

**CITY COMMISSION MEETING MINUTES  
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO  
CITY COMMISSION CHAMBERS, 405 W. 3<sup>RD</sup> St.  
WEDNESDAY, DECEMBER 13, 2017**

**A. CALL TO ORDER**

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

**B. INTRODUCTION**

**1. ROLL CALL**

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

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

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

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

**2. SILENT MEDITATION**

Mayor Green called for fifteen seconds of Silent Meditation and asked to keep in your thoughts and prayers families of students who lost their life in Aztec this week and Chief Alirez who is undergoing some tricky surgery in California.

**3. PLEDGE OF ALLEGIANCE**

Mayor Green called for City Manager Fuentes to lead the Pledge of Allegiance.

**4. APPROVAL OF AGENDA**

Commissioner Hechler moved to approve the agenda with the following changes: moving I.1 and 2 to after Response to Public Comment and Item H.1 directly after Items 1 & 2 after Response to Public Comment. Commissioner Frankel seconded the motion. Motion carried unanimously.

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

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

Carolyn Cazares addressed the Commission related to:

1) God Bless you Commissioners, this has got to be tough. People, Politicians, Power, and Influence depend on the size and strength of their constituency. Register to vote or the same people who always vote will elect the same people who don't seem to be leading us in a good direction in allocating our tax dollars. The question of honesty is also being questioned here. WE need the public are to look at the facts and the facts are not always forthcoming. Self-respect requires self-discipline; decency requires conscience and courage; kindness requires patience and forgiveness. A good life happens to be a fair amount of work, it's not for the lazy. Register to Vote, let light into our open minds and bring it into practical application to fix our beloved T or C. She is backing a cause. She is only for or against those whose cause is in the direction of unity, brotherhood, and well-being of all T or C. The most effective revolutions address group and community discontent and open the way to improvement. Change is a necessary part of growth. Push into the new with courage confidence and clarity. Do not underestimate this insanity of the world which will not be taken from you, but can be given up by you. When a public servants negotiations have undermined the rights of the people he serves, and he has been accused of willful and wanton conduct in criminal property damage, not just accused but with witnesses and police response, it is time for our misguided City Government to publicly challenge his contract and those who approved and signed it. If you do not think this is a wakeup call you are mistaken. It is a reflection of inner consciousness, the consequences of withholding truth that have led to both local and national conditions. Wake up, Vote, Register at the County Clerk at 100 Date by December 22<sup>nd</sup> if you want to vote in January 23<sup>rd</sup> Election. And God Bless us all and help us all.

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

1) Has three minutes to try to answer the 26 minute rant on September 27<sup>th</sup> against the referendum for the ordinance that would encumber our community by \$3.3 million. He says that because, you have never acknowledged the \$550,000 interest on the \$2.188 million loan which is netting the city only \$2 million for a \$2.5 million construction estimate. That's where all of these numbers are coming from. You don't talk to the people about them, you retain information that is vital to people's understanding of what the true cost is.

2) Mr. Green, you have accused me of having a vendetta against the city. The City and the City Manager have a vendetta against him, when he sicked the former Chief of Police on him on numerous occasions to get him to shut up. He will not shut up because his cause is for the people of this community. The waste of public funding for such projects as this Police Station which has passed its due. 3 of the 4 original agencies don't want to be a part of it and we don't need the space for the same number of people who by your own acknowledgement have the 14<sup>th</sup> safest city record operating from a former mortuary. How much better can we do operating from a former Armory, it's ridiculous. He enclosed for their records the model ordinance for the repeal of Ordinance 606 for the GRT for the

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Police Department. Not to keep the Police Department from having it but to repurpose it for a Landfill that will benefit everyone else in this community.

Barry Wolf, 1107 Bosque North addressed the Commission related to:

- 1) Good morning to Commissioners and the people of T or C who are listening on the radio. Please get out and vote on January 23<sup>rd</sup> on the referendum to spend the resources on the building that should or should not be raised. Maybe we can spend the money on things on more important things like water and sewer lines or derelict trailers. How about that? His neighborhood is kind of full of them.
- 2) Remember when voted to appropriate money for the Spaceport, when he went around collecting signatures for the referendum, there were a lot of people who are not very happy with the Spaceport. It has done zero for the city, so maybe we can vote out the boondoggles, thank you.

Hans Townsend, Desert View Inn and Chamber of Commerce addressed the Commission related to:

- 1) He is repeatedly hit with the things the city does. It makes less and less sense as we go along. We are putting ourselves in debt in the future with things that are not as beneficial. We are not looking at the basics, we are looking at spending money on things that don't make any sense.
- 2) As far as YESCO goes, his personal opinion is we should do it ourselves which would save us about \$5 million. The money is going out the window. It started for him with the Swimming Pool roof. It was an insane amount of money for a roof that doesn't function. You keep taking it down and putting it up, and it costs \$8,000 to put it up. It's insanity. We could've used that money and got a matching grant and got a new swimming pool for that. Where the visitor's would be able to come in. These kind of things really start to make you ask what is really going on. We did three Engineering Surveys on that pool in six years which we had to pay for. These things don't make sense after a while. Sometimes he thinks the City Commission doesn't lead, it's led, and that's not good. The decisions don't seem to be made in the right way. And definitely money is not spent in the right way. If you think the votes are not so important, we pay for them every day.
- 3) He can tell you how much his tires cost him on a vehicle that was driven on other roads before. It's nearly 20 years old. And before he came to T or C, it didn't need tires as often as it does now, because the roads are trashed. Those little things are important to everybody in the city, the water, the roads. And we seem to be just going off on high ideas that cost a lot of money and put us in debt in the future. That's even worse. If we could afford it, it would be different. But he doesn't see that we are able to afford it. He doesn't see that we are going down the right road. And maybe it's just that you don't express things properly or keep us informed. You don't put anything in the paper or let them know what's going on, any more than you feel you have to. And that sort of thing is annoying because they are trying to judge things on what they know. And they don't always know all of the facts, but they do know that something is wrong.

Jeff Dornbusch, addressed the Commission related to:

- 1) Expressed his feelings about the YESCO Presentation. He thinks it's a big mistake and he thinks we can do it ourselves. There are a lot of tools the City Manager has in his

pocket besides the checkbook. He thinks the idea of having it done overnight is a nice idea, we could have it done by the Spring. And it could be done in increments and generate the same revenue, without the contracts that come along with it, and the 20 year uncertainty, as if it we were able to pay it back. Once again he expressed it's a bad idea and an expensive idea for the city and could be done much cheaper.

Ron Pacourek addressed the Commission related to:

1) Reiterated what Jeff just said. They are members of the Public Utility Advisory Board. At the last meeting they voted not to go forward with YESCO. And when that happened the YESCO people left the meeting and our City Manager followed them out right after that. When he came back, he said he was going to put this on the agenda anyway. They don't feel that this is a good thing. He wants to be in the 21<sup>st</sup> Century and have electronic meters, don't get him wrong. But, it just doesn't pass the smell test. When the City Manager said he was going to put it on the agenda for today, he is wondering what's the purpose of the Public Utility Advisory Board? This has been going on for three years and as he said it doesn't pass the smell test. You've heard other people say we could probably do it ourselves and we could look into that. He doesn't feel these people are representing our city and our community. So just to reiterate what Jeff said, he's not for it either.

Klaus Wittern, 618 Charles addressed the Commission related to:

1) He directed his comments exclusively to the YESCO Proposal. Money is tight, we don't have it. You believe it will cost the city nothing because it's paid by revenues. Revenues come from the citizens who will be asked very shortly to pay a significant amount for rehabilitating the water system. And it's true, we don't have it. His proposal which you've heard before is to alleviate that we don't have it, by leasing the meters that transfers the capital expenditures to the private sector for the time of paying the revenues to support the lease. Yes, they will come from revenues of the utility, as are the ones that are coming to pay for the proposal. So the source of the retainment is the same. However, that's the big problem of the opportunity, but the time period for paying for it is less than the proposal and what you need to consider. There is an opportunity to go out for RFP and see what the market can do for us instead of the sole source contract. Commissioners should be aware that the principal subcontractor is a company out of Colorado who are not licensed to sell meters in New Mexico.

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

City Manager Fuentes responded to Mr. Pacourek in regards to placing this item on the agenda. He asked them to just be aware that the Public Utility Advisory makes recommendations to the Commission either for or against. And as the Advisory Board made a recommendation in a prior meeting for this project and it was brought back to the Commission. Just because their recommendation now is not to go forward, doesn't mean that it doesn't come to the Commission. The Public Utility Advisory Board is only a recommending board, it cannot kill a project and avoid bringing it before the Commission. So that is the process unless the policy is changed, a recommendation either for or against, still comes to the Commission.

Mayor Green responded to follow up, he agrees with the position of the role of the advisory board. He feels it's inappropriate those Advisory Board members who have a vote in their business meetings. They read those minutes, to come here and use the three minute public comment to reinforce their position. It is your right as a citizen to come forward and speak as an individual, but he feels it's inappropriate to come forward to speak on behalf of the board.

2) Mayor Green responded to the last meeting comments on Police Chief Alirez living at housing. Recently Mr. Fenn has berated Chief Alirez during public comment for living in Public Housing at \$150 a month. He personally believes because of his personal animosity towards Chief Alirez, what was not said is the following: that there exists a Truth or Consequences Housing authority plan to house Law Enforcement Officers. This plan was submitted to the Housing and Urban Development. The goals that the visible presence of the Law Enforcement in Public Housing will serve as a deterrent to criminal activity and illegal drugs and drug related crimes in and around public housing. Having a Law Enforcement Officer present in their sites will reduce the potential for crime, vandalism, and loitering, increasing security for residents, as well as, creating an atmosphere of feeling more secure by current and future residents. Having a Law Enforcement reside in one of their units, provide a service to the community at Large. And to their residents by attracting law abiding households to the Housing Sites due to improved feeling of safety. The Truth or Consequences Housing Authority will charge a flat rate of \$150 per month for a two room unit. The Housing Authority does not believe there will be a loss of rental income by renting to a Law Enforcement Officer at the flat rate. Rather it feels that the benefit of housing an officer will offset any loss in rent. He read the response to the Executive Director of the Housing Authority, from the U.S. Department of Housing and Urban Development on Permission to house Police Officer's. Next he referenced a Memorandum of Understanding signed by the Housing Authority and the Police Officer's. He explained the details of the MOU they have in place and how many occupants they currently have. He understands there will be a letter posted to the different Police Department Agencies, letting them know there is now an apartment available and they would like that filled. He explained the activity requirements for living in the unit. Lastly, Resolution 20 16/17 approving the waiver for Law Enforcement units. He read the details of the resolution. We in our local newspapers don't have fact checkers. What we hear in Letter's to Editor is what is being written and isn't the whole story. He just wanted to complete Mr. Fenn's self-serving abbreviated story.

## **I. NEW BUSINESS**

1. Discussion/Action: Appointment of Larry Mullenax to the Airport Advisory Board. Renee Cantin, Clerk-Treasurer

Clerk-Treasurer Cantin presented the item. For the Airport Advisory Board we have one vacancy because Ron Phillips resigned and the application for Larry Mullenax is attached. At their last meeting the Airport Advisory Board recommended approval to appoint Larry W. Mullenax to fill the vacancy.

**Mayor Green moved to approve the Appointment of Larry Mullenax to the Airport Advisory Board. Commissioner Frankel seconded the motion. Motion carried unanimously.**

2. Discussion/Action: Re-Appointment of Dr. Greg D'Amour to the T or C Housing Authority Board of Commissioners. Renee Cantin, Clerk-Treasurer

City Clerk Cantin presented the item. The Housing Authority Board of Commissioners unanimously approved to re-appoint Greg D'Amour to serve another term. Please see the attached recommendation letter from Mr. Daniel Mena requesting your approval of the re-appointment. And also Mr. Steven Rice is here if you have any questions.

**Commissioner Frankel moved to approve Re-Appointment of Dr. Greg D'Amour to the T or C Housing Authority Board of Commissioners. Commissioner Hechler seconded the motion. Motion carried unanimously.**

## **UNFINISHED BUSINESS**

- H.1 Discussion/Action: Automated Meter Reading Project for Electric and Water System - Yearout Energy Services Company. Juan Fuentes, City Manager

City Manager Fuentes presented the item. On October 25<sup>th</sup> the Commission forwarded the item back to the PUAB for further review. There was a question as to whether this would require a water rate increase. The information in your packet does not have any increases on the water rates. There is already an automatic 5% increase that was already established by the City Commission two years ago for the USDA Project which is included in there. In the audience we have Scott and Alex from YESCO and the representatives from George K. Baum who are the Financial Analysts on our behalf.

Mr. Scott Griffith presented the history and origin of this project which came from using the loss of revenue of the water meters as a source to pay this back. This project under the state statute has to pay back with the savings in revenue that is recaptured from the new accurate equipment. So the process moving forward, the city asked them to look into a way to integrate the electric meters into the process, as well. The problem under the current statute is the electric meter side of it is very complicated and would be very expensive. So there's a huge upside on getting these electric meters. Because there is new accuracies to be had. The problem is the measuring of that is something that will require the expense of doing the line items study that we did. They wanted to find out if they could get the whole process funded through the water meter savings.

This project totally pays for itself out of the revenue capture and the savings, including the interest. So in the process moving forward they were asked to look at where you are today and where you would be in the future. So they looked at the fact that the EPA issues, there probably would be a cost of water going up in the future. But they took it out and only included the 5% increase for sewer rates. They formulated a project that included both water and electric meters and its \$5.2 million.

Mr. Griffith continued saying the engagement of the community is great. During this period with T or C, they have fully installed Silver City and are working on Roswell right now. They have put together the process and provide a guarantee that the revenues will pay for itself, and if you are short of revenue they will pay it back. They provide a guarantee that the revenues will be had. If they are not had, plus insurance the city would get a check from them that has to be reconcile every July. This process is complicated, it's providing infrastructure to you without a need for a bond or through Gross Receipts Tax backing. It's paid entirely by the savings and revenue that will be captured. They are here to provide a guarantee that you can do the project. If you do it yourselves and it doesn't work, what's your recourse? It's hard to go against the meter companies because they are going to blame you for installing it improperly. YESCO's installers are impeccable and licensed in all 50 states. Their subcontractors are licensed in every state they work. As far as the meters, they are by different reps around the country. They go direct to the meter manufacturers owner and direct source as much as possible. The city is doing a great job reading the meters but the cost is incremental. They have had OSE take a look at it so they are aware of every single bump in the process and the testing. With Silver City, their revenue is up by 18% and their consumption is down by 11%, so it made sense for them. They are about 1 ½ years out and are very pleased. The process they have to verify with the state. They don't have a choice of who the Engineer is, they provide that. Today he knows the vote is to whether to move forward or not. There is a process of leasing meters, which is a way of keeping the assets in the city's control and it's not third party owned. This allows you to calculate them properly and provide water more accurately. On the Electric side, you will be able to energize those lines so Electric Department Director Easley can purchase for less from the wholesaler. It's huge that the City does their own Electric. Santa Fe is trying to do it and hasn't gotten there.

Mayor Green asked if he can get to the numbers and why it's going to work and why it's not going to work, we have one Commissioner who has to leave. Mr. Griffith turned it over to Mr. Montano.

Mr. Montano is not here to convince any outcomes. The final price for the turnkey solution is about \$5.1 million. Their analysis proves that it funds itself. He wanted to take the opportunity to answer their questions because they have beaten this to death. They are here to bring them certainty that this is a good project.

Raheel Hiriji and Clint Elikins, they serve as the City Financial Advisor's. Whatever recommendation they make has to be in the best interest of the city, they have no other interest. They can tell the Commission this project is a self-funding and viable. They have worked with other entities, with Silver City, Roswell, Las Cruces, Clovis Community College and San Juan College. The interest rate assumed for the \$5.1 million project is a 3.4% which they think is a reasonable interest rate. However, when they do go to get the lending rates, the Commission would select which rate to choose. The numbers being used are sustainable with the current market. The other misconception is that YEARout cannot provide the funding for this project. The city will have to enter into a bond or loan which will be paid back by the savings. If the savings are not sufficient to pay the debt service, YEARout would have to pay the difference so no money will come out of the city

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funds. They will put together the bid package and get final interest rates from various entities. This also has to be approved by the various state agencies necessary including the Office of the State Engineer and the ENMRD before it can be finalized.

A lengthy discussion was held between Mr. Montano, Mayor Green, and Commissioner Clark.

City Manager Fuentes said the question about the contract would be the next step. The question about the numbers working, he believes the guarantee is in there and what we need from the Commission is whether we want to move forward to the next step and looking at a contract.

Raheel said that is definitely something that would be put in place depending upon the action taken tonight.

More discussion was held about the guarantee of the project.

Mayor Green asked Jay if the Commission were to vote to move forward on this process. City Attorney Rubin said you can actually include it in the action. Where the Commission will require the contract to be brought back.

Mayor Pro-Tem Whitehead said it's been expressed about doing this in house, have we done that and gone to RFP to see if we can do this less costly to do it in house. It isn't something that can be done by Spring, it's something that will take time. We don't want to close YESCO out but we want to do what's best for community. City Manager Fuentes said since they have been going through the process with YESCO they haven't explored that option.

Mayor Green asked if we did it in-house we would keep the money local, but staff can't do it as quickly as YESCO can do it. After ten years you would have old meters working on one type of system, and new meters on a new type of system. City Manager Fuentes said that is one of the challenges with this system.

Finance Director Torres agreed that is correct and they did have to run two systems parallel and to make sure they are talking to each other to make sure the data is parallel for billing, if they were to do it on their own. City Manager Fuentes added we do find challenges in retaining employees.

**Mayor Green moved to approve to authorize staff to move to the next step and looking at contract engineering reports or any additional information that is not in our possession. Look for \$92,000 in savings and this does not obligate the city in any financial way manner or form, it's just approval of a process.**

**Commissioner Hechler seconded the motion.**

Commissioner Clark said he mentioned having staff look at this and she would like to have Commission also involved. Mayor Green amended his motion to include the Commission and legal.



**Motion carried by a vote 3-2-0. Commissioner Frankel and Mayor Pro-Tem Whitehead voted nay.**

Mayor Green recessed the meeting at 10:55 p.m. and reconvened at 11:04 p.m.

**E. PRESENTATIONS**

1. Presentation – Mid-Year Review Grant/Projects. Juan Fuentes, City Manager

City Manager Fuentes gave an update on the projects that were approved in the final budget and that we have been working on this year. They showed some pictures of the current projects including the Animal Shelter; the Public Safety Building; the Wastewater Treatment Plant Projects; CDBG Project for Manhole Rehab; Fuel Farm at the Airport; Broadway Sidewalk Project; Veteran's Wall; USDA Equipment purchase; Local Government Road Fund Project (Kruger St.); and the installation of the radar's.

Mayor Pro-Tem Whitehead asked if the School Radar has helped with the accidents. Chief Apodaca confirmed there have been a reduction of crashes. Discussion was held that people do slow down when they see it. City Manager Fuentes said we are seeing some improvement in safety with those installed.

City Manager Fuentes continued with the resurfacing of the pool; and Foch and Main drainage project.

Commissioner Frankel reported on Foch and Main drainage project. They used the existing paths on Foch St. and there was no way of getting water into them. But it kept the water from flowing into these areas. Mr. Clothier will also be doing training for the staff on creating these cuts when they do any work in the area for future projects. By the end of the week we should have the drainage ponds on Foch complete which should help the drainage problem downtown next time we have a major water issue. The whole project came in well within the small budget they were given. He thanked the Streets Department and City Manager Fuentes working with them on this.

City Manager Fuentes continued with other projects we are working on including the Bus Route pilot project; and some internal projects with Finance who are working on significant internal improvements with the audits; and the ICIP Projects list.

Mayor Green thanked Chuck from the Sentinel and Tony from the Herald for attending who really keep the public informed on Commission business because of their newspapers and the radio station.

**F. CONSENT CALENDAR**

1. City Commission Regular Minutes, November 15, 2017
2. Airport Advisory Board Minutes, July 11, 2017
3. Public Arts Advisory Board Minutes, October 16, 2017
4. Accounts Payable, November 2017

5. Notice of designating Polling Places; appointment of Precinct Board Members and; Notice of Precinct Board Training for the January 23, 2018 Special Election.

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

#### **NEW BUSINESS**

1. Discussion/Action: Appointment of Larry Mullenax to the Airport Advisory Board. Renee Cantin, Clerk-Treasurer

**Moved up after public comment.**

2. Discussion/Action: Re-Appointment of Dr. Greg D'Amour to the T or C Housing Authority Board of Commissioners. Renee Cantin, Clerk-Treasurer

**Moved up after public comment.**

#### **G. ORDINANCES, RESOLUTION, & ZONING**

1. Discussion/Action: Resolution No. 17 17/18 to award bid – IFB 17-18-001 – CDBG Project 15-C-NR-I-01-G-06 Sanitary Sewer Manhole Rehabilitation. Melissa Torres

Finance Director Torres presented the item. They are recommending the award to Ducross Construction, LLC She read the 7 contractors that submitted a bid for this project with their amounts. Because it's a federal grant they have to ensure the contractor meets the requirements.

**Mayor Pro-Tem Whitehead moved to approve Resolution No. 17 17/18 to award bid – IFB 17-18-001 – CDBG Project 15-C-NR-I-01-G-06 Sanitary Sewer Manhole Rehabilitation in the amount of \$472,774.86 including GRT to Ducross Construction, LLC. Commissioner Hechler seconded the motion. Roll call vote was taken by the Clerk-Treasurer. Motion carried unanimously.**

3. Discussion/Action: Resolution No. 18 17/18 approving a Short Term Residential Rental Application Fee. Renee Cantin, Clerk-Treasurer and Jay Rubin, City Attorney

City Clerk Cantin presented the information included in the Commission Action Form. Because there are other fees required by the Short Term Residential facilities, including a business registration, Lodger's Tax, Convention Center Tax, and Gross Receipts Tax, we feel it's in the best interest of the business to just charge \$25 for the Short Term Residential Rental permit. She extended her appreciation to Building Inspector Travis and our new GIS Planner Susanna Diller for their assistance in locating the addresses for the properties in the Airbnb and they will be working together for the VRBO homes listed.

Upon the approval she will be working with them to get the letters and notices out to the businesses for compliance.

City Attorney Rubin requested a correction to the Resolution for Section 7.4.1. E.5 it should be 7-4-1.E.4.

Mayor Green asked if we are required to notify Chief Tooley and how they will get the knowledge of these businesses. Clerk-Treasurer Cantin responded she has already been in contact with him from the beginning of the process and he will be included because of fire inspections that are required.

**Mayor Pro-Tem Whitehead moved to approve Resolution No. 18 17/18 approving a Short Term Residential Rental Application Fee with the correction requested changing 7-401.E.5 to 7-401.E.4. Commissioner Clark seconded the motion. Roll call vote was taken by the Clerk-Treasurer. Motion carried unanimously.**

4. Discussion/Action: Resolution No. 19 17/18 Setting Fees for Recount/Recheck for the January 23, 2018 Special Election and the March 6, 2018 Regular Election. Renee Cantin, Clerk-Treasurer

City Clerk Cantin presented the need for this resolution. We did the approval for this before the last election. It's good to have this in place in the case there is a request for a recount or recheck for the upcoming Special and Regular Elections.

**Mayor Pro-Tem Whitehead moved to approve Resolution No. 19 17/18 Setting Fees for Recount/Recheck for the January 23, 2018 Special Election and the March 6, 2018 Regular Election. Commissioner Hechler seconded the motion. Roll call vote was taken by the Clerk-Treasurer. Motion carried unanimously.**

#### **UNFINISHED BUSINESS**

1. Discussion/Action: Automated Meter Reading Project for Electric and Water System - Yearout Energy Services Company. Juan Fuentes, City Manager

**Discussed above on the agenda.**

1. Discussion/Update: Benefits to the Community for the new Law Enforcement Complex. Steve Green, Mayor & Juan Fuentes, City Manager

Mayor Green commented on the benefits. To understand where we are today, you have to understand how we got here. First of all, he supports the right of the local form of government for Mr. Fenn and our citizens to take the action that they did. Obviously he doesn't agree with that. He believes that their vote on the Police Departments new Safety Complex is driven solely by the personal issue between himself and Chief Alirez and the Police Department because of his past interactions with them. He's using a political tactic to even the score. He doesn't ever remember Mr. Fenn initiating a petition that concerns

a department's use of its own budget. And that is what is at the core of this issue. Whether a department who puts its request in the budget and through the Commission for its budget funding, has that right to determine the allocation of those monies within their budget. Recently when walking out of court, Chief Alirez told him as Mr. Fenn passed him in the hallway he stated, "you will never build the safety complex". He truly believes this is a personal vendetta regardless of what we have heard and what we have been told. The Police Department on mass has been here showing their support of their want to allocate a portion of their budget to the building of a Safety Complex. And probably in a different world, we wouldn't even be having this conversation. But it has to be financed and we will probably have to go out for a bond because we don't have the money sitting in our back pocket. And the funder wants a guarantee. What the Police Department is using is a portion of their budget that is guaranteed by the ¼ of 1% of the GRT. There are no new taxes to the citizens. It's being funding by their own operating budget and cannot be used for any other purpose such as streets, water pipes, or any infrastructure. It is restricted dedicate funds that can only be used for the Police Department for Public Safety. The department through its budget determines the allocation with the approval of the City Manager and the Commission. The approval of this is ultimately the Commission's decision and vote that determines if this is going to happen. Could you imagine the total confusion and screeching halt of every government if every line item in every department budget was voted on by the public? It's not what our form of government is all about. Not knowing what was said to convince the names on the petition to sign, he wanted to put this on the agenda to present the whole story such as the Housing Authority non-issue. If they want to continue with this project, do we not want to support them? Men and women who risk their lives albeit voluntarily to serve and protect us and to make us the 14<sup>th</sup> Safest City in New Mexico.

Commissioner Clark said we have a new Police Chief and it would be nice to recognize him and see if there are any comments he would like to make.

Chief Apodaca wants the Commission and the public to know he has been 100% behind this from the start. He had a staff meeting on Monday and they are also 100% behind this project. He hopes the election works out and they can continue.

City Manager Fuentes read a Resolution that was approved by the Commission in 2014 related to the Armory. This project has been in progress for a number of years. There is a recognition of what this building means to the community. He then went over what Police Chief Mullins had done to engage members of the community on this and the Animal Shelter, and work that was done by staff years ago where they ultimately looked at the pros and cons of using the Armory. It was presented as a community One-Stop Shop with the Animal Shelter and the Police Department. We do respect that some feelings may change over the years and he thanked the Commission and he thinks the Law Enforcement Officers and State Police recognize their resources are scare and this will benefit all of them.

## **I. NEW BUSINESS**

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1. Discussion/Action: Appointment of Larry Mullenax to the Airport Advisory Board.  
Renee Cantin, Clerk-Treasurer

**Item discussed after response to public comment.**

2. Discussion/Action: Re-Appointment of Dr. Greg D'Amour to the T or C Housing Authority Board of Commissioners. Renee Cantin, Clerk-Treasurer

**Item discussed after response to public comment.**

**J. REPORTS**

- a. City Manager
  - 1) None.
- b. City Attorney
  - 1) None.
- c. City Commission

**Commissioner Whitehead** thanked Mrs. DeMarino and Sazi Mari for the wonderful Old Fashioned Christmas. They did an outstanding job. Our light parade is getting better this year. She also thanked Renee Cantin who donated her Christmas tree for the new "In memory of" ornament tree; City Manager Fuentes who is the "Light Man" to flip that switch; the rest of her fellow Commissioner's; Commissioner Frankel for his beautiful music; and to the community for coming out and being a part of it; Police Department for being in the parade. Thank you to all of our staff and the community.

Commissioner Frankel wanted to thank Sandy for her kind comments. Last week was the very first concert of the newly created Sierra County Community Band. If anyone is interested in being a part of it, please contact him. We wished a Merry Christmas and Happy Holidays to everyone.

Mayor Green thanked city staff for the Old Fashioned Christmas, the Spaceport America for allowing MainStreet to use their portion of the Visitor's Center and for transporting Santa, the Citizens, and Destiny Mitchell and Phyllis Mecca who wrote the grant for the toys received. The 400 pounds to Christmas Toys were delivered free of charge. He thanked Rotary with Bruce Swingle the President and Steve Buckley as the best Elf you have ever seen.

Mayor Green thanked Grant/Projects Coordinator Burnette for the grant that was written for the Football Team Clean up and Andy Alvarez for picking up the bags of garbage that was picked up right before the Old Fashioned Christmas.

He also reported that #9 for the quiet towns in New Mexico is Williamsburg and the first thing they mentioned is the Hot Springs.

Lastly he wanted to thank MainStreet, they applied for a grant which was whittled down to 70 and they were just notified they didn't get the grant, but he wanted to thank them for taking the time and effort and community involvement to attempt to do something that would help the community.

Last he wished his fellow Commissioners, City Manager Fuentes, staff, and the Citizens we serve a Merry Christmas, Happy Hanukkah, Happy Kwanzaa, and a very Happy New Year.

**K. EXECUTIVE SESSION**

1. Sale, Acquisition, Disposal of Real Property (Transfer Station for TDS) Pursuant to 10-15-1(H.8)
2. Sale, Acquisition, Disposal of Real Property (Verizon Antennas) Pursuant to 10-15-1(H.8)

Mayor Pro-Tem Whitehead moved to approve going into executive session at 11:53 p.m. to discuss: K.1 Sale, Acquisition, Disposal of Real Property (Transfer Station for TDS) Pursuant to 10-15-1(H.8); and K.2 Sale, Acquisition, Disposal of Real Property (Verizon Antennas) Pursuant to 10-15-1(H.8). Commissioner Clark seconded the motion. Roll call vote was taken by the Clerk-Treasurer. Motion carried unanimously.

Mayor Green reconvened the meeting in open session at 12:17 p.m.

Mayor Pro-Tem Whitehead stipulated that only matters pertaining to Sale, Acquisition, Disposal of Real Property (Transfer Station for TDS) Pursuant to 10-15-1(H.8); and Sale, Acquisition, Disposal of Real Property (Verizon Antennas) Pursuant to 10-15-1(H.8) was discussed in Executive Session and no action was taken.

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

Commissioner Hechler moved to approve authorizing staff to negotiate with TDS to locate their transformer on the city lot south of Pacific Grill and the agreement will come back to Commission for action. Mayor Pro-Tem Whitehead seconded the motion. Motion carried unanimously.

Commissioner Clark moved to approve authorizing Building Inspector Travis to pursue the request with Verizon for water tank hill and that AT & T will be one of the carriers and the antenna would service the entire city and bring it back for action. Mayor Pro-Tem Whitehead seconded the motion. Motion carried unanimously.

**M. ADJOURNMENT**

CITY COMMISSION DECEMBER 13, 2018 REGULAR MEETING MINUTES

Mayor Pro-Tem Whitehead moved to adjourn at 12:20 p.m. Commissioner Frankel seconded the motion. Motion carried unanimously.

Passed and Approved this 10<sup>th</sup> day of January, 2018.

  
Steven Green, Mayor

ATTEST:

  
Renee L. Cantin, CMC, City Clerk