector Travis agreed. City Attorney Rubin knows that's true on criminal cases, he doesn't know it's necessarily true in this situation. Building Inspector Travis said it works that way with the floodplain we have here. The state has no restriction on floodplain manufactured homes, but we do and can be more strict than that.

Commissioner Clark said so that brings up another question and maybe she'll bring it up now if that's ok. Let's say that the state is 10 feet and we are 15 feet and there is a fire and somebody gets killed. What's our liability as a Commission? Building Inspector Travis couldn't tell you the liability but we are over the 10 feet. City Attorney Rubin said if it's a state regulation, you can't be less than that, but he doesn't think that's how it works. He thinks the state refers to the local municipality when it comes to the zoning ordinance.

Fire Chief Tooley said the reason our code is 15 feet is because we want to be more strict. Throughout the country the minimum he's ever seen is 10 feet. And then from there it goes up. So the strictness that we put in is that we want this distance between those trailers. That's why we put it to 15 feet in our city code.

Commissioner Clark thinks she got the 10 feet because it's California's code. Currently they moved it to 10 because they were having trouble with things being too close. In going to 15 feet we are actually trying to be more safe. City Attorney Rubin said yes, you can argue whether it's safer or not. Commissioner Clark said so we are actually doing ourselves a favor.

Mayor Green asked if there are any other questions from the Commission.

Proponents cross examine:

Mr. Peck presented a layout to the Commission of the distance from home to home. He heard that the trailer comes out too far for the drive through. On the map he handed out, it has the distance from home to home. Space #11 is actually 50.8 feet away from the other trailer on the side of it. His question would be why would you have a concern with the travel through distance at 57.8 feet when the trailers on the very back of the park only have 40.5 feet?.

Building Inspector Travis responded because at the end the code requires a 50 ft. radius. No mobile home park can be a dead end, so it has to have a cul-de-sac at or near the end. And that's the reason that tree is there and for the trash truck and Emergency Vehicles to get in. The reason it's at the back is because this area has to have the access to get around. He know they told him at one time they were thinking about taking that out and he responded no, we need that.

Mr. Peck asked if he would agree that they have not impeded on that turn around in that cul-de-sac? Mobile home 11 does not stop you from doing a full turnaround for any emergency vehicle whatsoever. He thinks they have well over 50 feet. And in the event that they didn't, they would be willing to move the railroad ties and bring it back to give you greater than that. But would you agree that does not affect your turnaround? Building Inspector Travis said he is not really sure if it affects it or not. That would be more of a question for Mr. Tooley to see what he can get in there. If you look from another angle which is the back side looking at it, you can see that sticks way out in there. And you may say 57 feet from mobile to mobile. But to the pole and the trash can, he would bet it's 36 or maybe 40 feet. And that's their concern is you have power lines and trash stuff, and gas meters or whatever to get up into this end of the court. It's a real concern.

Mr. Peck said whether trailer 11 is there or not, you stil have that same concern with that power pole and that dumpster. Trailer 11 doesn't change the fact that you still have that power pole and dumpster still there. Building Inspector Travis said but it still sticks out another 15 feet into the alley.

Mr. Peck said they are 47 and 58 feet apart and you have less than one foot change and you recommended approval on the other with a one foot difference. Building Inspector Travis feels what he's doing is not configuring this as a scale plan. We have to have straight access into the unit with that radius. Here it looks like it's straight, but it's not straight. You can see it on all of the pictures. For you to get this 58 or 59 inches, you have to jog over past these poles and stuff.

Mr. Peck said it's just home to home and not end to end. From Space #11-26. Space 28-12 is 58.9 feet, and your two homes on the very end of the park are only 40.5 feet. So any homes past the cul-de-sac, the apparatus has to go through the cul-de-sac and back their vehicle in. Whether Space 11 is there or not, the egress does not change for the emergency apparatus. They still have to do the same thing whether there are homes there or not.

Building Inspector Travis feels it's getting too tight and doesn't agree with him on that. One thing he can say too, is he asked for a drawing to scale from the beginning. He never received this until now. All he ever got was Google images. We need a scale drawing to know what they are doing, where the carport and porch is going, and parking for each deal. He asked them for that several times. Mr. Peck agreed he did ask for that. this was just on 8/27/2017 so it was just recent.

Mayor Green asked Fire Chief Tooley if he had any information for the answer to that question.

Fire Chief Tooley said if we really looking at the turning radius they recommend it's about 82-84 feet from the center out to make a complete loop. However, dead end Fire Department Roads in excess of 150 feet which this one definitely is. It will be provided for the true provision of the turning around for the Fire Apparatus no greater than every 500 feet and at the closed end. So technically they don't have a way to turn around at the end of this park, but they do have the ability at the cul-de-sac. So that has been approved where it currently is now. So when you get into the approval of the turning radius it's ultimately up to the local jurisdiction which is the Fire Department. So at this time, that area is big enough for them to turn around in. But if they really look at it, from the stand point of where we're at, every 500 feet there should be somewhere to turn around and at the end of the park there should be an approved area. Technically, they don't have one at the end of the park either. North looking South does not meet those requirements. But they have made some provisions to make sure they keep that center cul-de-sac where it needs to be.

Mayor Green announced Opponents may cross examine staff. There being none, he moved on to Proponents presentation.

Proponents, presentation.

Mr. Peck said again when they purchased this park they were told it would be for 31 spaces, there were not told that there would be variance on those homes. If it happens in the future, they would participate in those. They are just asking the Commission to work with them on these two homes. They have already spent a considerable amount of money moving these homes to Tor C, obtaining the permits that were required, and putting upgraded utilities to allow for that. They are just asking for their assistance so they can maintain the original rent for the homes. They are giving those homes for people to rent for \$550 a month. Very cheap for a 2-3 bedroom home. They are not getting rich off of this project, they are barely making it with all of their expense and overhead. They are looking at this as a long term investment and trying to create low income housing. So he asks that they approve their two requests for variances so we can move on from this.

Mayor Green asked if the Commissioner's have any questions for Mr. Peck.

Commission questions to proponents.

Commissioner Hechler asked where the vehicles would park in relationship to that home.

Mr. Peck responded Space #11 would be on the other side of it where the tree is at. You can see in the cul-de-sac there is parking all the way up to the fence line, past that house. The shed is actually going to be given to Space #10 and moved over. That propane tank is no longer there as well.

Commissioner Clark said her understanding is he went in to talk to Mr. Travis, and Mr. Travis was wanting to work with you. Part of him working with you was to allow #28 to go in, if #11 did not. Is that correct? Mr. Peck responded with him, no. He believes that conversation takes place with Mr. Skinner and Mr. Travis. He never had that direct conversation and he thinks he can attest to that. He thinks that was a work around that Mr. Skinner was trying to amicably work out with the town. But he had nothing to do with it.

Commissioner Clark asked Mr. Peck, if Mr. Skinner is your partner, are you two not supposed to be backing each other up? Mr. Peck said they are and he would agree to that.

Mayor Green asked if Staff and Opponent had any questions for Mr. Peck. There being none, he moved on to opponents.

Opponents:

Mr. Langdon opposes it because it's very close to the other ones and he doesn't want to see them too close together. He's very adamant about maintain safe distances in mobile home parks. As he said before, he had a very good friend who died in one. He doesn't like to see trailers crowded together. That's why he opposes it.

Mayor Green asked if the Commission, Staff, or Propoent has any questions for Mr. Langdon. There being none, he announced that closes this portion of the public hearing and therefore we have the opportunity for the public. He asked if there is anyone from the public who is not signed up as a member of the public.

Ms. Langdon is not against them or what they are doing. She has lived in two mobile homes that burned and she barely got out and it was not fun. Had their trailers been as close as these that are going in, she believes they would not have made it out and others may have lost their lives as well. They have had fires in theyt trailer park, as Chief Tooley can tell them, and it has taken lives. So there's no way to get to them and that's not having them as close. So the majority of them in the trailer park are worried about their livelihood in their homes and what they would do if they have nothing.

Mayor Green asked if the Commission, staff, or Mr. Peck had any questions for Ms. Langdon. There being none, he closed the public hearing.

G. ORDINANCES, RESOLUTION, & ZONING

1. Discussion/Action: Request for a Variance on Space #28 to be closer than 15' apart at Winter Haven Mobile Home Park 2335 Broadway St., Truth or Consequences, NM. Robbie Travis, Building Inspector

Building Inspector Travis said we have heard all of the questions on Space #28, their recommendation was if space 11 is denied, then they would allow space 28. He feels they tried everything to work with them.

Commissioner Clark asked Building Inspector Travis if the old ordinance also said 15 ft apart. Building Inspector Travis confirmed this. Commissioner Clark continued if he would have done his homework and read the ordinance, he would have known that was 15 ft. before he did anything.

Mayor Green asked if there is any physical structure preventing them moving the trailer the other way 2.5 inches so it's legal and becomes a non-issue. Building Inspector Travis agreed,

Mayor Green said his concern is the safety of the occupancy and the citizens. He asked if he as the Fire Chief is comfortable with that staying where it is. Fire Chief Tooley answered they would be more comfortable being able to move that trailer away from the other trailer to have more defensible area.

Mayor Green would like to pose the question to Mr. Peck as to why this can't be moved so it's a non-issue. Mr. Peck thanked them for the opportunity to explain that. If they move the trailer, it does not allow them the opportunity to add another in Space 31. It changes the layout. So not only are they forced to move the home, they would only have 30 spaces in the trailer park.

Mayor Green asked if there are any other spaces to move a home into. Mr. Peck responded there are six open spaces for mobile homes and four spaces for RV's.

Commissioner Clark asked about 28, and if we don't move it, we will run into the same problems with adding something in there. Mr. Peck did not believe so. He added there are no T or C requirements for the length of the home.

Commissioner Frankel asked if Trailer 28 were to be moved 2 ½ feet would it impede on another space. Mr. Peck responded yes it would and it would change the demographic from 31 spaces to 30.

Commissioner Hechler asked if he moved a 12 wide trailer instead of a 15 ft. wide into that space next to it, would that work. Mr. Peck responded he guess he is right, but the issue would be the monetary impact after they have already been given consent and all of the utilities have been hooked up. Building Inspector Travis corrected that not all utilities were in, just sewer and water, the electric and gas stopped this and they made have been done since then and shouldn't have been until this was cleared up.

Mayor Green asked for any other concerns the Commission may have on this.

Commissioner Clark moved to approve the variance on Space #28 to be closer than 15' apart at Winter Haven Mobile Home Park 2335 Broadway St., Truth or Consequences. Mayor Green seconded the motion. Commissioner Frankel, Mayor Pro-Tem Whitehead, and Commissioner Hechler voted nay. Motion failed by a vote of 2-3-0.

2. Discussion/Action: Request for a Variance on Space #11 to be closer than 15' apart at Winter Haven Mobile Home Park 2335 Broadway St., Truth or Consequences, NM. Robbie Travis, Building Inspector

Building Inspector Travis said the same on Space #11, the recommendation would be to not approve because it's too tight.

Commissioner Clark moved to deny the variance Space #11 to be closer than 15' apart at Winter Haven Mobile Home Park 2335 Broadway St., Truth or Consequences. Mayor Pro-Tem Whitehead seconded the motion. Motion carried unanimously.

3. Discussion/Action: Ordinance No. 690 for publication adding Section 2-210 providing a procedure for the recusal of City Board Members. Jaime Rubin, City Attorney

City Attorney Rubin stated as you know we had a proposal for this ordinance that was just related to the PUAB, and then he was tasked with coming back with an ordinance that included all boards. He presented the changes and read the section stating:

The City Commission recognizes that its boards make important recommendations to the City Commission, and the City Commission desires to enact safeguards to ensure that the individual board members are able to conduct themselves without having improper considerations influencing their collective recommendations. Further, the City Commission finds it necessary to maintain the public perception that individual board members shall only use their positions to advance the public interest and not to take actions for the primary purpose of directly enhancing said board member's financial interests or financial position. Therefore using the Government Conduct Act described in 10-16-1 et seq. N.M.S.A (1978) as a guide, the City Commissioner hereby promulgates the following:

Commissioner Clark commented that since she was the noisiest one on this. She appreciates it including all boards and including the Governmental Conduct Act..

Mayor Green appreciates the time and energy staff put into this and also that City Attorney Rubin heard what they said and returned the goods.

Commissioner Hechler moved to approve Ordinance No. 690 for publication adding Section 2-210 providing a procedure for the recusal of City Board

Members. Commissioner Clark seconded the motion. Motion carried unanimously.

H. UNFINISHED BUSINESS

1. Discussion/Action: Request to Appeal for Resolution No. 15 16/17 related to 1308 Tin St. Robbie Travis, Building Inspector

City Attorney Rubin reminded them once again, this will be the battershell hearing process. Clerk-Treasurer Cantin did the swearing in for Building Inspector Travis and Ms. Bobbie Hanna.

Staff Presentation:

Building Inspector Travis began this is related to Resolution 15 15/16 for 1308 Tin St. and they want to appeal it. They originally wanted to appeal it at the beginning of the year and we were trying to work with them to either clean up the property or sell the property. This was passed on 12/13/2016, they met with the owner a few times, giving them more time to get the property cleaned up and repaired, or to sell the property to someone who can. Staff recommendation is if we set a final deadline of 30 days and if it's not sold or cleaned up, then we proceed with the demolition. We have their appeal letter and then the Resolution in the packet.

Mayor Green asked if there are any questions from the Commission for Mr. Travis. Being none, City Attorney Rubin announced he just wanted to complete a record here. He sees the Resolution referring to Exhibit 1 and he asked if that is part of the record and has already been put as part of the record. Building Inspector Travis confirmed it has. City Attorney Rubin said he also mentioned some photographs at one time and asked if that is part of the record also. Building Inspector Travis confirmed it is.

Mayor Green moved on with the proponents who can cross examine staff.

Ms. Bobbie Hanna said her only question is how can you set a 30 day deadline to sell a property? She can't do it in that timeline and if she could, she wouldn't be here. We did give her the opportunity to sell and we did discuss other options, but selling is what she decided on. If the city just destroys it and takes the land, she gets nothing. She already has a loan against it, and doesn't understand the time limit.

Building Inspector Travis let her know, our ultimate goal is not to take your land or property, it's to get them into compliance. Our goal is to get the property cleaned up and at least in some kind of physical good shape. We have given you 8 months and. Ms. Hanna said the problem is, she can't afford it. Building Inspector Travis continued, we can't keep letting it go down the road, something has to be done. One of the concerns that he has is that she set too high of a price on the property to sell it and he doesn't think she got any offers on it. If you're going to sell, it you have to do it at a reasonable prices or it won't sell. Or you can get it cleaned up.

Proponents:

Ms. Bobbie Hanna said she is only asking \$25,000 for the property. She doesn't feel she is being unreasonable with her price, she just doesn't think there is a lot of people with money in T or C. Mayor Green said this is her time to make her case as to why this should be approved. Ms. Hanna continued it should be approved because she should be given an option to get a good price for it.

Questions from Commission:

Mayor Green asked how long it's been on the market and where are they advertising to sell. Ms. Hanna responded she is only advertising outside because she can't afford to put it through a realtor. And the signs were put up for sale maybe ten days after she filed the appeal.

Commissioner Frankel asked how she determined the cost of the lots and if it was appraised. Ms. Hanna responded no, she can't afford that either, she looked at what lots were going for in other realtor places throughout town and in the newspapers. It's well below what the same size lots were going for. Commissioner Frankel asked how she valued them at \$15,000 per lot in her neighborhood. Ms. Hanna responded, it's a nice neighborhood and the same sized lots are going for more in not nice neighborhoods. So she doesn't think it's unfair. Commissioner Frankel asked if Building Inspector Travis has a picture of the property. He added that he's a newly registered Real Estate Broker and he has been familiar with property in and around her neighborhood and he recently just sold a lot with a mobile home on Lead St. for \$8,500 for the lot and mobile home. That was within the last 30 days. So he just wanted to make her aware of that.

Commissioner Hechler asked what her asking price was for that property. Ms. Hanna responded \$25,000. Commissioner Hechler asked if she was taking into consideration the price it would cost someone to make it habitable? Ms. Hanna responded no because that's just the price to pay the lien she has against the house. Commissioner Hechler asked if she had a lien against the house for \$25,000. Ms. Hanna responded yes.

Mayor Pro-Tem Whitehead asked at this time we are only asking you to go in and clean up the property correct? so if she as to get some friends or family or people in the community to get together to help clean up that property, then this would kind of go away for right now, correct? Building Inspector Travis responded that's correct. Mayor Pro-Tem Whitehead said and that would give her more than the 30 days for it to be on the market. In reality, we just want the property cleaned up at this time.

Mayor Green asked what Ms. Hanna was cited for and how does that citation read? City Attorney Rubin said his assumption is looking at the Resolution, Exhibit 1 seems it would articulate the information they are requesting. Mayor Green said Manager Fuentes indicated it's a dangerous building, so that is a little bit more than cleaning up a yard or pulling weeds. He asked if he was correct? Building Inspector Travis confirmed that is correct. Mayor Green thanked City Manager Fuentes for the information. Mayor

Green continued so the violation included, but not necessarily limited to those items listed in the inspection report. And then you talk about a certified letter was sent, so what he is really hearing is, the only way this could be satisfied would be by her selling it. So if Mr. Travis said 30 days, would Ms. Hanna consider listing it at a Real Market Value, that might change the dynamic of why she is here. Unfortunately, you don't have the money or the skill to put that house back in shape, and no one is nibbling at \$25,000. The alternative if we are talking about a 30 day extension, is to maybe find a couple of dollars, put an ad in the Herald and the Sentinel. Because obviously, the drive by is not doing it and see what happens in a month. He suggested they might want to extend that period just a little to maybe 45 days to give a little more time to sell that building. Otherwise, it's not fair to our citizens or to our community to have such a safety hazard.

Commissioner Clark asked if she heard Ms. Hanna say she had a not for \$25,000 on this property. Ms. Hanna confirmed. Commissioner Clark asked so you want to sell it for \$25,000 and you would have a net zero. Ms. Hanna confirmed. Commissioner Clark's point is why is she even trying to sell it? Ms. Hanna responded it's because she can't afford to fix it. Commissioner Clark asked why she doesn't give it back to the bank and just walk away from it. Ms. Hanna said that doesn't solve her problem. Commissioner Clark responded selling doesn't solve her problem either because she gets nothing. She added if you put it up with a Realtor, they don't get anything either, Commission only. But at least you're selling and might protect your credit a little bit. She suggested that she put it on the market with a Realtor who can put it out there, if they will take it for more than \$25,000 so it covers their cost. Or there may be a deficit going to a bank. It might take the pressure off of her if she lets a Realtor handle it.

City Attorney Rubin is trying to figure out where they want to go. They passed a Resolution in December of 2016, and you already determined it's a dangerous building. Of course, there were time limits put in there already before the Resolution. And they filed the appeal, so the Commission needs to determine what they are going to do with the Resolution. Are you going to just stay the resolution or are you going to say no and deny the appeal and go forward with the Resolution. But you have to deal with the Resolution.

Commissioner Clark said if we have the Resolution here and let's say she just walks away from the property and doesn't make any payments anyway and the bank takes it over, then we have the Resolution and a foreclosure. Mayor Green said and then we still have a house that is in violation of our codes. Building Inspector Travis said then we could go after it, but he doesn't think it's a bank that has the lien. Ms. Hanna agreed.

Commissioner Clark asked whether she was making payments on this. Ms. Hanna confirmed she is making payments.

Mayor Green said so what he is hearing is Mr. Travis mentioned setting a time frame of 30 days, and if it's not sold, repaired, or cleaned up, the city will proceed with demolition.

Mayor Pro-Tem Whitehead moved to approve to give 30 days and if it's not sold, repaired, or cleaned up, the city will proceed with demolition. Commissioner Frankel seconded the motion.

Discussion was held. Mayor Green asked if 30 days is a reasonable time in our market in T or C to attempt to try to sell a house. Commissioner Frankel responded the only sale you could do in 30 days would be a cash purchase. That would be the most minimal time to close a home in. He added a more realistic timeline is around six weeks to close on a home. But he also knows Mayor Pro-Tem Whitehead has experience with the Title. Mayor Pro-Tem Whitehead responded it just depends on the nature of the home and what it looks like.

Mayor Pro-Tem Whitehead asked to change her motion to give her 45 days. So she can get friends and family in there to help her clean it up and do a little repair to make it more convenient for the neighborhood to look at. We are trying to help you in every way we can, but you have to help yourself as well. Commissioner Frankel seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

2. Discussion/Action: Possible closure for the Pool in the Winter. Juan Fuentes, City Manager

City Manager Fuentes presented the item. At the last meeting Millie McCloud brought this suggestion during public comment to close the pool during the winter in order to save money to resurface the pool. Destiny Mitchell also commented today on this issue. He asked Traci to contact Christine Zeal with the State of New Mexico Environment Department, who they work with for permitting. She did confirm that we do need to resurface the pool. So definitely a closure during the winter months would not only help us to save money, but help us to schedule this project. Traci has already been working on getting quotes on the resurfacing, so it's something we need to work on pretty quickly. If the Commission wants to proceed with the closure of the pool, we would need to bring back a budget adjustment. He added we also have some staff positions that are not filled right now, so obviously we would not fill those positions. This is a policy matter that would need to be approved by the Commission.

Mayor Pro-Tem Whitehead asked about the current employees and what they would do for the few months that we would be closed. City Manager Fuentes responded they would be kept on staff and working. We have other work that needs to be done and cleaning up the pool. There could be other duties in other departments that they could be assigned to. So we would still be using them. But they will also be part of the project and the closure and emptying the pool. Mayor Pro-Tem Whitehead thanked him.

Commissioner Hechler asked what the duration is and how many months that is. City Manager Fuentes said he believes we take the bubble down sometime in April.

CITY COMMISSION SEPTEMBER 27, 2017 REGULAR MEETING MINUTES

Commissioner Hechler asked what the cost savings would be. City Manager Fuentes said the Finance Director ran some numbers and it would be about \$30,000 that could be saved. Because again, we will not be running heating or filling some of the vacant positions. We would have to come back to the Commission to see where we would get the remaining balance.

Commissioner Frankel asked if he is understanding that the cost savings would go towards the resurfacing. City Manager Fuentes confirmed this. Commissioner Frankel asked if we were to consider closing it, that we have a set date that we will be open by set in stone in case we have any unforeseen problems. City Manager Fuentes said until we get someone to come in and tell us a time frame, we are not sure on how long it will take. Commissioner Frankel asked for us to shoot for the first part of May as a goal.

Commissioner Clark said just the cost alone for the utilities will be about \$6,000 a month to keep that bubble up. So that would mean more than \$30,000 if we are closed for six months. She also remembers talking to somebody before Christie when they were talking about a new pool. She seems to remember the cost for the resurfacing would be about \$90,000 to \$100,000 and where are we going to come up with that \$100,000 to resurface it. She also talked about looking into a heat exchanger which could help keep hot water in there or use the hot mineral water during the Winter. City Manager Fuentes said right now, the scope of work we are looking at, is just the resurfacing. If we start adding on additional items then it becomes a more complex project that requires more time and more money. We need to decide what we want to focus on if we get this approved.

Commissioner Clark said that is what she is thinking and then we are going to get back into the \$8,000 a month for the bubble in the wintertime. Why aren't we looking at trying to operate this more economically in the same time period? City Manager Fuentes said the bubble is not just to keep it warm, it's also for the elements on the outside for the winter. So even if we were to do a heat exchange for the water, we would still have to put up the structure every winter.

Commissioner Hechler asked what the expected life is of that bubble. City Manager Fuentes responded initially it was 20 years. Public Works Director Armijo did indicate recently that it is showing signs of wear and tear from taking it down and putting it up. He asked Clerk-Treasurer Cantin, about the similar structure in Alamogordo and how long it has lasted. City Clerk Cantin confirmed they did have a similar structure and she heard they recently took it down, and she believes it had been up for 18 years. City Manager Fuentes said even though they say it's 20, it all depends on the weather of course. Clerk-Treasurer Cantin added that didn't mean anything was wrong with it when they took it down. It was just a decision they made.

Commissioner Hechler asked if City Manager Fuentes felt we still had about 10 years on it. City Manager Fuentes confirmed.

Mayor Green is going a different direction. He is going to talk about quality of life and Christie saying that by February, we fix it or we our out of the swimming pool business. He would like to find out what the cost was, the time frame for dumping out the water, how long it takes to dry out the pool and do the fix. We are a Senior Community and this is not a \$12,000 purchase, it's a big deal. He would like for us to explore the use of Lodger's Tax for the swimming pool. He would like to have the idea of tasking staff to get the information and time frame and come back to the Commission rather than saying we will close the pool for 6 or 7 months. He thinks its an easy way out for us, but not for the community without exploring every possibility.

Commissioner Frankel said one thing that comes to his mind, if we shut it down for a short period of time, we will have to put up the bubble.

Commissioner Clark said if we do get shut down, there may be more than just resurfacing to open it up. We have to fix it before she closes us down, because then we may end up having to fix other things that may have been grandfathered in.

Mayor Green said whether we close for a couple month or much more, we have to determine how it will be funded.

Mayor Pro-Tem Whitehead moved to approve that before we close the pool, we task staff to look at all of the options to bring pool up to standards without closing for six to eight months, and to meet the time frame the state has given us and bring the information to the next agenda. Commissioner Clark seconded the motion.

Discussion: Commissioner Frankel said he would like to look at the four months to do the project to cover the cost of the project. Commissioner Clark would also like us to find out what ramifications the Health Department would give us, if we do start the process and it's not completed by February. That we look at everything as Mayor Pro-Tem Whitehead said. Mayor Pro-Tem Whitehead said let's look at the whole ball park to see how long we would need to close it to get it up to compliance.

City Manager Fuentes said the intent was to close it for the entire time we would need to have the structure put up. He will definitely work on more information and bring it back.

Motion carried unanimously.

3. Discussion/Action: Appointment of a Minimum Pool Representative. Juan Fuentes, City Manager

City Manager Fuentes explained the Commission approved the JPA with the other Entities and it does require each entity to appoint a representative to serve on that. Commissioner Clark has spent a lot of time working on this but thinks the best person to serve on this would be Commissioner Hechler. And she would be happy to share what she knows.

Commissioner Clark moved to approve the appointment of Commissioner Hechler to serve as the Minimum Pool Representative. Mayor Green seconded the motion. Motion carried unanimously. Mayor Green thanked Commissioner Hechler for offering to serve on that board.

4. Discussion/Update: Benefits to the Community for the new Law Enforcement Complex. Steve Green, Mayor

Mayor Green put this on the agenda because he received a lot of phone calls about the item that was approved and about the petition that is being circulated against the ordinance that was passed for the funding of the Law Enforcement Complex. He wanted to give the Commissioners the opportunity to talk about their vote on that item and asked the Chief to come up also.

Commissioner Clark – see if she had a list she was reading from. She put out some of her personal thinking as a Commissioner on this item. She gave her breakdown of the funding that is currently spent. So we are looking at \$151,000 that would stay in our Police Department and we are actually paying \$107,000 to put in a new Police Department Complex. With the argument that some of this is tax money, she added this is more money that's going into our Department now. And she finds that pretty remarkable. And that we will have the employment in the Animal Shelter instead of someone else having that. She mentioned there are services we would be providing to our community that we currently don't provide including: Youth Services, Youth Explorer's Program, Police Activities League, Volunteer Program; Reserve Officer's; Crime Prevention; Emergency Management; Emergency Operations Center; and assistance in dealing with minors. She asked Police Chief Alirez if he could expand on some of these things.

Police Chief Alirez – see if you can get a copy of the list he is reading from. Started with Youth Services and it's something we drastically need here and it encompasses quite a bit. It could be a mentoring program; youths that are caught ditching school or some other issue like that and they end up in court. They work with Municipal Court and have them help with projects they work on and it's something that is contagious and needed. Explorer's Program will help them excel in our community. We already have two youth interns from the High School working at the Police Department. It's been great and is getting a lot of steam. One of the biggest assets we have is the life of our seniors and he's spent quite a bit of time with them and we are experience rich and we really need to assist us with other programs and capitalize with us on this experience. Reserve Officer's, which goes without saying. They can double their fuel forces; it's a low impact on their budget; and puts another officer in a vehicle. He has spoken to the state for the training requirements and in the new building there's a locker room for that specific reason. For all of them, sometimes they need to shower so they don't take that stuff home with them. So that's a big one. Crime prevention, they don't really have the staff or room to do something. He gave an example of crime prevention and what could be done to prevent a crime in the future. That is a big deal and if we had volunteers that could go out and visit people, it would be nice. If we could have these programs it

would make it nicer for people to live here. Emergency Command Center: that location is on high ground and is a perfect place if something were to occur and we needed to operate a command post to have all of the important people to be there to respond. In 1996 he was tasked with developing a youth program and he didn't want to do it. That task actually become one of the most important in his entire life. It taught those children to effectively deal with minors who demonstrated destructive behavior. Whether it was stealing cars, or smoking dope. And when you tell a parent who is ready to pull their hair out, because CYFD is involved and their concerned that their parental ability is lacking to stick with you for 11 weeks, and they will never have an argument with that kid again and they will do everything they tell them. And you watch the difference when they have those tools for success for some young folks. Another thing would be citizens Academy to give them a good inside look at how we deal with patrol operations and other things, and give them some insight on what we do. And more importantly, the laws and restraints we have on us. So they can understand, what we do, how we do it, and have an appreciation for how the justice system works in the State of New Mexico. Police Activities League, he had one where he was at and we would need to get a Non-Profit status and it would allow us to partner with other entities within the city for Youth Services. The Police Department would obviously have an Officer there for whatever the program may be. We have a new Officer who's a past BMX Rider and he's expressed interest and has been tasked with putting on some new clinics for our young kids to go out and ride. That's a few of the services we are looking forward to implementing, but we just don't have the room. Adding another 300-500 feet behind ours just won't do it. We need the area to train, we need the area to sit down and bring the community in and interact with them in a training environment. Whether it be a Citizen's Academy, Parental Assistance, and so forth.

Commissioner Clark wanted to add there is something very special with using the National Guard Armory and using that for the Police Station. It is consistent with the use of putting administration in there.

Police Chief Alirez wanted to add, he wishes he could take credit for the idea, but this was all started before he arrived here. When the State gave it to the city, they gave it to the city with the vision of it becoming a law enforcement. When he first looked at that building, he initially said, "Really?" Then the Construction Engineer told him that building had great bones. Then when he talked to some of the Veterans that have served out of there, it really became apparent that this building is an iconic part of this community. It's a basis for community service for our state, nation, and community. We had people who enlisted who never came home and paid the ultimate sacrifice abroad. We have members of this community who are proud that they served in the National Guard like Captain Apodaca and what an appropriate way to continue that level of public service through that iconic building. He has seen the drawings and it's going to be incredible.

Mayor Green asked how long Police Chief Alirez has been in Law Enforcement. Police Chief Alirez responded in January it will be 32 years. Mayor Green said that is a little bit of experience. Mayor Green went on to say in 2011 we passed ¼ of 1% Gross Receipts Tax which our citizens pay. He reminded them, you don't pay it on food,

drugs, or housing. They realized the Police Department was underfunded and we were basically a training center for New Mexico. They would come in, we would train them, they would go to the Academy and then we would lost them to other communities. He finds it interesting, that the person who is circulating the petition since 2011 has never ever said one word, not boo, on how that money was being spent. It was given for Public Safety for not a lot of stringent rules. Because 32 years trumps 0, that's for damn sure. We are going to be faced with an election. That election will cost us \$8,000-\$10,000, and yet this gentleman stands here and rails at us about how we don't spend money wisely. This appears to him to be a personal vendetta of one person against the city. Where has he been in the last five years, related to the GRT. This is a public document and right out of our budget. Since we put in this GRT, it has amounted to \$1,476,000. He is the only Commissioner who is up here who voted for that $\frac{1}{4}$ of 1%, but yet for five years that light has been shut off. And all of a sudden since that one person doesn't think the Police Chief or Police Department and this Commission has done due diligence to do something that is going to benefit not only the citizens but quality of life, it just doesn't add up. Our Police Department just a couple of months ago was recognized as the 14th safest city in New Mexico. We didn't come up with those numbers, another agency did. 14th out of 106. Can someone tell us our Police Department is not serving our public? It's their money. This Commission votes to give them every year that $\frac{1}{4}$ of 1%. He supports our Police Department and would never vote to take away something from a department who has justified the use for something and the need for it and no one has ever complained. He doesn't know what that gentleman is telling people on the street. It's his right to circulate that petition, but if enough people sign, it triggers an election, and is a total waste of money. It's the Police Department's money because the citizens supported their decision in 2011-2012 and agreed it's the right thing to do. Five or six years later the Police Department can't make decisions that are in the best interest of this community and bringing their ideas. He wanted to bring this up because he thinks it is a tragedy. He thinks it short sells the Commission and the decision they have made. It short sells our Police Department and the decisions they are making within their own budget. It's not a new tax we are going to impose upon our citizens. This has existed since 2011 and since one individual gets it in their mind that they don't like what the Commission or the Police Department is doing, you elect us and what we feel is in the best interest of the citizens. The Commission's judgement on this issue has not been questioned for five year, why now?

Police Chief Alirez added they have a Ride-Along program and invited anyone to come and fill out a form and get to know the Officers who are out there and doing a great job. He looks forward to hoping to implement these programs, within five years it will change the dynamic in the community.

Mayor Green asked if he feels confident that the $\frac{1}{4}$ of 1% is enough money to pay down the bond and any other expenses that might be incurred in the delivering of a world class safety complex or do you feel you will need to come back and say you made a mistake and will need more money to cover the obligation.

Police Chief Alirez responded when he first arrived here, he took a good look at the budget. He asked some questions and made reductions right off the bat. They are big on asset management and are very fiscally responsible. He is very comfortable and confident they will not have to come back for more money. Last year, they fell under their baseline budget for operations and salaries. It's not something he dreamed up, he is lucky that he's part of it. However, its been going on for years and he wouldn't even proceed if he didn't think they could operate it and still be able to maintain their post.

Mayor Green asked if he would say it's fair this has the support of the department. Police Chief Alirez said across the board.

City Attorney Rubin suggested the Commission consider moving the Executive Session up on the agenda due to the time restraint.

Mayor Green said Mayor Pro-Tem Whitehead has a meeting at 4:30 and asked if we can do it in that time frame. Mayor Green asked City Clerk Cantin if they would need a motion to move the item up on the agenda. City Clerk Cantin responded it would be a motion to do the Executive Session next, and then a motion to go into Executive Session. City Attorney Rubin agreed.

Mayor Green recessed the meeting at 3:58 p.m. and reconvened at 4:04 p.m.

Mayor Pro-Tem Whitehead moved to approve we move Executive Session to after Item H. 4 to be discussed next. Commissioner Hechler seconded the motion. Motion carried unanimously.

K. EXECUTIVE SESSION

1. Threatened or Pending Litigation (Hot Springs Land Development & 714 Kopra) *Pursuant to 10-15-1(H.7)*

Mayor Pro-Tem Whitehead moved to approve going into executive session at 4:05 p.m. to discuss Threatened or Pending Litigation (Hot Springs Land Development & 714 Kopra), 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 4:51 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. ADJOURNMENT

Commissioner Clark moved to approve the City Commission of T or C approved a settlement agreement with Hot Springs Land Development and agreed to de-annex the property we acquired in the 2008. The Commission therefore approves the declaration prepared by Ms. Hoffman to vacate the court order of April 21, 2017 which included for annexation property annexed in 2003. The 2003 annexation was not part of the equation with Hot Springs Land Development. It was to connect the city to the Airport. Hot Springs Land Development was not part of the annexation equation at that particular time. Mayor Green seconded the motion. Motion carried unanimously.

Mayor Green announced that on the second item under Executive Session for 714 Kopra. We did not have time to do the part of 714 Kopra during this Executive Session because Mayor Pro-Tem Whitehead is late for a previous commitment.

Mayor Green moved to approve to postpone the 714 Kopra issue until October 11, 2017 under Executive Session so we will have a full Commission to discuss it. Commissioner Hechler seconded the motion. Motion carried unanimously. Mayor Green apologized for the weather and the long wait.

Mayor Pro-Tem Whitehead had to excuse herself at 4:54 p.m.

H. UNFINISHED BUSINESS *(continued)*

5. Discussion/Action: Authorization to send a second letter of concern to Holloman Air Force Base for the F-16 proposed action area. Steve Green, Mayor

Mayor Green said if they will remember, the Commission requested to send a letter to Mr. Andrew Gomolak. He read the letter that was sent to him related to a second letter and requesting more time.

Commissioner Clark had a map put up to review the proposed flight area. The map included the space that is over Elephant Butte Lake. The concerns we have include: this is a bird migratory pathway; we don't want the sonic booms, we don't want them flying at 500 feet; we don't want 20,000 flights in a year in this area over the Armendariz Ranch where the bat sanctuaries are; she explained the problems with the birds and specifically vultures who can't dive where other birds can. We are also concerned what is going to happen to our elderly people with all of these sonic booms. They brought this up to more Gomolak and fortunately they had six other people whose attention they also had. What they learned is if the City Commission were to write a request letter directly to Holloman and ask certain things, then we would have more than an impact to get this on. They said they would put it in their Rules and Regulations for Pilot Training. And there would be serious repercussion if the Pilot broke these rules and they would be grounded. She learned in order for an F-16 to reach a sonic boom level, they have to go 768 mph and they can't leave Holloman and go west and with enough miles to reach sonic boom by the time they get to the lake. They need a wide girth to be able to

turn for a sonic boom. We can ask them to keep sonic booms East of the Catalina Mountains, where Turner's Ranch is and we could not hear them. She did ask them if they would consider not flying lower than 10,000 feet in the area because migratory birds would not go any higher than 8,000 feet. That would be safer for our birds and would not disturb them theoretically. The other interesting this is if the Army is using White Sands, they can't get through the missile range to this area. She asked if they would schedule their least invasive tactics, like the school programs to the area in question, so it's less intrusive. She also asked them to use our area as a choice of last resorts. So basically they agreed the sonic booms could stay on that side of the San Cristobals. The F-16's fly in pairs, so there will only be two at a time and they only fly in a six hour period during the day. They don't fly past 10:00 at night. And if they are up at 10,000 feet, we are hardly even going to see them, which is also nice to know. The deal about the chaff, it will mostly be East over toward White Sands and not in our direction. They tried to say what is left of the chaff is basically like what sand is made of, so when it gets down to the ground you can't tell the difference between chaff and sand. So the recommendation after talking to him is that we write this letter again and ask them to put the things she mentioned into the rules book. She knows they will be getting the same kind of thing from the Armendariz Ranch.

Mayor Green asked if Commissioner Clark got any sense if there is any wiggle room to push the whole thing East. Commissioner Clark responded East of the Cristobals, is the area that will keep them away from the bat caves and wildlife. Mayor Green added it would be great if Turner and the City came up with the same solutions. Commissioner Clark added she knows if there is a no fly zone in the City of Truth or Consequences or City of Elephant Butte, they cannot get near those cities.

Commissioner Clark wanted to mention she does have an interest in a property in that area, but City Attorney Rubin didn't feel that was a conflict at this time.

Mayor Green added his concern is they can't fly over us. But at 400 mph which is what they use for training, if you took a look at the West boundary of 511cd, it's over the water and the corner of the dam. And where the crow flies is the hospital.

Commissioner Clark said let's just ask them to stay away from the Rio Grande completely for the migratory bird path. To avoid any problems with endangered species.

Mayor Green asked if she would advise that we include the emails and letters that have been received by citizens. He then added he would be happy to work with Commissioner Clark to prepare the letter to get it to them.

Mayor Green moved to approve the authorization for Commissioner Clark to work with Mayor Green to work on a second letter of concern to Holloman Air Force Base and offer alternatives for the F-16 proposed action area with that letter to be approved by City Manager Fuentes and City Attorney Rubin. Commissioner Frankel seconded the motion. Motion carried unanimously.

Mayor Green added if the citizens have any additional facts to include please get it to him tomorrow.

I. NEW BUSINESS

1. Discussion/Action: Appointment to the Library Advisory Board. Renee Cantin, Clerk-Treasurer

Clerk-Treasurer Cantin presented this item. The vacancy was published on September 13th and they only had one applicant. The Board is requesting the reappoint Pat Freemyer and Carol Wilson to the Library Advisory Board and appoint Michael Bankson to fill the vacancy until 2020.

Mayor Green moved to approve the reappoint Pat Freemyer and Carol Wilson to the Library Advisory Board and appoint Michael Bankson to fill the vacancy until 2020. Commissioner Clark seconded the motion. Motion carried unanimously.

2. Discussion/Action: Night Sky Friendly Lighting Program. Kathy Clark, Commissioner

Commissioner Clark asked Electric Department Director Easley to come forward with some information about each time we replace city lights.

Electric Department Director Easley reported every light they have ordered in the last four or five years are the night friendly type. Once the light goes out, they replace it with the sky friendly light. They have not gone out to replace them all because they are expensive.

Commissioner Clark asked a few questions to Electric Department Director Easley. Including whether the cost of using the night friendly lights. Electric Department Director Easley answered the cost is about the same. He added if you look down North date, a few still have the glass lights and the others have the lights that have a cover so the light just goes down. Commissioner Clark asked if it's possible to just get the shade and not change the whole fixture. Electric Department Director Easley responded no, that's not possible. Commissioner Clark asked if someone wanted to do it in their neighborhood and wanted to fork out the \$150 of their own money, could they do that? Electric Department Director Easley responded they could. Commissioner Clark continued reporting what the state did was put in the Night Friendly regulations and there is a couple of things she wanted to bring to people's attention. The shielding is something that goes down and keeps the sky more available. In the act, you can replace them one at a time and have to once one goes out. One of the things the Commission discussed was we wanted to have Night Friendly Skies. But the act does not require the municipality to pay for it all at once. The act also provide for if the public wanted their own done, they could come and pay for it. If we gave the public the option, then it's off the table for us to be taxing our people.

Electric Department Director Easley added we are still behind the times, and the DOT put in the LED Street Lights up by Walmart. They are brighter compared to the lights we have downtown, but they are shining down.

Commissioner Clark asked if we wanted to give the public the option, could we give them two options if they wanted to go with the LED? Or would we want to have something consistent. Electric Department Director Easley responded we could give them an option, but he believes the LED's are more expensive. He would have to look into that. Commissioner Clark reiterated this is a tax to the public and maybe they aren't aware of that.

Building Inspector Travis asked if this is going to affect residents too. Commissioner Clark said theoretically lights at the ball parks should be off by 11:00 at night. She thinks it's a real safety issue. She has a couple of neighbors who have big flood lights and it just takes an extra shade in your house if it's too bright. Electric Department Director Easley mentioned over the years, it's been an issue of security at night. They have people who call and ask for a light in the backyard for security. Sometimes a neighbor will complain but if it's a night sky light it's facing down and there's not much they can do with that.

Commissioner Hechler asked if he has done a study with the regular lights and the LED lights to see if it would pay for itself over a period of time. Electric Department Director Easley responded when the DOT put in the lights he went ahead and put in a meter at the North Interchange and the South Interchange and he's gotten 3 or 4 months worth of data vs. the LED compare to the bulb and right now, the LED's are using more than the regular bulb. He said after another month or two, he will bring the data to show them.

Commissioner Frankel asked him to address the spotlight at City Hall on the flag. It's not directly on the flag and it lights downtown pretty bright. He's not sure if it needs a smaller bulb or facing a different way. Electric Department Director Easley said he would take a look at it.

Mayor Green said this is more of an education to the public. We might want to consider putting together a single page document to let the Citizen's know what the rights are if they are interested in doing this. Commissioner Clark said we could include this document with the flyer or a link to it so the customer can take a look at it. Mayor Green feels there is mistaken information out there that this will be the city's responsibility.

Commissioner Clark moved to postpone this and bring an information note back to the Commission at the next meeting. Commissioner Frankel seconded the motion. Motion carried unanimously.

J. REPORTS

a. City Manager

CITY COMMISSION SEPTEMBER 27, 2017 REGULAR MEETING MINUTES

1) Will be traveling with Mayor Stubblefield to Ruidoso for mandatory training for NMSIF.

b. City Attorney

1) 808 Maple property will be up for auction tomorrow.

c. City Commission

Commissioner Hechler needs a little guidance for City Manager Fuentes' evaluation. He suggested we meet with him in Executive Session at the next meeting so he can submit his information and then again the meeting after that for his annual review. Commissioner Hechler will send the copies and put them in their boxes. Commissioner Clark asked us to say annual review.

Commissioner Frankel reported on the drainage problem downtown. Last night it rained very heavily. He reminded the Commission. they approved to proceed with Mr. Van Clothier. He would like us to direct staff to follow up on this and get him scheduled. He's in high demand and has the available time now to work on this project.

Mayor Green found out because of lack of cash prizes we have lost out of Rodeos, Old Time Fiddler's went to Lordsburg, District Championships, and other things because of lack of cash prizes. He would like to work with Tom Dixon from the Local Government Representative for the Lodger's Tax program. His question to him was this, "20% of Lodger's Tax is allowed to be used for promotional items. What is the difference if an entity contracts out with a potter to make five commemorative coffee pots and gives them cash or give the entities to non profits to use for prizes?" And it's a stumper and has been asked to Santa Fe. He is going to suggest if we are going to try to attract groups, we've got to come up with a constructive legal way to give away cash and give it as an award. It was explained to him, who would travel overnight and pay for hotel and food, just to win a \$10 trophy. That's the market and if we're going to be a tourist destination, we've got to give that individual tools to work with in what the market is bearing and right now it's bearing cash. As soon as their legal gets back to him he will find out how they do it. We have got to do something about this for our tourism. The Socorro council gives the Mayor's budget discretionary money and it comes out of his allocation for the budget. Each Councilor in Albuquerque gets money for discretionary funds. We need to look at events we are losing and how we bring them back or we close our doors and don't do events or lodger's tax.

Mayor Green also reported he attended the meeting with Tesla at Latitude 33 with their board. He, Rebecca Dow, and our Tourism/Event Coordinator Melanie Anderson who handled herself very well. Tesla has a 260 member club and if we can get 50% of their membership down here, it would be great. We want to do a mystery get away and other events to get them here.

CITY COMMISSION SEPTEMBER 27, 2017 REGULAR MEETING MINUTES

Mayor Green also reported some of the money that is spent on lighting for the utility bills. The city pays \$251,921.82 to light itself up. He understands Traci is looking for grants because to Electric Department Director Easley's point, it's not only the bulb, it's the fixture to trade out. He applauds staff for trying to save money, but if we could cut back by 50% on lighting it would be \$125,000 a year we could use more effectively and efficiently for something else. Like motion sensor's so the lights will turn off more often.

K. EXECUTIVE SESSION

1. Threatened or Pending Litigation (Hot Springs Land Development & 714 Kopra) Pursuant to 10-15-1(H.7)

Discussed before H.5 above.

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

M. ADJOURNMENT

Commissioner Hechler moved to adjourn at 5:38 p.m. Mayor Green seconded the motion. Motion carried unanimously.

Passed and Approved this 25th day of October, 2017.


Steven Green, Mayor

ATTEST:


Renee L. Cantin, CMC, City Clerk