

*Steven Green
Mayor*

*Sandra Whitehead
Mayor Pro-Tem*

*Kathy Clark
Commissioner*



*Rolf Hechler
Commissioner*

*Joshua Frankel
Commissioner*

*Juan A. Fuentes
City Manager*

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REGULAR MEETING

THE REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO, IS TO BE HELD IN THE COMMISSION CHAMBERS, 405 W. 3RD ST., ON WEDNESDAY, OCTOBER 25, 2017; TO START AT 9:00 A.M.

A. CALL TO ORDER

B. INTRODUCTION

1. ROLL CALL

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

2. SILENT MEDITATION

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF AGENDA

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

D. RESPONSE TO PUBLIC COMMENTS

E. PRESENTATIONS

1. Presentation – Sierra Co/T or C Chamber of Commerce App. Hans Townsend, President and Rolf Hechler, Commissioner

F. CONSENT CALENDAR

1. City Commission Regular Minutes, September 27, 2017
2. Public Utility Advisory Board Minutes, September 18, 2017
3. Public Arts Advisory Board Minutes, September 18, 2017
4. Subrecipient Quarterly Reports
5. Lodger's Tax Quarterly Reports

G. UNFINISHED BUSINESS

1. Discussion/Action: Automated Meter Reading Project for Electric and Water System - Yearout Energy Services Company. Traci Burnette, Grant/Projects Coordinator
2. Discussion/Action: Animal Control and Ordinance change. Steve Green, Mayor
3. Discussion/Action: Request to proceed with the Night Skies Ordinance. Kathy Clark, Commissioner

H. NEW BUSINESS

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

I. REPORTS

1. City Manager
2. City Attorney
3. City Commission

K. EXECUTIVE SESSION

1. Purchase, Acquisition or Disposal Real Property (Airport) *Pursuant to 10-15-1(H.8)*
2. Limited Personnel Matters (City Manager Annual Evaluation) *Pursuant to 10-15-1(H.2)*

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

M. ADJOURNMENT

NEXT CITY COMMISSION MEETING NOVEMBER 15, 2017 AT 2:00 P.M.

E.1



**CITY OF TRUTH OR CONSEQUENCES
COMMISSION ACTION FORM**

ITEM:

Presentation – Sierra Co/T or C Chamber of Commerce App. Hans Townsend, President and Rolf Hechler, Commissioner

BACKGROUND:

The Chamber was requested to come and present the new app and how it works.

STAFF RECOMMENDATION:

None.

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| Submitted by: Renee Cantin, City Clerk-Treasurer | | Meeting date: 10/25/2017 |
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F.1



CITY OF TRUTH OR CONSEQUENCES
COMMISSION ACTION FORM

ITEM:

Approve the minutes of the City Commission Regular Meeting for September 27, 2017.

BACKGROUND:

None.

STAFF RECOMMENDATION:

Approve the minutes.

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| Submitted by: Renee Cantin, City Clerk-Treasurer | | Meeting date: 10/25/2017 |
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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 COMMISSION SEPTEMBER 27, 2017 REGULAR MEETING MINUTES

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. There 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.

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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.

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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.

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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

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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

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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.

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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

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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 has 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.

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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 lose 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 ¼ 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 ¼ 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 years, 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 ¼ 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.

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 ____ day of _____, 2017.

Steven Green, Mayor

ATTEST:

Reneé L. Cantin, CMC, City Clerk



CITY OF TRUTH OR CONSEQUENCES
CITY MANAGER'S OFFICE
505 SIMS STREET
TRUTH OR CONSEQUENCES, NEW MEXICO 87901
PHONE: (575) 894-6673 EXT 320 FAX: (575) 894-6690

COMMISSION ACTION FORM

ITEM:

Public Arts Advisory Board Minutes for September 18, 2017

PURPOSE OF ACTION:

Approval of Minutes

BACKGROUND:

Minutes were approved by the Public Arts Advisory Board at their October 16, 2017 meeting.

OPTION/ALTERNATIVES:

Not Applicable

STAFF RECOMMENDATION:

Respectfully request approval.

| | | |
|--|-----------------------------------|-------------------|
| Name of Drafter: Linda Sparks | Department: City Manager's Office | Meeting: 10/25/17 |
| E-mail: jsparks@torcnm.org | Phone: 575-894-6673 Ext. 320 | |



City of Truth or Consequences

505 Sims Street

Truth or Consequences, New Mexico 87901

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PUBLIC NOTICE

PUBLIC ARTS ADVISORY BOARD

NOTICE OF SPECIAL MEETING

NOTICE is hereby given that the Truth or Consequences Public Arts Advisory Board will hold a meeting on Monday, September 18, 2017, at 4:00 P.M. in the Administration Annex Conference Room at 401 McAdoo Street, Truth or Consequences, New Mexico.

/s/

Linda Sparks

City of Truth or Consequences

575-894-6673, Ext. 320

Posted: 9/14/17

City Clerk's Office

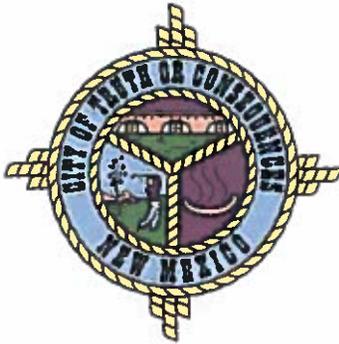
City Website

Sierra County Administrative Building – Date Street

Bank of the Southwest

Post Office – Main Street

Post Office – Date Street



City of Truth or Consequences

505 Sims Street

Truth or Consequences, New Mexico 87901

Phone: 575-894-6673 Fax: 575-894-6690

PUBLIC ARTS ADVISORY BOARD SPECIAL MEETING AGENDA

September 18, 2017

4:00 P.M.

**Administration Annex
401 McAdoo Street**

ROLL CALL:

Sid Bryan, Tourism
Eduardo Alicea, Art Representative
Cary "Jagger" Gustin, Sierra Arts Council
Andy Underwood, Business Community
Juan Fuentes, City Manager

A. UPDATE ON BOARD APPOINTMENT

1) Andy Underwood, Appointment Approved by City Commission

B. APPROVAL OF MINUTES

1) August 21, 2017 Meeting

C. COMMENTS FROM THE PUBLIC

D. UPDATE ON ART PARK

E. FYE 2018 RODEO ARENA ART PROJECT

F. COMMENTS FROM THE PUBLIC ARTS ADVISORY BOARD

G. SET TIME, PLACE AND DATE FOR NEXT MEETING

(Meets quarterly on the 3rd Monday of the month at 4:00 PM)

H. ADJOURN

PUBLIC ARTS ADVISORY BOARD MEETING
September 18, 2017
MINUTES

TIME & PLACE:

The Public Arts Advisory Board of the City of Truth or Consequences, New Mexico met in the conference room in the Administration Annex at 401 McAdoo, Truth or Consequences, New Mexico on Monday, September 18, 2017 at 4:00 P.M.

PRESIDING OFFICER:

The meeting was called to order at 4:03 PM by Sid Bryan.

ATTENDANCE:

Sid Bryan, Tourism
Cary "Jagger" Gustin, Sierra Arts Council
Eduardo Alicea, Art Representative
Andy Underwood, Business Community

Absent: Juan Fuentes, City Manager

Other Staff Present: Traci Burnette, Linda Sparks, Secretary

Visitors Present: Linda DeMarino, MainStreet
Cheryl Zeeb, Sierra County Arts Council

QUORUM: There being a quorum present, the Board proceeded with the meeting.

UPDATE ON BOARD APPOINTMENTS:

Linda Sparks explained that the agenda for the September 13, 2017 City Commission meeting and the Commission Action Form (CAF) included in their packet was to inform the Board that the City Commission approved Andy Underwood's appointment to the Board.

APPROVAL OF MINUTES:

A motion to approve the minutes of the August 21, 2017 meeting was made by Andy Underwood, seconded by Eduardo Alicea, and it carried.

COMMENTS FROM THE PUBLIC:

Cheryl Zeeb was asked if she had any comments. She stated that she came to discuss the rodeo and would rather wait until the Board's discussion.

Linda DeMarino asked why there isn't something that tells the Board how much money it has.

Linda Sparks stated that Juan was to report at this meeting how much money there is in the budget. In his absence, Linda reported that it is \$4,500. Jagger and Linda DeMarino asked if that was what is in the fund or what's available. Linda Sparks replied that the Board asked for the budget and that's what the budget is. Linda DeMarino asked if that takes into account Jeff Barbour's receipt and final payment on it. Linda Sparks replied she wasn't sure. Linda DeMarino repeated her question whether that is how much is in the fund or what is available. Linda Sparks responded that is how much is in the fund.

Sid commented that it may be a good idea if they could see where that money comes from, that percentage of qualifying permits and stuff like that. He asked if we get like 1% of the value of new building permits. As it goes up or down, it would be nice to have something that would reflect that. Linda Sparks asked if he wants to know what came in through building permits. Sid asked isn't that's how the fund is there. Jagger stated that it comes from lodging. Sid and Linda DeMarino interjected, not for this. Public Art comes from 1% of new building. Sid continued that the way you would check that would be the amount of new building that there was and we would get 1%. Sid, addressing Traci Burnette, asked if she would know that. Traci replied that she doesn't actually. Sid commented that he doesn't know it for sure either. He added that sometimes it seems like it's charged on certain permits and some it isn't. If they knew that, they would know if they had money coming in in the future. Linda DeMarino stated that her understanding is that it's 1% of new building and it would be nice to know how it's getting there and what's going towards it.

ART PARK UPDATE:

Linda DeMarino reported that they will find out in December whether they got the grant or not. Same update. She can't do anything. Sid asked if we are doing anything with Sabina. Linda stated that we can't do a conceptual plan until they know what they're dealing with. It would be a waste of money to pay her for a conceptual plan and then find out we got the grant or didn't get the grant and have to go back and redo it and have to pay her again. We don't know how much land we're working with. If we get the grant and are able to acquire more land, then that changes the concept too, so there's no sense in moving forward. Jagger asked if when she says grant, if she is referring to the Art Place America grant. Linda replied, Art Place America grant. Sid asked if we don't get the grant, does that mean we start anew. Linda answered that we can go back to what we had planned originally. There's money from Clean & Beautiful, MainStreet has a little money. Cheryl Zeeb asked if the Art Place America is a set amount or they get to decide, or do you apply for a certain amount. Linda answered that she applied for a certain amount, but it's not just for that space. It's for a water harvesting program and part of that water harvesting would be done at the Art Park, so a good chunk of that would be used at that space.

Andy stated that he had heard that the guy, the original sculpture man, hasn't been paid for his work yet on that Art Park. Is that true? Sid replied, yes. Andy then asked, but everything he has is made. Sid answered, yes. Andy asked if there is any way that he can be caught up. Is there any need for him to be caught up? He stated that everything's made; he's driven by Jeff's place and seen it all sitting there. Linda

DeMarino commented that's always a question, it's been asked a number of times. Andy stated that at the MainStreet meetings he went to, they weren't sure if they were going to use all of it or part of it. He doesn't think there is any way that he can ever install it at this point, is there. It's not his fault that it's not installed. Sid responded, that's a good point. Andy asked if he is owed a lot of money. Sid replied that he thinks he's gotten a good part of it so it's more like \$2,000 or something that he's owed. Sid asked Andy if he wanted to make a motion that Jeff gets paid. Traci stated that she thinks due to our procurement as a municipality, we cannot pay or pay off installments, we cannot pay off the items that we don't physically have in our possession. So, she thinks the first thing that needs to be looked into is if the project is complete, is it something that can be received and stored somewhere else, she hasn't seen the project, but as long as Jeff has it in his possession, we can't pay. Andy commented that he was concerned because artists always need money to keep going. He was wondering if Jeff was turning into a starving artist because of this. Maybe the City can store it and pay him for it. He knows Jeff is a nice guy and will do anything to help. Sid and Eduardo both commented that it could be turned over to the City and that would comply with policy. Linda DeMarino stated that this has been discussed at about 4 meetings she's attended and nothing's ever come of it. Linda Sparks informed the Board that we pay Jeff for storage. Sid asked how much. Linda answered that Jeff charges the City \$25.00 per month. Andy commented that it's gone for a long time and is worried how it makes the City look. Sid asked if anyone's talked to Jeff. Jagger answered that he talked to Jeff that afternoon and he wasn't going to come to the meeting. Jeff asked if the Board would find a way to forward payment of his final invoice. Sid suggested that we can make a motion saying that the City takes over storing the project and that the Board voted in favor of it, but still has to be approved by Juan. Jagger asked Traci if she thought that if the project was delivered to the City for storage somewhere and was in possession of it, then that would comply. Traci answered that that would be her understanding. She added that she doesn't know whether or not the terms for payment to Jeff included some type of installation. She has not looked any of that over. In generalized terms, until the City receives the goods or the service, we are unable to process payment. That's a real generalized definition of it. Linda Sparks stated that it is her understanding from Juan that we are waiting for installation because we don't know until they're installed whether they are going to work. Traci commented; that's true too. Andy asked what we meant by 'if it's going to work'. Traci explained whether it's going to meet the specs of what was originally designed or planned within the design. Basically, when we obtain that property or that service and we sign off and we pay for it, we're saying that we received what we requested. Traci stated she doesn't know what the request was, or what services were exactly paid for. Andy asked if there's a possibility that what Jeff made might not meet the criteria of the City and he won't get paid at all, is that what he heard. Linda Sparks replied that she doesn't think that was what he heard. Linda DeMarino stated she thinks probably Jeff just needs to make whatever changes need to be made; there have been so many changes already. Andy added that he's heard that they might not use them all or use them at all.

Sid said that he thinks we should still have the motion. He can't make one, but he can ask for one. Linda DeMarino commented that he can't make a motion because it's not on the agenda. Sid replied that he can ask for one. Eduardo stated that if there's a

chance the City can store it, we should move forward. Sid asked Eduardo if that was a motion. Eduardo restated that if we can get the City to store it and Jeff can get paid, and we can move forward from that, he thinks we should pay him. Linda Sparks asked Eduardo if he could clarify the motion. Eduardo replied that he understands that it needed to be installed, but it's also his understanding that there is a possibility the City has a place to store it and Jeff can get paid. If the sculpture doesn't fit the requirements, then that's a new concept that he's never heard since the beginning.

Andy made the motion that "the City tries to take over storage of the art project and tries to pay the artist, Jeff, off". Jagger seconded the motion and it carried.

Sid commented that through no one's fault if we don't do that, and say you get the grant, then where he's going to put it and all that stuff will be months down the line and that was never anticipated when we made the agreement with Jeff to make the sculpture. They may decide to put it in a different location or want to do something else with it, but that's not the artist's fault. Andy added that anytime you can make timely payments, it helps the next project also. It's nobody's fault, it just ought to be dealt with.

FYI 2018 RODEO ARENA ART PROJECT:

Jagger informed the Board that he was out at the rodeo arena and he couldn't initially find a good place to put it. It's a big area, there's bound to be some place you could put it. It's got to be some kind of a sculpture and it would have to have a base to keep cars from crashing into it. It needs to be in a prominent place where people can see it. There's a set of bathrooms there and there is a row of trees that's freshly planted. The City and the County have been working together to really upgrade the arena. They've resurfaced the arena floor with new compacted dirt so that the animals look good. It's clean. They've removed all the trash and all the weeds around the perimeters so it looks really good. He thinks artwork would be appropriate, but where – he doesn't know. Jagger also pulled some stuff from the State guidelines, New Mexico Arts, on how to select public art. (Jagger had previously provided Linda with a copy and was made a part of the agenda packet.) Jagger explained that if the State was doing it, they would have a local selection committee, which would transfer to this Board. You would set out a criteria, like do you want it to be made out of steel, plastic, do you want it to be 6'x4', how much do you want to pay, and then you decide who can submit for it. Is it citywide, countywide, statewide, is it the entire United States. Jagger handed out another sheet of paper that is incorporated into the minutes by reference herein. Jagger had been tasked at the last meeting to put his thoughts on developing a prospectus in writing for the benefit of the Board. Linda DeMarino informed the Board that she and Jia Apple created an RFP (Request for Proposals) when this first started and when we thought we were going to put the Art Park project out to bid. Linda offered it for the Board's use. Linda then asked that it's not really from the State, it's just a program called Art in Public Places, right? Jagger assured Linda that it comes from the State of New Mexico. Jagger continued and went down the list on his handout. He had listed 10 items as examples for criteria. He began with 1) location, 2) budget, 3) type of art, 4) composition, 5) size, 6) eligibility to submit, 7) deadline for submission, 8) medium for submission, 9) limit on finalists, and 10) public comment on finalists. (Please refer to handout for complete descriptions.) Jagger explained this is what you do to develop a

prospectus. Sid asked if this list came from the State guidelines. Jagger answered, yes. It's a real fair way to select art. It gives everybody a chance to submit a proposal. It doesn't mean the Board can't select a piece that we looked at last time.

Cheryl Zeeb spoke on the question that came up last time whether we can restrict it, and stated that obviously we can. We can decide to do countywide. (However, the minutes of the last meeting record Juan stating that he doesn't think we can restrict, but that what we can do is what we have done with other RFPs, you can give so many points for preference to give a little bit of an edge to those who are local.) The other thing that she wanted to bring up is that as far as bringing it to the public, you could also have it be juried. One of the thoughts she had was, how many art teachers are there in Sierra County and have the jury be art teachers. What that says, that encourages young people to pay attention and it also gives kudos out to your school districts that we're really glad we have arts in our schools. Cheryl likes this list and feels it's exactly what the Board needs to do, is to set the perimeters. She also went out there and what they need more than anything is shade. There's one set of bleachers and one set of shade. The other idea she had, so sorry that Juan's not here, Juan had brought up about moving certain signs and that, using the one currently on Date and using it on Broadway, which is a great idea, but there are also signs on Third and coming on Broadway, doesn't know who did it, but they're rusted steel and they are cutout, probably with laser cuts, and they actually have the cowboy with the lariat and it has 'Welcome to Truth or Consequences'. Something like that would be very fitting for the rodeo because there is actually nothing over there that says 'welcome to this rodeo arena'. Jagger commented that this Board paid for those signs several years ago as one of their projects. Cheryl continued that when you talk about, when you decide what kind of art you want it to be, the other thing you might think about is encompassing it to be a sign because there really is nothing out there that lets you know what it is. It doesn't necessarily have to be an art piece; it could also have something that says 'welcome to this rodeo arena'. This is exactly what you need for perimeters.

Andy asked if we are discussing this list now. Sid replied that maybe in a way we should wait on that until Juan's here because then he'll miss it and he should be part of that. Andy commented that he likes everything on it but the location; it's crazy to put a piece of art at the rodeo arena right now. He thinks it should be downtown where we have an art thing going and build it up and maybe later do something, but a sign would be very good. He just can't see it. Cheryl responded, that is Juan's proposal, he wants art out there. Linda DeMarino stated that as she has made mention before, the Healing Waters Plaza would be a really good place to put some little pieces in that little flowerbed. While it's a lovely place, it really is screaming for something that shows this is T or C. We have a good start to it. We added a bike rack, we're adding benches to it, there's going to be some shade, but it definitely does need some kind of art in there so maybe little pieces or something in there to make it more T or C.

Traci mentioned a few things to consider, 1) any signage that you're going to be putting up on Broadway, Date or Third Street, do remember that they're state highway so it's not something as simple as putting a sign up without having to go through possible permitting. Date, Broadway and Third Street are considered state highways. Cheryl responded that it was Juan's idea of moving the sign that's on Date, it's in the minutes,

if they put the electric sign there. He likes that old-timey sign and save it for directing people off Broadway to the rodeo. What I'm saying is that if you should give it to the rodeo arena, there still is nothing there that tells you what it is. She thinks there is a name for it, but it doesn't tell you whether it's Truth or Consequences, Williamsburg, County, whatever.

Sid suggested that we wait on this until Juan is here for when that discussion comes because they have a hard enough time protecting the bathrooms because there's nobody around. That's the reason the cow, Joy, that's in front of the bank, that's why no vandalism has occurred to it because it's too public, many people see it. And, it's public art so the fact that it's stayed for several years without any damage is very good for this town. The amount of money that the City has spent on those bathrooms, redoing those has cost a fortune. Sid suggested tabling it for the next meeting. Linda Sparks asked if a motion was needed to table this discussion. Sid asked if one was needed. Linda replied she didn't know, she's asking. Sid responded, let's just table it.

COMMENTS FROM THE PUBLIC ARTS ADVISORY BOARD:

Sid asked if anyone had comments. Eduardo stated that he hasn't been to the rodeo arena, but knows it's a big space and is sure that what they say is possible, and he doesn't know if this is a possibility, but suggested putting some public art at the entrance of Bullocks. He doesn't know if this would be fitting, or something different.

Traci urged the Board that when it comes to the procurement or purchase of anything, even though this is for art for public places, just remember that we are governed by New Mexico State procurement, and we have to either do our procurement process, which is a level of New Mexico State, or New Mexico State procurement, whichever is more strict. She thinks that there's wording you can put in there, a point system she knows with RFPs for engineers, a higher set of points would be given to locals, but she doesn't know if you can specify 'local only'. That would definitely be something to . . . Sid interjected that he thinks Juan had said previously at one point that there's a price where that sets in, like \$25,000 he thinks is the amount where the City would have to follow what you're talking about. Traci stated that she is not really familiar with the art purchase, just wanted to make sure that was out there. Sid stated that basically many of these things we'll have to wait on until Juan is here and asked Linda Sparks if Juan will be here for the next meeting. Linda replied that Juan plans to be at all the meetings, but things come up so she didn't know.

TIME, PLACE AND DATE OF NEXT MEETING:

The Board decided to meet again in October. The next meeting of the Board will be Monday, October 16, 2017 at 4:00 P.M. at the Administration Annex.

ADJOURN:

There being no further business to come before the Board, the meeting was adjourned at 4:35 P.M. Andy moved to meet October 16th at 4:00 o'clock, seconded by Jagger Gustin, and it carried.

ATTEST:

Minutes were approved on September 18, 2017 on a motion made by Andy Underwood and seconded by Eduardo Alicea, and it carried.

Linda Sparks

Linda Sparks
Secretary

Prospectus Development: Artwork Selection Process

City of T or C Public Art Advisory Board

The board should consider various criteria to identify the Location for the art work, type of art appropriate for the site And the project intent:

1. Location
2. Budget/price of art work?
3. Type of art: oil, watercolor, assemblage, sculpture
Etc.
4. Composition/materials used?
5. Size of artwork
6. Who is eligible to submit a design proposal: only
T or C residents, County wide, state wide, nation
Wide??
7. Last date of submission?
8. What is the medium for submission?
Email/web/paper
9. How many finalists? Up to five?
10. Will there be public comment on finalists?

Art in Public Places (AIPP) Policies

1. Sites with 1% budgets from \$1,000 through \$40,000 must purchase existing artwork through one of two direct purchase initiatives; the *New Mexico Only Purchase Initiative*, which is administered on odd-numbered fiscal years, or the *Acclaimed Artist Series* administered on even-numbered fiscal years.
2. Artwork acquired with 1% funds must be selected through open competition using the procedures developed by New Mexico Arts and approved by the New Mexico Arts Commission.
3. Artwork for a site is selected by a committee of local community members ensuring that the selected art reflects the cultural, ethnic and artistic diversity of New Mexico, the region and the nation.
4. AIPP funds are spent on artist fees for original artwork.
5. AIPP funds cannot replace construction funds. If the Owner Agency wants to have a budgeted item created by an artist through the AIPP Program, the budgeted funds must be added to 1% funds.
6. AIPP funds must be spent on visual art as defined in the AIPP Statute. Funds cannot be used to purchase signage or memorials.
7. All artwork must be displayed in areas accessible to the public at all times.
8. AIPP funds may not be spent for artwork created for an institution or agency by an employee of the institution or agency.
9. Immediate relatives of members of the Regional Buying Committee or the Local Selection Committee are ineligible to apply for projects involving that committee.
10. Owner Agencies may aggregate AIPP funds for use at the same facility, campus, or institution.
11. All 1% funds for a single project over \$100,000 can be divided only once for a maximum of 2 projects for the site.
12. AIPP funds cannot be expended for artwork utilizing water as a component.
13. New Mexico Arts AIPP determines where funds for auxiliary buildings will be utilized.
14. Commission Projects:
 - Local Selection Committee (LSC) is comprised of 5 key members with a maximum of 11 members. LSC membership requires one representative for each of the following: owner agency, user agency, architect/engineer that is familiar with the building and grounds, arts professional, artist, and for colleges/universities a member of the Board of Regents. **These key voting members must be present at all meetings.** Also suggested is a community representative or for colleges/universities, a student.
 - AIPP has final approval of LSC membership.
 - The selection of finalists requires a clear majority vote of the LSC, however, a 2/3 majority vote duly moved and seconded by the LSC is required for final approval of the selected artist or artwork.
 - Artists are generally given one year from DFA approval of the final contract to complete a project. Requests for amendments must be received 60 days prior to the term of the contract.
 - No more than 2 commission projects can be awarded to an artist during a 5-year period.
 - Artists are requested to refrain from applying to projects for a 5-year period if an owner/user agency is not pleased with the completed artwork and the artist refuses to rectify the situation to the satisfaction of the owner/user and New Mexico Arts. It would not be an aesthetic issue but one that might include a marred patina on an artwork or faulty installation of an artwork.
 - Artists in breach of contract shall not apply to new projects during the length of time the dispute is in litigation or the period of time it takes the artist to settle the breach.
15. Purchase Projects:
 - Artists whose artwork has been selected numerous times through the POP (Purchase Only Program) selection process are requested not to submit their artwork to the POP for a period of 4 years since the last acquisition.
 - Each site will be limited to a maximum of two purchase contracts.
 - All project balances shall revert to the Art in Public Places program to be expended for other initiatives that are related to placement of artwork in the public eye.

Selection Process for Commissioned Public Artwork

Overview: The Local Selection Committee (LSC) Project Director and the AIPP Project Coordinator will guide the LSC through the artist selection process. Although many committees may meet several times depending on the scope and budget of the project, there will be a minimum of 3 in-person meetings for every committee. At the first meeting the LSC will discuss the project intent and development of the prospectus. The AIPP Project Coordinator will then draft the prospectus and send it to the LSC Project Director who will distribute it for approval and comment. Artists will then submit their qualifications according to the prospectus guidelines via CaFÉ at <http://callforentry.org>. The LSC will evaluate the submissions, select up to five finalists and ultimately award the commission. Each of these steps varies in length of time and number of meetings. All artwork acquired through the AIPP Program *must* be displayed in areas accessible to the public at all times. Artwork may not be displayed in private offices. All artwork must comply with ADA guidelines.

Project Director: Each AIPP project must have a designated LSC Project Director assigned by the Owner or User Agency of the building. The AIPP Coordinator will assist the LSC Project Director in assembling the LSC and work with the committee to develop the project intent, prospectus and facilitation of the selection process. Please refer to the *Project Director Responsibilities* for further information.

Local Selection Committee: An integral component of the AIPP program is community involvement. In order to assure that the works of art selected reflect the attitude and taste of the community, local participation in the artwork selection process is a major concern of New Mexico Arts. All LSC members are required to sign a Conflict of Interest form prior to participation.

Membership: In consultation with and according to the guidelines of New Mexico Arts, AIPP, LSC members are appointed by the Owner or User Agency of the public building. The LSC is comprised of five key voting members and in certain circumstances, seven members. The five key LSC members must be present at all meetings in order for a meeting to take place. Local community leaders and the local arts organization can be consulted to make recommendations for LSC membership. The AIPP Program Manager will provide final approval of the LSC.

The 5 key LSC members must be present for any meeting to take place. The key members are: Owner Agency Representative, User Agency Representative, Architect/Engineer (familiar with the building and/or grounds), Artist and Arts Professional. If an Architect/Engineer is not required due to the scope of the project, it is mandatory for one Community Representative to serve on the LSC. For college/university campuses, one member of the Board of Regents (or an assigned designee), and one student must serve on the LSC. The LSC must reflect the cultural diversity of the community.

Artwork Selection Process

Meeting 1, Prospectus Development: The Local Selection Committee, with assistance from the AIPP Coordinator, considers various criteria to identify the location(s) for the artwork, type of art appropriate for the site and the project intent. The AIPP Coordinator assembles the criteria and develops the prospectus. Committees are usually able to determine the criteria for the desired artwork during the first meeting.

Distribution of Project Information: Upon development of the prospectus and approval by the LSC, New Mexico Arts will distribute the call for artists in the following ways.

- The New Mexico Arts e-newsletter, **ARTSpeak**, is distributed to artists, galleries, and arts organizations throughout the state and beyond. ARTSpeak is the primary vehicle for the release of all AIPP commission and purchase projects. If an announcement for a call falls in a month when ARTSpeak is not scheduled, AIPP will send a separate e-blast to the ARTSpeak mailing list.
- Public Service Announcements are sent to appropriate statewide, regional and national media sources including newspapers, arts publications, and online project opportunity lists. The Project Director is encouraged to follow up on advertising in the local media.
- LSC members are encouraged to suggest artists they feel are qualified to apply for the project. LSC members are required to enter into a Conflict of Interest Agreement.
- AIPP uses the CaFÉ electronic application and selection process online at <http://www.callforentry.org>. All materials must be submitted according to the specifications outlined on the CaFÉ website.

Meeting 2, Submission Review: Approximately one week after the submission deadline, the Project Director and members of the LSC will begin an independent first-round review of submissions via CaFÉ. The AIPP Project Coordinator will provide each member of the LSC with unique log-in information to access the submissions.

Meeting 3, Finalist Selection: Once the LSC has completed the independent first-round review, the committee will then meet in-person to discuss the remaining submissions and select up to 5 finalists for the project.

Meeting 4, Finalist Presentation: Approximately two months from when the LSC selects finalists for the project, finalists will present proposals and/or maquettes to members of the LSC and the public. The LSC reviews the finalists' presentations and proposals or the selected artist's proposal. The final selection of an artist and artwork must be formally approved by a 2/3-majority vote of the LSC, duly moved and seconded. All five key members of the Local Selection Committee must be present for this vote. The LSC approves and signs off on the final design (drawing/maquette) of proposed artwork. This can usually be accomplished through email and/or telephone conversations with the LSC and not a formal meeting.



F.4

CITY OF TRUTH OR CONSEQUENCES
CITY MANAGER'S OFFICE
505 SIMS STREET
TRUTH OR CONSEQUENCES, NEW MEXICO 87901
PHONE: (575) 894-6673 EXT 320 FAX: (575) 894-0363

COMMISSION ACTION FORM

ITEM:

First Quarter Subrecipient Reports, FY 2017/18

PURPOSE OF ACTION:

Review

BACKGROUND:

Contract requires that recipients of Subrecipient Grants submit a quarterly report to the City by the 15th of the month following the quarter.

STAFF RECOMMENDATION:

Not Applicable

SUPPORT INFORMATION:

First Quarter Reports and Recap Sheet

| | | |
|--|-----------------------------------|-------------------|
| Name of Drafter: Linda Sparks | Department: City Manager's Office | Meeting: 10/25/17 |
| E-mail: lsparks@torcnm.org | Phone: 575-894-6673 Ext. 320 | |

SUBRECIPIENT QUARTERLY REPORTS

FISCAL YEAR: 2017/2018

Updated: 10/17/17

| NAME OF ORGANIZATION | ALLOTMENT | 1ST QTR. REPORT | | 2ND QTR. REPORT | | 3RD QTR. REPORT | | 4TH QTR. REPORT | |
|--|-------------|-----------------|-------|-----------------|----|-----------------|----|-----------------|----|
| | | YES | NO | YES | NO | YES | NO | YES | NO |
| <i>(SUBRECIPIENT FUNDS- Contract requires reports by the 15th of the month following the quarter. Exception: 4Q report due 6/07/18</i> | | | | | | | | | |
| Companion Animal Action Team/CAAT | \$1,500.00 | X | 10/03 | | | | | | |
| Domestic Abuse Intervention Center/DAIC | \$2,500.00 | X | 10/05 | | | | | | |
| Matthew 25 Food Pantry | \$7,200.00 | X | 10/10 | | | | | | |
| Sierra Joint Office on Aging (SJOA) | \$40,435.00 | X | 10/16 | | | | | | |
| Wildflowers (Formerly TBA-B/Babies) | \$1,500.00 | X | 10/12 | | | | | | |

(OTHER FUNDING - Contract requires reports by the 15th of the month following the quarter. Exception: 4Q report due 6/07/18.)

| | | | | | | | | | |
|---|-------------|----------------------------------|-------|--|--|--|--|--|--|
| Friends of Elephant Butte Lake State PK | \$1,000.00 | | X | | | | | | |
| Geronimo Springs Museum | \$3,500.00 | X | 10/10 | | | | | | |
| Geronimo Trail Scenic Byway | \$5,000.00 | X | 10/11 | | | | | | |
| MainStreet Truth or Consequences | \$35,000.00 | X | 10/06 | | | | | | |
| Sierra County Recreation & Tourism | | Contract w/ Griffin & Associates | | | | | | | |

| | |
|--------------|---------------|
| 1st Quarter: | JUL, AUG, SEP |
| 2nd Quarter: | OCT, NOV, DEC |
| 3rd Quarter: | JAN, FEB, MAR |
| 4th Quarter: | APR, MAY, JUN |

Copies to City Mgr. & Commission 10/25/17.

SUBRECIPIENT QUARTERLY REPORT

FY: 2017/2018

ORGANIZATION: Companion Animal Action Team

(Report is due by the 15th of the month following the QTR.)

ALLOCATION: \$1500.
(FY Allotment)

\$375.
(Quarterly Draw)

QUARTER: 1ST
(1st/2nd/3rd/4th)

SUBMITTED BY: Majorie E Powey
Print Name

Majorie E Powey
Signature

(Please detail the progress made in providing the services each quarter.)

On August 11, 2017 CAAT sponsored a low cost Spay/Neuter clinic at the Fire Department in Williamsburg, We worked with Karter Neal and ASAVET Charities. 51 surgeries were performed. In addition to the attached billing that shows what we paid we also pay for the staff to stay in T or C the night before and after the clinic. 15 female cats were spayed, 10 male cats neutered, 20 female dogs spayed and 6 male dogs neutered.

 OCT 03 2017 

RECEIVED
OCT 05 2017

Quarterly Report

SUBRECIPIENT QUARTERLY REPORT

(Report is due by the 15th of the month following the quarter.)

FY: 2017/2018

ORGANIZATION: Domestic Abuse Intervention Center

ALLOCATION: \$2500.00
(FY Allotment, Not Qtr. Draw)

QTR DRAW: \$625.00

QUARTER: 1ST
(1st/2nd/3rd/4th)

(Please detail the progress made in providing the services each quarter.)

| Statistical Information: | | Years | Victimization | Referral | |
|--------------------------|--------------|------------|---------------|-----------|-----------------|
| Female-20 | Anglo- 13 | 18-21-0 | Emotional- 25 | Police-7 | Sheriff- |
| Male- 7 | Hispanic- 11 | 22-40-18 | Physical-19 | Hospital- | Self-Referral-7 |
| | Other-3 | 41-59-5 | Sexual-2 | Courts- 7 | Friends-2 |
| | | 60-74-3 | | Family-1 | Other-3 |
| | | Unknown- 1 | | CYFD- | |

| | |
|---|----------------------------------|
| Type of Contact: | Volunteer Hours : Total- 1661 |
| Orders of Protection-9 | Cell Phone-1656 |
| Skills & Knowledge Sessions- 91.75 | Administrative- |
| Group- 210 | Crisis- |
| Community Navigation- 11.75 | Office- |
| Crisis Intervention- 8.25 | Direct client contact (crisis)-5 |
| Shelter- Transportation -1 | |
| Food- | |
| Legal Advocacy- 41.25 | |

| July- | August- | September- |
|---------------------|---------------|----------------|
| Windstream- \$73.77 | Dues \$551.23 | Total \$625.00 |

SUBMITTED BY: Blanca Chavez
TYPED NAME

Blanca Chavez
SIGNATURE

DATED: 10-2-17

SUBRECIPIENT QUARTERLY REPORT

(Report is due by the 15th of the month following the quarter.)

FY: 2017-2018

ORGANIZATION: Matthew 25 Food Pantry

ALLOCATION: \$7,200.00

(FY Allotment, Not Qtr. Draw)

QTR DRAW: \$1,800.00

QUARTER: 1st

(1st/2nd/3rd/4th)

(Please detail the progress made in providing the services each quarter.)

Matthew 25 continues to serve over 500 households per month. In addition to our fairly static numbers of regular participants, we have seen a very large rise in the number of Emergency food recipients--people new to town, stranded in town or otherwise never needing the Pantry's services before now. In the past three months, we have served a total of 81 households, representing 10 Seniors, 55 Adults and 21 children. These emergencies are most often referred to us by local churches who are unable to help these families.

This quarter we were the recipient of a fund-raiser initiated by the Sierra County Car Club. They held a Car Show at the Healing Waters Plaza for our benefit, which raised over \$800 for us and collected about 500 pounds of canned goods. We are very grateful to have local organizations like this one think about us when planning a fund-raiser. Every bit of money collected goes to purchase food; every can of collected food goes out to door to our clients. The local CAAT (Companion Animal Action Team) organization continues to help us with animal food for our clients' pets. Animals are often fed first before a hungry owner and we are very thankful that an organization in town is thinking about their dogs and cats.

The Temporary Emergency Food Program continues to be run by our organization and our volunteers continue to ensure that over 130 food boxes are delivered to shut-ins and the elderly once a month. Our community volunteers continue to be the backbone of our organization. We could not function without the scores of monthly volunteer hours and the

We thank the City for their increase in their financial support and will continue to provide those necessary services to the 18% of T or C's population enrolled with us or coming to us for emergency help.

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OCT 10 2017

SUBMITTED BY: Dawn Jensen Executive Director

TYPED NAME

Dawn Jensen
SIGNATURE

DATED: Oct 10, 2017

Matthew 25 Food Pantry
EMERGENCY FOOD PARTICIPANT NUMBERS
July-September 2017

| Date | Households | Seniors | Adults | Children |
|----------------------------|-------------------|----------------|---------------|-----------------|
| June 1 | 2 | 0 | 3 | 0 |
| June 8 | 5 | 1 | 5 | 1 |
| June 15 | 1 | 0 | 2 | 0 |
| June 22 | 1 | 0 | 3 | 1 |
| June 30 | 9 | 4 | 12 | 4 |
| Total: | 18 | 5 | 25 | 6 |
| July 6 | 6 | 0 | 6 | 3 |
| July 13 | 4 | 0 | 10 | 4 |
| July 20 | 8 | 0 | 12 | 6 |
| July 27 | 2 | 0 | 3 | 4 |
| Total: | 20 | 0 | 31 | 17 |
| August 3 | 6 | 1 | 13 | 9 |
| August 10 | 14 | 0 | 19 | 3 |
| August 17 | 9 | 4 | 6 | 2 |
| August 24 | 8 | 0 | 10 | 4 |
| August 31 | 6 | 0 | 7 | 3 |
| Total: | 43 | 5 | 55 | 21 |
| Three Month Totals: | | | | |
| | 81 | 10 | 111 | 44 |

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Matthew 25 Food Pantry

Participant Numbers

June and July 2017

| <i>Date</i> | <i>Households</i> | <i>Seniors</i> | <i>Adults</i> | <i>Children</i> |
|----------------|---|----------------|---------------|-----------------|
| June 1st | 84 | 53 | 98 | 72 |
| June 8th | 106 | 57 | 136 | 82 |
| June 15th | 75 | 49 | 84 | 35 |
| June 22nd | TEFAP: Temporary Emergency Food Program | | | |
| Walk-ins | 100 | 58 | 115 | 52 |
| Sr. Hous. | 132 | 91 | 41 | 0 |
| June 29th | 78 | 51 | 91 | 39 |
| TOTALS: | 575 | 359 | 565 | 280 |

Total Number of People Served: 1204

| | | | | |
|-----------------------|------------|------------|------------|------------|
| July 6th | 83 | 58 | 66 | 38 |
| July 13th | 72 | 49 | 60 | 39 |
| July 20th | 85 | 62 | 70 | 20 |
| July 27 th | TEFAP | | | |
| Walk-ins | 88 | 49 | 75 | 32 |
| Sr.Hous. | 129 | 88 | 41 | 0 |
| TOTALS: | 457 | 306 | 312 | 129 |

Total Number of People Served: 747

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Matthew 25 Food Pantry
Participant Numbers
August and September 2017

| Date | Households | Seniors | Adults | Children |
|-------------------------|---|----------------|---------------|-----------------|
| August 3rd | 87 | 62 | 80 | 55 |
| August 10th | 109 | 65 | 101 | 51 |
| August 17th | 80 | 54 | 60 | 30 |
| August 24 th | TEFAP Temporary Emergency Food Assistance Program | | | |
| Walk-ins | 90 | 47 | 86 | 39 |
| Sr. Hous. | 127 | 86 | 41 | 0 |
| August 31 | 49 | 22 | 58 | 24 |
| TOTALS: | 542 | 336 | 426 | 199 |

Total Number of People Served: 961

| | | | | |
|------------------------|---|------------|------------|------------|
| Sept. 7th | 119 | 86 | 107 | 65 |
| Sept. 14th | 98 | 74 | 80 | 45 |
| Sept. 21st | 106 | 62 | 99 | 49 |
| Sept. 28 th | TEFAP Temporary Emergency Food Assistance Program | | | |
| Walk-ins | 90 | 39 | 99 | 51 |
| Sr. Hous. | 127 | 86 | 41 | 0 |
| TOTALS: | 540 | 347 | 426 | 210 |

Total Number of People Served: 983

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OCT 10 2017

1:27 PM

10/06/17

Accrual Basis

Matthew 25 Food Pantry
Transaction Detail By Account
 July through September 2017

| Type | Date | Num | Name | Memo | Amount | Balance |
|--|-----------|-----|----------------------------|-------------------------------|------------------|------------------|
| Contributions and Support | | | | | | |
| Deposit | 7/31/2017 | DEP | Cash for Clubs (Bullocks) | Percentage Program | 180.05 | 180.05 |
| Deposit | 9/6/2017 | DEP | Cash for Clubs (Bullocks) | Percentage Program | 327.70 | 507.75 |
| Deposit | 7/3/2017 | DEP | Private Donation | Women of the Moose | 50.00 | 557.75 |
| Deposit | 7/3/2017 | DEP | Private Donation | Women of the Moose | 50.00 | 607.75 |
| Deposit | 7/3/2017 | DEP | Private Donation | Dorland | 150.00 | 757.75 |
| Deposit | 7/3/2017 | DEP | Private Donation | Meuller | 250.00 | 1,007.75 |
| Deposit | 7/10/2017 | DEP | Private Donation | Bucholz | 200.00 | 1,207.75 |
| Deposit | 7/10/2017 | DEP | Private Donation | Wheeler | 25.00 | 1,232.75 |
| Deposit | 7/14/2017 | DEP | Private Donation | UNK | 200.00 | 1,432.75 |
| Deposit | 7/26/2017 | DEP | Private Donation | Stokes | 41.61 | 1,474.36 |
| Deposit | 7/26/2017 | DEP | Private Donation | Bynum | 100.00 | 1,574.36 |
| Deposit | 7/31/2017 | DEP | Private Donation | Moore | 200.00 | 1,774.36 |
| Deposit | 8/4/2017 | DEP | Private Donation | Meuller | 250.00 | 2,024.36 |
| Deposit | 8/4/2017 | DEP | Private Donation | Bucholz | 200.00 | 2,224.36 |
| Deposit | 8/4/2017 | DEO | Private Donation | Harris | 500.00 | 2,724.36 |
| Deposit | 8/15/2017 | DEP | Private Donation | Moore | 200.00 | 2,924.36 |
| Deposit | 8/15/2017 | DEP | Private Donation | Buckley | 62.81 | 2,987.17 |
| Deposit | 8/30/2017 | DEP | Private Donation | Bynum | 100.00 | 3,087.17 |
| Deposit | 9/6/2017 | DEP | Private Donation | Dorland | 150.00 | 3,237.17 |
| Deposit | 9/6/2017 | DEP | Private Donation | Meuller | 250.00 | 3,487.17 |
| Deposit | 9/6/2017 | DEP | Private Donation | Bucholz | 200.00 | 3,687.17 |
| Deposit | 9/15/2017 | DEP | Private Donation | Wolfe | 50.00 | 3,737.17 |
| Deposit | 9/15/2017 | DEP | Private Donation | Moore | 200.00 | 3,937.17 |
| Deposit | 9/15/2017 | DEP | Private Donation | Women of the Moose | 75.00 | 4,012.17 |
| Total Contributions and Support | | | | | 4,012.17 | 4,012.17 |
| Bank Fees | | | | | | |
| Check | 9/29/2017 | CC | Bank of the Southwest | Paper Statement Fee | -5.00 | -5.00 |
| Total Bank Fees | | | | | -5.00 | -5.00 |
| Food | | | | | | |
| Check | 7/3/2017 | 369 | Bullocks | June | -961.00 | -961.00 |
| Check | 8/3/2017 | 375 | Bullocks | July | -1,190.20 | -2,151.20 |
| Check | 9/6/2017 | 380 | Bullocks | August | -2,241.32 | -4,392.52 |
| Check | 7/3/2017 | 370 | RoadRunner Food Bank of NM | June | -263.24 | -4,655.76 |
| Check | 8/1/2017 | 374 | RoadRunner Food Bank of NM | July | -468.81 | -5,124.57 |
| Check | 9/7/2017 | 378 | RoadRunner Food Bank of NM | August | -560.15 | -5,684.72 |
| Total Food | | | | | -5,684.72 | -5,684.72 |
| Insurance - nonemployee | | | | | | |
| Check | 7/14/2017 | 371 | Arthur Insurance Agency | Liability Insurance 2017-2018 | -798.27 | -798.27 |
| Total Insurance - nonemployee | | | | | -798.27 | -798.27 |
| Postage and Delivery | | | | | | |
| Check | 9/2/2017 | 379 | USPS | PO Box Rental for Year | -74.00 | -74.00 |
| Total Postage and Delivery | | | | | -74.00 | -74.00 |
| Rent | | | | | | |
| Check | 9/12/2017 | 381 | Howell and Associates | Sept Rent | -200.00 | -200.00 |
| Total Rent | | | | | -200.00 | -200.00 |
| Sales Tax | | | | | | |
| Check | 9/29/2017 | CC | Bank of the Southwest | Sales tax | -0.38 | -0.38 |
| Total Sales Tax | | | | | -0.38 | -0.38 |
| Utilities | | | | | | |
| Check | 7/25/2017 | 373 | City of T or C | electric | -598.06 | -598.06 |
| Check | 8/29/2017 | 377 | City of T or C | electric | -556.50 | -1,154.56 |
| Check | 9/23/2017 | 383 | City of T or C | electric | -576.16 | -1,730.72 |
| Check | 7/19/2017 | 372 | NM Gas | gas bill | -22.65 | -1,753.37 |
| Check | 8/18/2017 | 376 | NM Gas | gas bill | -22.26 | -1,775.63 |
| Check | 9/18/2017 | 382 | NM Gas | gas bill | -23.24 | -1,798.87 |
| Total Utilities | | | | | -1,798.87 | -1,798.87 |
| TOTAL | | | | | -4,549.07 | -4,549.07 |

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 OCT 10 2017

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OCT 16 2017

(Report is due by the 15th of the month following the quarter.)

FY: 2017/2018

ORGANIZATION: Sierra Joint Office on Aging

ALLOCATION: \$40,435.00 QTR DRAW: \$10,108.75 QUARTER: 1ST
(FY Allotment, Not Qtr. Draw) (1st/2nd/3rd/4th)

(Please detail the progress made in providing the services each quarter.)

7,587 - Meals served in congregate sites

6,912 - Meals Delivered to home-bound seniors

2,657 - Transportation rides / local & Las Cruces

1,318 - Hours of In-Home Services provided to seniors

143 - Hours of Respite provided for family caregivers

1,439 - Service Management Hours

113 - Home Management Hours

32 - Hours of Chore / Personal Care Hours

720 - Senior Employment Training Hours

Health Wellness screening conducted twice per week - Sierra Vista Health Clinic / Ben Archer HC

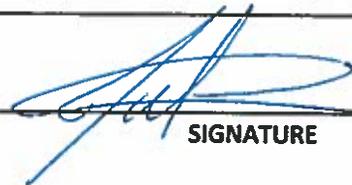
Education Courses for the Qtr: Heart Health, Medicaid open enrollment, Driving Safety, AARP, 6 OTHERS

Flu Shot Clinic October & November

* Started meal site courtyard project - Expanding Congragate seating area - Rotary & Moose clubs

SUBMITTED BY: Joe McClintock / Executive Director /

TYPED NAME



SIGNATURE

DATED: 10/07/17

SUBRECIPIENT QUARTERLY REPORT

(Report is due by the 15th of the month following the quarter.)

FY: 2017/2018

ORGANIZATION: Wildflowers (Formerly TBA-Bountiful Babies)

ALLOCATION: \$1,500.00

QTR DRAW: \$375.00

QUARTER: 1ST

(FY Allotment, Not Qtr. Draw)

(1st/2nd/3rd/4th)

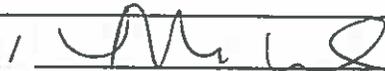
(Please detail the progress made in providing the services each quarter.)

Wildflowers has continued to pay their rent/utilities on time and has subsequently remained open to the public to provide valued programs to families in Sierra County, New Mexico.

Wildflowers has expanded their hours to: Mondays, 1pm - 8pm. Tuesdays, 1pm - 6pm.

Wednesdays, 5pm - 7pm. Thursdays 3pm - 6pm. With assistance from the City of Truth or Consequences, Wildflowers will continue paying rent/utilities on time and remain open to the public.

SUBMITTED BY: Maria Weir



TYPED NAME

SIGNATURE

DATED: 10/11/17

Rev. 5/2014

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OCT 12 2017

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OCT 10 2017

SUBRECIPIENT QUARTERLY REPORT

(Report is due by the 15th of the month following the quarter.)

FY: 2017/2018

ORGANIZATION: GERONIMO SPRINGS MUSEUM

ALLOCATION: \$3,500.00

(FY Allotment, Not Qtr. Draw)

QTR DRAW: \$875.00

QUARTER: 1ST

(1st/2nd/3rd/4th)

(Please detail the progress made in providing the services each quarter.)

EXPENSES THIS MONEY WAS USED TOWARDS WERE AS FOLLOWS:

| | | | |
|------------------------------|----------|-------|-------------------|
| TURTLEBACK PEST CONTROL | 07/11/17 | #4704 | \$57.12 |
| TURTLEBACK PEST CONTROL | 08/14/17 | #4727 | \$48.23 |
| TURTLEBACK PEST CONTROL | 09/27/17 | #4761 | \$52.63 |
| CITY OF T O R C | 07/27/17 | #4715 | \$615.63 |
| CITY OF T O R C | 08/29/17 | #4738 | \$577.86 |
| CITY OF T O R C | 09/27/17 | #4764 | \$612.24 |
| ALARM SERVICES DE LAS CRUCES | 08/29/17 | #4741 | \$211.21 |
| GAS COMPANY OF NEW MEXICO | 07/27/17 | #4713 | \$42.84 |
| GAS COMPANY OF NEW MEXICO | 08/27/17 | #4768 | \$43.03 |
| TOTAL | | | \$2,260.79 |

WE VERY MUCH APPRECIATE YOUR INTEREST IN OUR FACILITY, AND THE ASSISTANCE YOU PROVIDE.

SUBMITTED BY: MARILYN POPE
TYPED NAME

Marilyn Pope 10/6/17
SIGNATURE

OCT 11 2017

SUBRECIPIENT QUARTERLY REPORT

(Report is due by the 15th of the month following the quarter.)

FY: 2017/2018

ORGANIZATION: Geronimo Trail Scenic Byway

ALLOCATION: \$5,000.00

QTR DRAW: \$1,250.00

QUARTER: 1ST

(FY Allotment, Not Qtr. Draw)

(1st/2nd/3rd/4th)

(Please detail the progress made in providing the services each quarter.)

During the months of July, August, and September, 2017, we greeted 1408 sign-in guests.

We mailed 19 packets of information to potential visitors and relocatees. We shipped 2 boxes

of assorted brochures to various other visitors center. We answered 28 telephone requests

for information and responded to 471 emails. We kept the Spaceport America Visitors Center

open for the benefit of travelers, with the cooperation of Spaceport America.

Total expenses for the period:

Telephone \$331.42

Insurance \$189.93

Postage \$113.68

Supplies \$610.04

NM tourism web ad \$100.00

Total expenses for the quarter: \$1345.07

Overage on expenses is covered by Bullocks receipts and the director.

We are open 7 days a week with all volunteer staff. We greeted an average of 15 people per

day, providing them with information on the local area including places to eat, shop, stay and

sightsee. One of our volunteers delivers brochures monthly to local restaurants, RV parks, hotels,

spas, motels, laundromats, and convenience stores, receiving donations from the Sierra County

Tourism Board. We stay open on Art Hop night to assist those downtown.

Our volunteer time and services provide the City of Truth or Consequences with marketing

efforts in excess of \$42,000 per year. These services are provided to visitors who come to our

community and spend money, increasing both lodgers tax and gross receipts tax. Local

residents come in for information to give company coming to visit so they will be able to take

advantage of all our many assets. We send boxes of information to other visitors center to give

people who are thinking of coming here. We provide information for conferences and conventions

encouraging attendees to stay longer or to bring their families back for a vacation.

SUBMITTED BY:

LaRena Miller

TYPED NAME

LaRena Miller

SIGNATURE

DATED: 10/10/17

Rev. 5/2014

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OCT 06 2017

SUBRECIPIENT QUARTERLY REPORT
FY: 2017/2018

ORGANIZATION: MainStreet Truth or Consequences

*(Report is due by the
15th of the month
following the QTR.)*

ALLOCATION: \$35000
(FY Allotment)

\$8750
(Quarterly Draw)

QUARTER: 1ST
(1st/2nd/3rd/4th)

SUBMITTED BY: Linda DeMarino
Print Name


Signature

(Please detail the progress made in providing the services each quarter.)

The biggest project over the past three months has been the ArtPlace America grant application for a water harvesting project in downtown. After making the cut from 987 applicants, we were visited by representatives from ArtPlace. We coordinated community stakeholders to speak about the flooding problem. ArtPlace asked us to focus on the area that will be the Art Park and increase the requested amount. The application required a Feasibility Study, Video, budget, bios, images of existing conditions and inspiration. We ended up requesting \$358,500 and will find out in December.

MainStreet has collaborated with PALS for the Dog Park, assisting with a successful grant application for \$10,000 from PetSafe. We have also helped with developing rules and etiquette, as well as ordering materials they need.

We received \$15,921 for an AARP Community Challenge grant. There were 89 granted out of about 1,200. This is to be used to replace and repair some of the broken and crumbling sidewalks in the downtown. The two roads to focus on are Pershing and Jones. Foch was considered, but it was decided to wait as the Great Blocks grant through New Mexico MainStreet (which we will be applying for again if there is funding) may address these sidewalks.

We have also been working with the NM State Veteran's Home for use of their Lodger's Tax allotment. Further, MainStreet is planning the upcoming Scoop the Loop event that is held to encourage Car Show participants to stay overnight.

The Executive Director met with the new Tourism Director to introduce her to the efforts that have been made relating to tourism and the Downtown Master Plan. She was also given a list of the upcoming events hosted by MainStreet.

For the Safe Ride "The Shuttle", we assisted with initial planning and marketing (logo development, ad creation and online marketing).

Our Executive Director attended the 5-day New Mexico Economic Development Course at WNMU in Silver City and the New Mexico MainStreet Summer Quarterly Meeting in Los Alamos.

She was requested to be a presenter at the NMMS Grant Writing Class in Albuquerque and at the South Central Council of Governments meeting, both in September. Further, she has assisted current and prospective business owners on various matters.

A Façade Design Workshop was held for Angel Remnants. Participants created possible designs for the façade. The business owner has gotten approval for the painting and we will be completing that project soon. In addition, façade improvements will be made to the front of the Grapevine building as a cooperative between MainStreet, the building owner, and Sierra County Arts Council.

There was an End of Summer Car Show that was also a fundraiser for the Matthew 25 Food Pantry. We worked with the organizers on insurance, music, and marketing for that event.

As the busy event season is quickly approaching, we have begun planning for these. These events include Truth or Consequences Manufacturing Day, Trick or Treat Downtown, Scoop the Loop, Small Business Saturday, Old-Fashioned Christmas, and a New Year's Eve Party/Fundraiser at the Truth or Consequences Brewing Company.

F.5



**CITY OF TRUTH OR CONSEQUENCES
CITY MANAGER'S OFFICE
505 SIMS STREET
TRUTH OR CONSEQUENCES, NEW MEXICO 87901
PHONE: (575) 894-6673 EXT 320 FAX: (575) 894-0363**

COMMISSION ACTION FORM

ITEM:

1st Quarter Lodgers Tax Reports, FY 17/18

PURPOSE OF ACTION:

Review

BACKGROUND:

Contract requires that recipients of Lodgers Tax Grants submit a quarterly report to the City by the 15th of the month following the quarter.

STAFF RECOMMENDATION:

Not Applicable

SUPPORT INFORMATION:

Quarter Reports and Summary Sheet

| | | |
|--|-----------------------------------|-------------------|
| Name of Drafter: Melanie Anderson | Department: City Manager's Office | Meeting: 10/25/17 |
| E-mail: manderson@torcnm.org | Phone: 575-740-6553 | |

LODGERS' TAX RECIPIENTS

Reports due by 15th of month following quarter.

FISCAL YEAR: 2017/2018

Updated: 09/27/17

| NAME OF ORGANIZATION | ALLOTMENT | 1ST QTR. REPORT | | 2ND QTR. REPORT | | 3RD QTR. REPORT | | 4TH QTR. REPORT | |
|------------------------------------|------------|-----------------|-------|-----------------|----|-----------------|----|-----------------|----|
| | | YES | NO | YES | NO | YES | NO | YES | NO |
| Chamber of Commerce | \$11,000 | X | 10/17 | | | | | | |
| Friends of Elephant Butte LK ST PK | \$700 | | X | | | | | | |
| Geronimo Springs Museum | \$10,000 | X | 10/10 | | | | | | |
| MainStreet Truth or Consequences | \$12,000 | X | 10/10 | | | | | | |
| NMSRDA/Sierra Twirlers of T or C | \$2,000 | X | 09/14 | | | | | | |
| Sierra County Arts Council | \$3,000 | X | 09/28 | | | | | | |
| T or C Fiesta, Inc. | \$4,000 | X | 10/13 | | | | | | |
| Veterans Memorial Pk/Museum | \$3,300 | | X | | | | | | |
| Geronimo Trail Scenic Byway | * \$6,000 | X | 10/17 | | | | | | |
| Sierra County Recreation & Tourism | * \$16,000 | X | 10/11 | | | | | | |

* Coop Grant

| | |
|----------|---------------|
| 1ST QTR: | JUL, AUG, SEP |
| 2ND QTR: | OCT, NOV, DEC |
| 3RD QTR: | JAN, FEB, MAR |
| 4TH QTR: | APR, MAY, JUN |

Copies to LTAB-No Board

Copies to CC 10/25/17.

**LODGERS' TAX
QUARTERLY WORK/SPENDING REPORT**

FY: 2017/18

NAME OF GRANTEE: Chamber of Commerce of Truth or Consequences & Sierra Coun.

THREE MONTH PERIOD OF REPORT: 07/01/17 TO 09/30/17
(mm/dd/yy) (mm/dd/yy)

PLEASE PROVIDE A DETAILED STATUS OF ACTIVITY FOR REPORTING PERIOD.
(If no work has been done, explain why work has not begun.)

website work done

Visitors Guide being compiled for print

10-17-17A10:08 RCVD

Sierra County App expansion & updates almost complete

Visitors Guide Distribution not started yet

ITEMS AND AMOUNTS FOR WHICH REIMBURSEMENT FUNDS WERE REQUESTED DURING PERIOD:

| <u>ITEMS(S)</u> | <u>AMOUNT</u> |
|-----------------|--------------------------|
| _____ | \$ _____ |
| _____ | \$ _____ |
| _____ | \$ _____ |
| _____ | \$ _____ |
| _____ | \$ _____ |
| NM GRT | \$ _____ (if applicable) |
| TOTAL | \$ <u>0.00</u> |

ANTICIPATED COMPLETION DATES OF TASKS NOTED ABOVE:

| <u>TASK</u> | <u>ANTICIPATED COMPLETION DATE</u> |
|--|------------------------------------|
| <i>website updating</i> | <i>09/30/17</i> |
| <i>Visitors Guide Printing</i> | <i>11/30/17</i> |
| <i>Sierra County App expansion and updates</i> | <i>10/20/17</i> |
| <i>Visitors Guide Distribution</i> | <i>03/31/18</i> |

SIGNATURE

575 894-2239

CONTACT PHONE NUMBER

10/13/17

DATE

**LODGERS' TAX
QUARTERLY WORK/SPENDING REPORT**

NAME OF GRANTEE: GERONIMO SPRINGS MUSEUM 10-10-17P12:28 RCVD

THREE MONTH PERIOD OF REPORT: 07/01/17 TO 09/31/17
(mm/dd/yy) (mm/dd/yy)

PLEASE PROVIDE A DETAILED STATUS OF ACTIVITY FOR REPORTING PERIOD
(If no work has been done, explain why work has not begun.)

Some work has been done, the major activity being the recent program at the Albert Lyon Event Center, discussing gold in the area. We are currently waiting on invoices to request reimbursements. The next quarter will feature: El Camino Real Display Opening, Craft Fair, and Homes Tour, plus several other events in the planning stages.

ITEMS AND AMOUNTS FOR WHICH REIMBURSEMENT FUNDS WERE REQUESTED DURING PERIOD:

| <u>ITEMS(S)</u> | <u>AMOUNT</u> |
|-----------------|--------------------------|
| _____ | \$ _____ |
| _____ | \$ _____ |
| _____ | \$ _____ |
| _____ | \$ _____ |
| _____ | \$ _____ |
| NM GRT | \$ _____ (if applicable) |
| TOTAL | \$ 0.00 |

ANTICIPATED COMPLETION DATES OF TASKS NOTED ABOVE:

| <u>TASK</u> | <u>ANTICIPATED COMPLETION DATE</u> |
|---|------------------------------------|
| <u>Completion date for all projects</u> | <u>05/01/18</u> |
| <u>Completion date for first 1/3 of the work.</u> | <u>12/30/17</u> |
| _____ | _____ |
| _____ | _____ |

Marilyn Pope
SIGNATURE

575-894-6600
CONTACT PHONE NUMBER

10/10/17
DATE

**LODGERS' TAX
QUARTERLY WORK/SPENDING REPORT**

OCT 06 2017

NAME OF GRANTEE: MainStreet Truth or Consequences

THREE MONTH PERIOD OF REPORT: 07/01/17 TO 09/30/17
(mm/dd/yy) (mm/dd/yy)

PLEASE PROVIDE A DETAILED STATUS OF ACTIVITY FOR REPORTING PERIOD.
(If no work has been done, explain why work has not begun.)

No work done as our events do not fall in this quarter.

ITEMS AND AMOUNTS FOR WHICH REIMBURSEMENT FUNDS WERE REQUESTED DURING PERIOD:

| <u>ITEMS(S)</u> | <u>AMOUNT</u> |
|-----------------|--------------------------|
| _____ | \$ _____ |
| _____ | \$ _____ |
| _____ | \$ _____ |
| _____ | \$ _____ |
| _____ | \$ _____ |
| _____ | \$ _____ |
| NM GRT | \$ _____ (if applicable) |
| TOTAL | \$ <u>0.00</u> |

ANTICIPATED COMPLETION DATES OF TASKS NOTED ABOVE:

| <u>TASK</u> | <u>ANTICIPATED COMPLETION DATE</u> |
|-------------|------------------------------------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

Junda Wetigarius
SIGNATURE

575-740-6180
CONTACT PHONE NUMBER

10/04/17
DATE

NMSRDA/SIERRA TWIRLERS OF T OR C

LODGERS' TAX QUARTERLY WORK/SPENDING REPORT

09-14-17A10:35 RCVD

NAME OF GRANTEE: NMSRDA/Sierra Twirlers of T or C

THREE MONTH PERIOD OF REPORT: 07/01/17 TO 09/30/17
(mm/dd/yy) (mm/dd/yy)

PLEASE PROVIDE A DETAILED STATUS OF ACTIVITY FOR REPORTING PERIOD.

(If no work has been done, explain why work has not begun.)

The 2018 NMSRDA State Festival flyers were printed by Herald Publishing in T or C. The Sierra Twirlers of T or C are hosting this festival in May, 2018. Caller Joey Solis distributed a supply of flyers in July, 2017, to Durango CO. since they are involved with the Northern District of the NMSRDA. Joey spoke personally with the dancers and told us they were excited to come to Truth or Consequences, especially when he told them about our great wood floor at the Civic Center. This visit involved a 720 mile round trip. Flyers will also be distributed in TX, and throughout NM.

ITEMS AND AMOUNTS FOR WHICH REIMBURSEMENT FUNDS WERE REQUESTED DURING PERIOD:

| <u>ITEMS(S)</u> | <u>AMOUNT</u> |
|--|-------------------------------|
| <u>Print - NMSRDA State festival flyers</u> | <u>\$ 180.06</u> |
| <u>Advertisement Distriution Mileage - round trip to Durango C</u> | <u>\$</u> |
| <u>720 miles, computed at \$.43 per mile for Festival flyers</u> | <u>\$ 309.60</u> |
| <u></u> | <u>\$</u> |
| <u></u> | <u>\$</u> |
| <u>NM GRT</u> | <u>\$ (if applicable)</u> |
| TOTAL | \$ 489.66 <i>OK/JS</i> |

ANTICIPATED COMPLETION DATES OF TASKS NOTED ABOVE:

| <u>TASK</u> | <u>ANTICIPATED COMPLETION DATE</u> |
|---|------------------------------------|
| <u>Print - dance flyers</u> | <u>09/30/17</u> |
| <u>Advertisement Distribution Mileage</u> | <u>04/15/18</u> |

Carole Wheeler

Joseph A. Solis

SIGNATURE

575-313-9971

CONTACT PHONE NUMBER

9-14-17

DATE

**LODGERS' TAX
QUARTERLY WORK/SPENDING REPORT**

09-28-17A10:50 RCVD

NAME OF GRANTEE: Sierra County Arts Council

THREE MONTH PERIOD OF REPORT: 07/01/17 TO 09/30/17
(mm/dd/yy) (mm/dd/yy)

PLEASE PROVIDE A DETAILED STATUS OF ACTIVITY FOR REPORTING PERIOD.
(If no work has been done, explain why work has not begun.)

Sierra County Arts Council's Program of Work is ongoing.

ITEMS AND AMOUNTS FOR WHICH REIMBURSEMENT FUNDS WERE REQUESTED DURING PERIOD:

| <u>ITEMS(S)</u> | <u>AMOUNT</u> |
|-----------------|--------------------------|
| <hr/> | \$ <hr/> |
| NM GRT | \$ <hr/> (if applicable) |
| TOTAL | \$ 0.00 |

ANTICIPATED COMPLETION DATES OF TASKS NOTED ABOVE:

| <u>TASK</u> | <u>ANTICIPATED COMPLETION DATE</u> |
|--|------------------------------------|
| <u>Advertising program will complete in May 2018</u> | <hr/> |
| <hr/> | <hr/> |
| <hr/> | <hr/> |

 575-894-4244 09/28/17
SIGNATURE CONTACT PHONE NUMBER DATE

LODGERS' TAX
QUARTERLY WORK/SPENDING REPORT

RECEIVED
OCT 13 2017

NAME OF GRANTEE: *T or C Fiesta*

THREE MONTH PERIOD OF REPORT: 07/01/17 #### 09/30/17
(mm/dd/yy) (mm/dd/yy)

PLEASE PROVIDE A DETAILED STATUS OF ACTIVITY FOR REPORTING PERIOD.

Fiesta took place in May.

ITEMS AND AMOUNTS FOR WHICH REIMBURSEMENT FUNDS WERE REQUESTED
DURING PERIOD:

| <u>ITEMS(S)</u> | <u>AMOUNT</u> |
|-----------------|--------------------|
| | \$ |
| | \$ |
| | \$ |
| | \$ |
| | \$ |
| | \$ |
| NM GRT | \$ (if applicable) |
| TOTAL | \$ 0.00 |

ANTICIPATED COMPLETION DATES OF TASKS NOTED ABOVE:

TASK ANTICIPATED COMPLETION DATE


SIGNATURE

575-894-8948
CONTACT PHONE NUMBER

10/12/17
DATE

LODGERS' TAX
QUARTERLY WORK/SPENDING REPORT

10-11-17P03:47 RCVD

NAME OF GRANTEE: Sierra County Recreation & Tourism Advisory Board

THREE MONTH PERIOD OF REPORT: 07/01/17 TO 09/30/17
 (mm/dd/yy) (mm/dd/yy)

PLEASE PROVIDE A DETAILED STATUS OF ACTIVITY FOR REPORTING PERIOD.
 (If no work has been done, explain why work has not begun.)

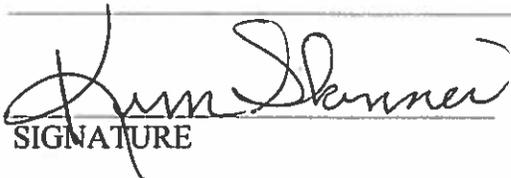
Tourism Website updates, maintenance, projects, coorections, additions, Facebook, Twitter

ITEMS AND AMOUNTS FOR WHICH REIMBURSEMENT FUNDS WERE REQUESTED DURING PERIOD:

| <u>ITEMS(S)</u> | <u>AMOUNT</u> |
|--|---------------------------------|
| <i>Website updates, maint, projects, Facebook, Twitter</i> | \$ <u>866.28</u> |
| _____ | \$ _____ |
| _____ | \$ _____ |
| _____ | \$ _____ |
| _____ | \$ _____ |
| NM GRT | \$ <u>70.39</u> (if applicable) |
| TOTAL | \$ <u>936.67</u> |

ANTICIPATED COMPLETION DATES OF TASKS NOTED ABOVE:

| <u>TASK</u> | <u>ANTICIPATED COMPLETION DATE</u> |
|---|------------------------------------|
| <i>Website, updates, maintenance, advertising, Facebook</i> | <u>05/01/18</u> |
| <i>Brochure Distribution</i> | <u>01/31/18</u> |
| <i>Print</i> | <u>05/01/18</u> |
| _____ | _____ |


 SIGNATURE

(575) 740-1777
 CONTACT PHONE NUMBER

10/10/17
 DATE

F.2



CITY OF TRUTH OR CONSEQUENCES
COMMISSION ACTION FORM

ITEM:

Approve the minutes of the Public Utility Advisory Board for September 18, 2017.

BACKGROUND:

None.

STAFF RECOMMENDATION:

Approve the minutes.

| | | |
|--|--|--------------------------|
| Submitted by: Renee Cantin, City Clerk-Treasurer | | Meeting date: 10/25/2017 |
|--|--|--------------------------|

**CITY OF TRUTH OR CONSEQUENCES
PUBLIC UTILITY ADVISORY BOARD
MONDAY, SEPTEMBER 18, 2017**

REGULAR MEETING

Regular meeting of the Public Utility Advisory Board of the City of Truth or Consequences, New Mexico to be held in the City Commission Chambers, 405 W. Third, Truth or Consequences, New Mexico, on Monday, September 18, 2017 at 5:30 P.M.

INTRODUCTION:

PRESENT:

George Szigeti, Chairman
Jeff Dornbusch, Vice-Chairman
Ron Pacourek, Member

ABSENT:

Randy Ashbaugh, Member
Gil Avelar, Member

ALSO PRESENT:

Juan Fuentes, City Manager
Renee L. Cantin, City Clerk
Melissa Torres, Finance Director
Bo Easley, Electric Division Director
Arnie Castaneda, Water/Wastewater Supervisor
Traci Burnette, Grant Project Coordinator
Sonya Williams, Utility Office Manager
Tammy Gardner, Electric Division Administrative Assistant
Angela A. Torres, Deputy City Clerk

APPROVAL OF AGENDA:

Chairman Szigeti called for approval of the agenda.

Member Pacourek asked that item 5.d be moved to the bottom of the agenda, and items 5.e & 5.f be moved up.

Member Pacourek moved approval of the agenda with the proposed changes.

Vice Chairman Dornbusch seconded the motion. Motion carried unanimously.

APPROVAL OF MINUTES:

Regular meeting of Monday, August 21, 2017:

Chairman Szigeti mentioned a few revisions to the minutes, prior to the meeting.

Member Pacourek moved approval of the August 21, 2017 minutes with changes previously noted by Chairman Szigeti.

Vice Chairman Dornbusch seconded the motion. Motion carried unanimously.

COMMENTS FROM THE PUBLIC:

Klaus Wittern – His comments are regarding item 5.d - Code of Ordinances. He concurs in many respects the comments made by Member Pacourek. He is not sure he would go everywhere with it, but in concept, he believes it is desirable to have input from people who may have a conflict, but have specific knowledge about an area that may be under discussion. He concurs that they should abstain from voting, but he believes they are still part of the public, and should be able to listen to the discussion that is ongoing. Therefore, he encourages you to have a Public Hearing if there is a lot of interest in having that, because he believes that the ordinance needs to be re-written.

RESPONSE TO COMMENTS FROM THE PUBLIC:

Chairman Szigeti – That topic is going to be on the agenda and we will leave any discussion of it until that point.

Discussion/Update: Electric Department - Bo Easley, Electric Division Director:

Electric Division Director Bo Easley reported the following:

- They re-routed the primary underground at the hospital and they have to move three (3) more light poles, but they can't do anything until the dirt work is finished.
- A new 3 phase line has been built for the High School Fitness Center.
- The YESCO Project is scheduled to go before the City Commission at their next regular meeting.
- They are having the primary underground engineered at the Cielo Vista Subdivision.
- Upgrades at the New Mexico Veterans Home will include a replacement of the old transformer.

Member Pacourek – Is the Solar Array working?

Electric Division Director Easley – Half of the panels are not rotating with the sun, so they laid the panels flat for now until they can replace the trackers. Hopefully it will be back up soon. It's running, it's just not generating as much as it should.

Chairman Szigeti – Do you have a way of telling what the production is on the panels that are tracking, as opposed to the ones that are not? It would be interesting to know what we actually gained by them being able to track.

Electric Division Director Easley – I'm sure we can look into it and find out.

Discussion/Update: Water/Wastewater Department - Jesus Salayandia, Water/Wastewater Director:

Water/Wastewater Supervisor Arnie Castaneda reported the following:

- Smith Engineering and the contractor that provided the belt filter press were out here last week trying to fix some glitches with the communications.
- The city is trying to do an "in house" ground water discharge permit. They normally go through a consultant, but they are trying to save the city some money.
- They ordered a new vactor truck, and will be expecting it around March or April 2018.
- They went up to Santa Fe to get an extension on the CDBG Man Hole Project because they fell into some issues. The next process will be the actual bid for a contractor to come in and start the work.
- Well #7 is back online, and is producing about 900 gallons a minute.
- They are short a few positions in the Water and Wastewater Department. They have two general labor positions open for both departments.

Discussion/Update: Sanitation Department – Andy Alvarez, Sanitation Director:

No update was given at this time.

Discussion: Ordinance 687 Section 2-276 recusal of Public Utility Advisory Board Members – Ron Pacourek:

Member Pacourek – It seems to him that their board has been let out of the loop again. The way the item was written on the City Commission agenda was "the recusal of Public Utility Board Members." The item was for the members of the Public Utility Advisory Board to recuse themselves from participating in a particular item on the agenda. According to the way this ordinance is written, if there were to be a discussion regarding solar, Chairman Szigeti and I would have to recuse ourselves from the conversation because we have solar. But, there was an underlining scenario to this, because our City Attorney Jay Rubin, and City Manager Fuentes said if this got passed the way it is, then they are going to apply that to all of the other boards. I'm just going to spell it out...they are really after the Impact Fee Board, and having Member Ashbaugh recused from the Impact Fee Board. Randy has intimate knowledge of the impact fees, and bringing that knowledge to this board is important. Randy did recuse himself from voting. And, he doesn't think he could sway him one way or the other, if he's hearing the information correctly. It just feels like they are going around us. We got a new board member, and the guy filled out an application, but we didn't see the application. Did he do an interview like we did? It just went to the Commissioners, and all of a sudden we got a new Board Member. What's the point of this board if we are going to be left out of the loop? Could we have not had a discussion about this ordinance before it went to the City Commission? It makes him feel like our City Manager and City Commissioners don't

value the input of his board, because they are going around us. We are not a governing board. We are a discussion and suggestion board.

Vice Charmain Dornbusch – Right, so we should make decisions that is up to the City Manager and Commission to make? We work at their bequest. They don't work at our bequest.

Member Pacourek – Right, so when we have a discussion about something, we then we take the discussion to them.

Vice Chairman Dornbusch – As I remember, our suggestion to them was to make up the Impact Fee Board, and having the city take the responsibility of bringing in the other member, and they did exactly what we requested them to do. I'm sorry that it makes you upset, and makes you think that we were out of the loop, but really, you were in the loop. It's not up to this board to decide what the City Commission and City Manager decide to do when it comes to putting people on the board. It all has to clear them first, before it comes to us.

Member Pacourek – Okay, then why did we have an interview? Why did we have to put in an application that you all got to see? What's the point then? And not just that issue, I'm talking about a bigger issue, about them going around this board. What's the point of Ordinance (#687) if we don't have the power?

Vice Chairman Dornbusch – I am kind of pissed off at the situation of one of our board members, after being appointed to the board, filing a law suit against the city. If I had known that he planned to file a law suit against the city, I would have never recommended him for this board, because it's contradictory to what this board stands for. This board is to help the city, not to sit around and nail it down with a bunch of personal conflicts, and using this as a sounding board for his personal agenda. That's why I'm not happy with him not recusing himself from the meeting, because immediately he started doing stuff to bring attention to his position, and that's not proper use of the board. That is a conflict of interest. The city has every right to come up with this ordinance, and they are not trying to go around us in any way at all.

Member Pacourek – Really... I totally disagree with you.

Vice Chairman Dornbusch – Well then we will just have to agree to disagree.

Chairman Szigeti – I understand what both of you guys are saying here, but there are two reasons for the recusal. There is an internal and external reason. Internally, you don't want that person influencing the other members of the board with their comments or the discussion. Now, he thinks we've got a good board here, and as long as we understand what that individuals conflict of interest is... that means we take everything that they say with a grain of salt. In light of that conflict of interest, like Mr. Wittern said, they may have valuable input, and that is kind of what bothers him with the City Commission. With the membership now, if anything comes up dealing with the spas, Commissioner Clark has to recuse herself from the discussion, but she is the one individual with the most intimate knowledge of the issues surrounding the spas. Commissioner Clark having to recuse herself from the discussion takes some valuable expertise out of the room. So I can see that point, but that's only the internal part. The other aspect is what the public perception of the board is, and if you have someone with a conflict of interest, especially one as dramatic as this, with actually filing a suit against the city, and if that person is allowed into the discussion, that creates a public perception that the board is being influenced by that individual, and that undermines the reputation of the board as not being viewed as being trust worthy. Under the

current rules, we cannot force a person to leave the room if they do not want to, and that was the purpose behind this. Now on the other hand, if they are going to do this, it should just go blanket for all of the boards, not just target one board.

Vice Chairman Dornbusch – This is a small community, we don't have the pull of resources. There is going to be conflicts, its unavoidable at some point, but as long as it's dealt with in a rational, fair way, and there isn't any kind of a public interpretation that it's not, which is I think the strongest point you make, because we have a lot of critics that are very vocal and they will grab a hold of anything that they see being out of the norm. We want to do everything we can to keep everything open, and not have this conspiracy theory coming out of the woodwork every time we meet.

Member Pacourek – I think we should have had this conversation before it went to the Commissioners.

Vice Chairman Dornbusch – Under what sort of agenda, it's not part of the Public Utility Advisory Board oversight. We don't get to tell the City Commission what they can, and can't do.

Member Pacourek – Don't you think we should have at least, been informed of this.

Vice Chairman Dornbusch – I think it was on the agenda, was it not? It was notified.

City Manager Fuentes – I think a distinction has to be made between policy matters in regards to ordinances, which fall within the Commission. And as you stated, there is an ordinance that is going to be presented at the next meeting which covers all of the boards. The Commissioners amended their own rules of procedure with this same language.

No further discussion ensued.

Discussion: Village of Williamsburg Sewer Rate Increase – Ron Pacourek:

Member Pacourek – Shouldn't we have been aware that there was going to be a negotiation that this was happening. Why can't we be informed of these things that are happening?

Chairman Szigeti – You realize that we charge Williamsburg a set rate for the sewer, and then they determine what rates they charge the customers?

Member Pacourek – It would have been nice to at least been notified about it.

City Manager Fuentes - Section 14-91 which deals with the Village of Williamsburg, was adopted back in 2004, and in 2004, it says that the village establishes their own rates. We have nothing to do with the decisions the village makes. In April 2017 the Village of Williamsburg voted to raise their own rates, and that has nothing to do with the city.

Chairman Szigeti – Has the rate changed that we sell to the village?

Grants Coordinator Burnette – No.

Chairman Szigeti – Ron, we did not change anything in the contract. The contract between the City of Truth or Consequences and the Village of Williamsburg has not changed. The decision to raise their rates was made solely by the Village of Williamsburg, and it was not in response to anything we did. It was completely out of our jurisdiction.

No further discussion ensued.

Discussion: Code of Ordinances 14-94-b-1 & 11-14-1 fees – Ron Pacourek:

Member Pacourek - He feels that it is the Public Utility Advisory Boards responsibility to look at utility rates. He is concerned that the rates are going to go up for eternity, until they are at a very high rate. That concerns him because he is on a fixed income. So he feels that the board needs to look into doing something different about code of ordinances 14-94-b-1 & 11-14-1. He suggests that every March, both trash and sewer should be reviewed by the Public Utility Advisory Board, on whether the rates need to be increased, and if so the rate should be 0% - 5% and effective July 1st. He would like to make a motion to have this item on the next agenda as an action item.

Deputy Clerk Torres – You can request it, but you can't make a motion because this is only a discussion item.

Chairman Szigeti – I see where you are coming from on this. Our inflation has been low lately, but when you have 10% inflation a year, a 5% rate increase in your utilities isn't going to keep up with inflation. Now after having said that, part of the responsibilities of the board is to work with the Utility Departments and their budgets. That is within our purview, and there is no reason that we cannot sit down with the departments in the spring when they are preparing their budgets for the next year, and look at the status of the rates. The only problem I have is changing that ordinance now, to the point to where we actually have to write a new ordinance every year, because all we can do is make a recommendation in order to change the rates.

City Manager Fuentes – It did come before this board when we were looking at the Wastewater USDA Application. We had a Workshop at the Civic Center with the Board. The rates and the financing of the USDA loan were discussed, and, one of the things the analysts looked at was our rates, and how the rates changed over the years... and it has never changed. That's why the Wastewater Fund was always being subsidized by the Electric Division. So what they mandated for the city was, if you want help from USDA, then this is what you have to do, and it is what other funding agencies have told municipalities across the state. They told us that we need to do our part, and increase the rates to keep up with the demand, and build up a fund to where we can replace Infrastructures and some of the Capital.

Finance Director Torres- Budgetary wise, the problem is, if you guys are just looking at actuals, you are not giving the departments the "full shake" in regards to, they have a lot of lists that is not on the expense. For example, the Sanitation Department has been saving for replacement of his garbage trucks, but he had a backhoe that went down, and he had to get a new backhoe, so guess what happens to those trash trucks, they get pushed down the line. So you can't look at just the customer's view in regards to keeping the bill low or high.

Further discussion ensued regarding clarification on why the city must increase the rates annually.

COMMENTS FROM THE BOARD:

Member Pacourek – Has the pass thru rate ordinance been passed, and if not, is it going to be on the agenda someday?

City Manager Fuentes – I believe that was something Chairman Szigeti proposed, and he is not sure where that ended up.

Chairman Szigeti – I presented it to the City Commission, and they approved it. I believe the next step was to draft it into an ordinance, and that would have to go through the City Attorney.

City Manager Fuentes – Since the item was presented by Chairman Szigeti, he recommends that Chairman Szigeti work with City Attorney Rubin to draft the ordinance.

COMMENTS FROM STAFF:

There were no additional comments from staff.

ADJOURNMENT:

There being no further business to come before the Public Utility Advisory Board, George Szigeti, Chairman, declared the meeting adjourned.

APPROVAL:

PASSED AND APPROVED this 16th day of October, 2017, on a Motion, duly made by Cliff Dornbusch, seconded by Ron Pacourek, and carried.


George Szigeti, Chairman
Public Utility Advisory Board



G.1

CITY OF TRUTH OR CONSEQUENCES
COMMISSION ACTION FORM

ITEM:

AUTOMATED METER READING PROJECT FOR ELECTRIC AND WATER SYSTEM - YEAROUT ENERGY SERVICES COMPANY

ACTION:

TO ACCEPT AND APPROVE CITY MANAGER JUAN FUENTES AND STAFF TO PROCEED FORWARD WITH YEAROUT ENERGY SERVICES COMPANY (YESCO) FOR A SELF FUNDING ENERGY PERFORMANCE CONTRACT FOR WATER AND ELECTRIC METER REPLACEMENT WITH FINANCING OPTION AS PRESENTED.

BACKGROUND:

Over the last 2 years, staff has worked closely with YESCO to provide data on a Meter Replacement Project and has presented findings to both the PUAB and City Commission as noted below.

- 03-16-2015 PUAB Board Recommends Project to Commission for Approval
- 03-24-2015 Project Presentation to Commission, public workshop requested
- 04-28-2015 Public Workshop held
- 05-26-2015 PDA presented to Commission – Commission request more information
- 09-18-2015 Water and Electric Department Meter Presentations to Commission
- 09-21-2015 PUAB Board Recommends LOA be Sent to Commission for Approval
- 10-13-2015 LOA Approved by City Commission
- 06-14-2016 PDA/IGA Presented to City Commission – Tabled pending more information
- 08-23-2016 PDA/IGA Presented and Approved by City Commission
- 10-15-2016 IGA Meter Testing Begins / Data Analysis
- 04-05-2017 IGA Preliminary Findings Presented to City Staff
- 05-05-2017 Vendor Interviews / Presentations with City Staff
- 06-01-2017 Vendor Selected by City Staff
- 06-28-2017 PDA/IGA Results Joint Workshop and Vendor Equipment Review Commission and PUAB
- 07-13-2017 PDA/IGA Results Workshop with PUAB- More information requested
- 08-21-2017 PDA/IGA Results Workshop with PUAB – Board recommends Project to Commission for Contract Approval

(PDA – Project Development Agreement; LOA – Letter of Authorization; IGA – Investment Grade Audit)

STAFF RECOMMENDATION:

- To approve a self-funding energy performance contract for water and electric meter replacement with Yearout Energy Services Company and financing option as presented.

| | | |
|--|-----------------------------------|--------------------------|
| Name of Drafter: Traci Burnette | Department: Community Development | Meeting date: 10-25-2017 |
| E-mail: tburnette@torenm.org | Phone: 575-894-6673 Ext. 353 | |



TRUTH OR NEW MEXICO CONSEQUENCES

Utility Meter Replacement Project
presented to City Commission
October 25th, 2017

 **YEAROUT**
ENERGY SERVICES

Agenda



TRUTH OR CONSEQUENCES NEW MEXICO

- IGA Findings
- Review of Project Benefits
- Final Approval / Next Steps

IGA - Baseline Water Loss



TRUTH OR CONSEQUENCES NEW MEXICO

| Item | 2014 – 2016 Baseline Average |
|-----------------------------|------------------------------|
| Total Water Produced (kGal) | 432,545 |
| Total Water Metered (kGal) | 317,518 |
| Total Water Losses | 115,028 |
| Percent Total Water Losses | 26.6% |

IGA - Avg Age of Meter Population vs Sample



TRUTH OR CONSEQUENCES NEW MEXICO

| Meter Size | ¾" | 1" | 1.5" | 2" | 2.5" | 3" | 4" | 8" | Total |
|---|------|------|-------|------|-------|-------|-------|-------|-------------|
| Average Age of Meter Population (Years) | 20.7 | 21.3 | 24.8 | 20.1 | 36.0 | 19.9 | 19.7 | 28.0 | 20.7 |
| Average Age of Tested Sample (Years) | 20.5 | 18.8 | ----- | 20.2 | ----- | ----- | ----- | ----- | 20.0 |

IGA – Baseline Meter Accuracy Testing Results



TRUTH OR CONSEQUENCES NEW MEXICO

| Meter Size | Low Flow | | Medium Flow | | High Flow | |
|------------|----------|-------------------|-------------|-------------------|-----------|-------------------|
| | Baseline | Year 1 Guaranteed | Baseline | Year 1 Guaranteed | Baseline | Year 1 Guaranteed |
| ¾" | 51.69% | 97.50% | 95.74% | 97.50% | 94.05% | 97.50% |
| 1" | 60.00% | 97.50% | 89.20% | 97.50% | 91.94% | 97.50% |
| 2" | 78.17% | 97.50% | 91.16% | 97.50% | 92.27% | 97.50% |

Tested meter sizes account for 99.4% of Meter Population & 96.6% of Total Billed Consumption

Baseline meter testing performed to AWWA M6 Guidelines



Project Scope & Turn-Key Cost



TRUTH OR CONSEQUENCES NEW MEXICO

- **Turn-Key Project Scope**
 - 3,406 Water Meters + 100 Remote Disconnect Valves
 - 5,015 Electric Meter
 - Complete AMI System
 - Integration with Billing Platform
 - Mobile Leak Detection Unit

Turn-Key Project Cost

\$5,144,302



Improved Customer Service



**TRUTH OR
CONSEQUENCES** NEW MEXICO

- Full integration with billing platform
- Improve billing accuracy / reduce accidental human errors
- Provide better and faster customer service
- Customers will be able to monitor consumption in real-time, encouraging energy and water conservation.
- Solar Customers – Access to real-time net meter data (delivered, received, net), and potential additional benefits if TOU rates are offered.
- Assure constituents that resources are produced, delivered and accurately measured. (Not wasted)

Improved Operations



TRUTH OR CONSEQUENCES NEW MEXICO

- Improved system reliability with fewer service calls and meter failures
- Staff will have access to real-time system data from the office and while in the field.
- AMI System will provide continuous monitoring and alerting of tampering, theft, leakage and outages.
- AMI System will allow for faster outage detection and restoration of service.
- Staff will have the capability to remotely connect/disconnect select ¾" residential water meters & select electric meters from the safety of the office. (Less Truck Rolls)
- Reduce operational costs (vehicles, truck rolls, personnel, inventory, safety)



Leak Detection



TRUTH OR CONSEQUENCES NEW MEXICO

- City will be provided with a Mobile Leak Detection Unit to help locate leaks within the distribution system.
- Water and Electric meters will provide Data Analytics, and is expandable.
- Customers data will reveal to utility if there is a leak with-in the customer property.
- City Utility will see all meters in near real time and be able to react to reverse flows providing safer resolution and higher customer satisfaction

Outage Detection and Restoration



TRUTH OR CONSEQUENCES NEW MEXICO

- Water and Electric meters will provide Data Analytics to locate **Electric Outages** allowing for efficient deployment, reducing costly “Truck Rolls”.
- Riva Analytics will provide data about transformer loads thereby allowing the utility to preserve older transformers and deliver power more efficiently.
- New Meter Data Set will provide TorC with the ability to see electric consumption and demand, allowing utility to determine most appropriate structure.



Project Milestones to Date



TRUTH OR CONSEQUENCES NEW MEXICO

- 03-16-2015 PUAB Board Recommends Project to Commission for Approval
- 09-21-2015 PUAB Board Recommends LOA be Sent to Commission for Approval
- 10-13-2015 LOA Approved by City Commission
- 06-14-2016 PDA/IGA Approved & Scope Expanded to Include Electric
- 10-15-2016 IGA Meter Testing Begins / Data Analysis
- 04-05-2017 IGA Preliminary Findings Presented to City Staff
- 05-05-2017 Vendor Interviews / Presentations with City Staff
- 06-01-2017 Vendor Selected by City Staff
- 06-28-2017 PDA/IGA Workshop and Vendor Equipment Review
- 07-13-2017 PDA/IGA Workshop with PUAB
- 08-21-2017 PUAB Approved IGA and Recommendation to Commission
- 08-28-2017 Submitted Final IGA to NM-OSE for Approval
- 10-25-2017 Final Scope and Finance Proposal approval by City Commission



Next Steps



TRUTH OR CONSEQUENCES NEW MEXICO

- Approval of Project by City Commission 10/25/2017
- EPC Contract Executed November 2017
- Close on Funding December 2017
- Commence Project Implementation January 2018





Thank-You!



G2



CITY OF TRUTH OR CONSEQUENCES
COMMISSION ACTION FORM

ITEM:

Animal Control and Ordinance change. Steve Green, Mayor

BACKGROUND:

At the last meeting there was discussion about dangerous animals and what can be done. Mayor Green asked for this item to be added to the agenda to direct staff to prepare and ordinance.

STAFF RECOMMENDATION:

None.

Submitted by: Renee Cantin, City Clerk-Treasurer

Meeting date: 10/25/2017

G.3



CITY OF TRUTH OR CONSEQUENCES
COMMISSION ACTION FORM

ITEM:

Request to proceed with an ordinance Night Sky Friendly Lighting Program.

BACKGROUND:

Commissioner Clark presented this item at the September 27th and October 11th meetings.

The action at the October 11th meeting was to approve the letter composed by Commissioner Clark and the Electric Department with respect to the New Mexico Night Sky Protection Act.

STAFF RECOMMENDATION:

None.

Submitted by: Renee Cantin, City Clerk-Treasurer

Meeting date: 10/11/2017



City of Truth or Consequences

Utility Office

505 Sims Street

Truth or Consequences, New Mexico 87901

City: (575) 894-6671 • FAX: (575) 894-0569

NEW MEXICO NIGHT FRIENDLY LIGHTING PROGRAM

On April 6, 1999, Governor Gary Johnson signed the Night Sky Protection Act into law, to regulate outdoor lighting to preserve and enhance the state's dark sky while promoting safety, conserving energy and preserving environment astronomy. (Chapter 74-12-1 to 74-12-11)

In section 74-12-4 it states that all outdoor lighting fixtures installed after January 1, 2000 shall be shielded and meet lowest horizontal lighting emittance; the exceptions are incandescent fixtures of one hundred fifty watts or less and other sources of seventy watts or less.

In section 74-12-6 A-2 it states that outdoor lighting fixtures existing and legally installed prior to the effective date of the Night Sky Protection Act may remain in service; however, when existing lighting fixtures become unrepairable, their replacements are subject to all the provision of the Night Sky Protection Act.

Many cities in New Mexico have accelerated light replacements; this is possible. Rates are adjusted to pass the cost on to the public through rate hikes approved by the New Mexico Public Regulation Commission.

Two other options exist. 1. Is to allow the City to gradually replace the failing lights at the City's maintenance expense (which is current method), or 2. For a member or members of the public to purchase, through the City, approved lights to replace those in their affected areas. Current cost for shielded lights range from approximately \$97.00-\$150 each.

If you have any question or would like more information please feel free to contact Bo Easley, City Electric Department Manager at (575)894-6673 Ext. 372 or Tammy Gardner, City Electric Administrative Assistant at (575)894-6673 Ext 371.

H.1



CITY OF TRUTH OR CONSEQUENCES
COMMISSION ACTION FORM

ITEM: Approval of Quarterly Budget Report Submission to DFA – 1st Quarter, July 1, 2017 to September 30, 2017

BACKGROUND: Required reporting to DFA on a quarterly basis

SUPPORT INFORMATION:

- Finance Documents as presented.

| | | |
|---------------------------------|------------------------------|---------------|
| Name of Drafter: Melissa Torres | Department: Finance Director | Mtg: 10/11/17 |
|---------------------------------|------------------------------|---------------|

CITY OF TRUTH OR CONSEQUENCES

FYE 2018

FINANCIAL REPORT



July 1, 2017 through September 30, 2017

YTD BUDGET TO ACTUAL COMPARISON

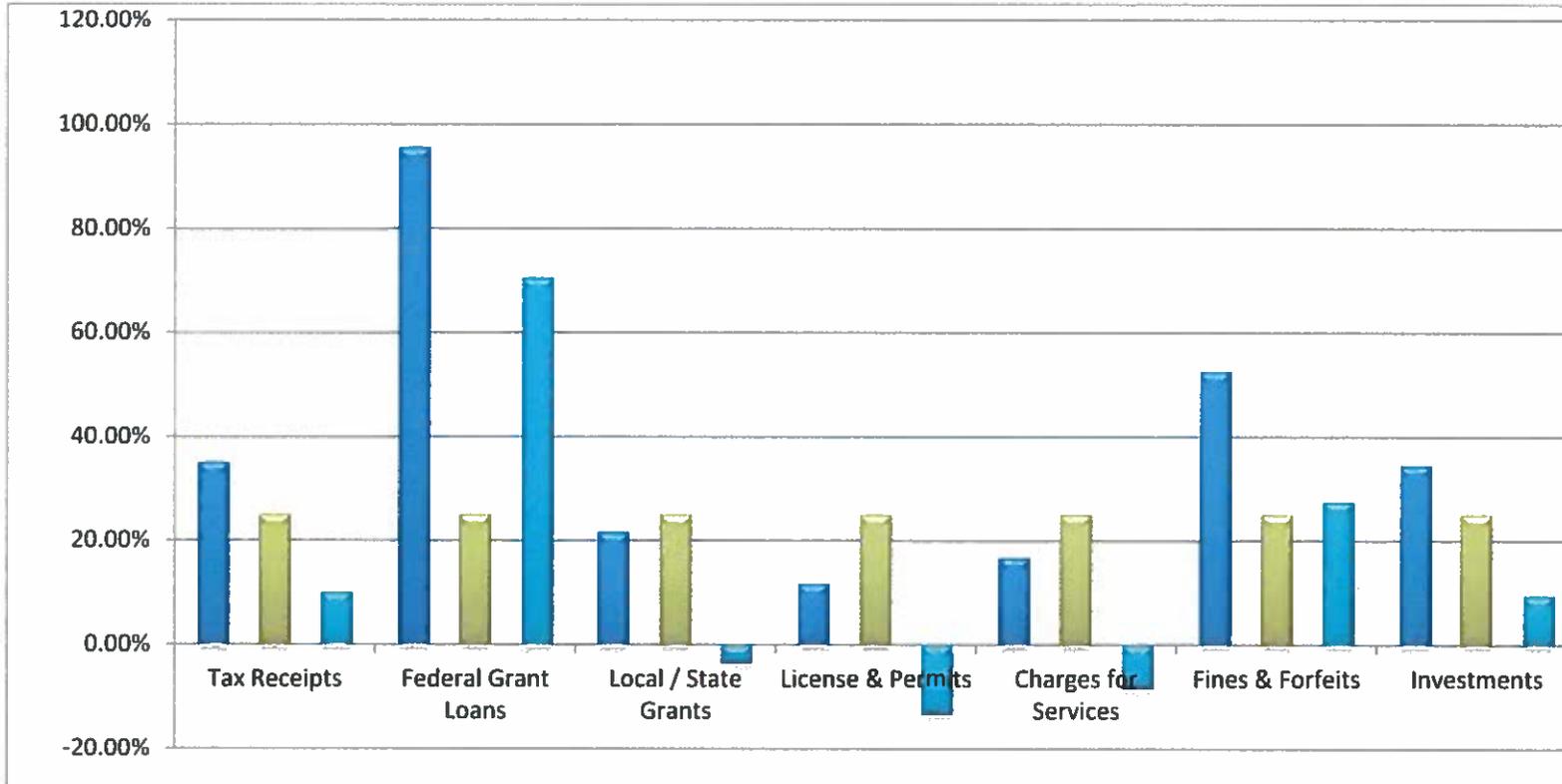
| FUND | REVENUE | | | | EXPENDITURES | | | | DIFFERENCE |
|------------------|-----------------------|-----------------------|---------------------------|---------------|----------------------------|----------------------------|-------------------------|---------------|-------------------|
| | BUDGET REVENUE | ACTUAL REVENUE | UNREALIZED REVENUE | % DIFF | BUDGET EXPENDITURES | ACTUAL EXPENDITURES | AVAILABLE AMOUNT | % DIFF | |
| General | \$ 3,707,188 | \$ 1,282,938 | \$ (2,424,250) | 34.61% | \$ 5,441,269 | \$ 1,253,121 | \$ (4,188,148) | 23.03% | \$ 29,817 |
| Special Revenue | \$ 2,043,421 | \$ 431,222 | \$ (1,612,199) | 21.10% | \$ 2,723,408 | \$ 287,962 | \$ (2,435,446) | 10.57% | \$ 143,259 |
| Capital Project | \$ 10,513,742 | \$ 192,244 | \$ (10,321,498) | 1.83% | \$ 11,117,826 | \$ 392,821 | \$ (10,725,005) | 3.53% | \$ (200,577) |
| Utility Office | \$ 36,800 | \$ 13,945 | \$ (22,855) | 37.90% | \$ 315,379 | \$ 79,173 | \$ (236,206) | 25.10% | \$ (65,228) |
| Electric | \$ 6,982,200 | \$ 2,052,704 | \$ (4,929,496) | 29.40% | \$ 4,925,146 | \$ 1,403,277 | \$ (3,521,869) | 28.49% | \$ 649,426 |
| Water | \$ 1,004,550 | \$ 288,332 | \$ (716,218) | 28.70% | \$ 729,902 | \$ 171,869 | \$ (558,033) | 23.55% | \$ 116,464 |
| Wastewater | \$ 1,049,100 | \$ 276,757 | \$ (772,343) | 26.38% | \$ 835,079 | \$ 168,676 | \$ (666,403) | 20.20% | \$ 108,082 |
| Solidwaste | \$ 1,366,600 | \$ 361,349 | \$ (1,005,251) | 26.44% | \$ 1,297,668 | \$ 262,169 | \$ (1,035,499) | 20.20% | \$ 99,180 |
| Golf | \$ 42,320 | \$ 5,126 | \$ (37,194) | 12.11% | \$ 143,200 | \$ 27,062 | \$ (116,138) | 18.90% | \$ (21,936) |
| Cemetery | \$ 10,600 | \$ 5,900 | \$ (4,700) | 55.66% | \$ 11,000 | \$ 1,505 | \$ (9,495) | 13.68% | \$ 4,394 |
| Airport | \$ 139,665 | \$ 44,546 | \$ (95,119) | 31.89% | \$ 251,791 | \$ 62,634 | \$ (189,157) | 24.88% | \$ (18,088) |
| Debt Service | \$ 436,568 | \$ 69,420 | \$ (367,148) | 15.90% | \$ 478,612 | \$ - | \$ (478,612) | 0.00% | \$ 69,420 |
| Internal Service | \$ 14,000 | \$ 3,858 | \$ (10,142) | 27.56% | \$ 22,500 | \$ 2,953 | \$ (19,547) | 13.13% | \$ 905 |
| TOTAL | \$ 27,346,754 | \$ 5,028,341 | \$ (22,318,413) | 18.39% | \$ 28,292,780 | \$ 4,113,223 | \$ (24,179,557) | 14.54% | \$ 915,118 |

Note: The 'Budget Revenue' and 'Budget Expenditure' columns are shown on the same trend basis as the Monthly Financial Report.

*In these instances where expenditures exceed revenue, the fund's cash savings account provides the difference.

| Special Revenue Funds | | | | Capital Project Funds | | | |
|------------------------------|--------------|-----------------|-------------------------|------------------------------|------------------|--------------|-----------------------|
| Corrections | Lodgers' Tax | Library | Veterans Perpetual Care | Fed. Grant Trust | C.I. General | R&R Airport | Emerg. Repair Reserve |
| | Street | PD Confidential | | W-WW Effluent Reuse | C.I. Jt. Utility | R&R Water | WW Repair Reserve |
| Fire Protection | Recreation | PD Donations | | Elec. Const. | DOT Broadway | CDBG | Elec. Repair Reserve |
| LEPF | DWI | | | Veterans Wall | Emerg. Fund | C.I. Reserve | |

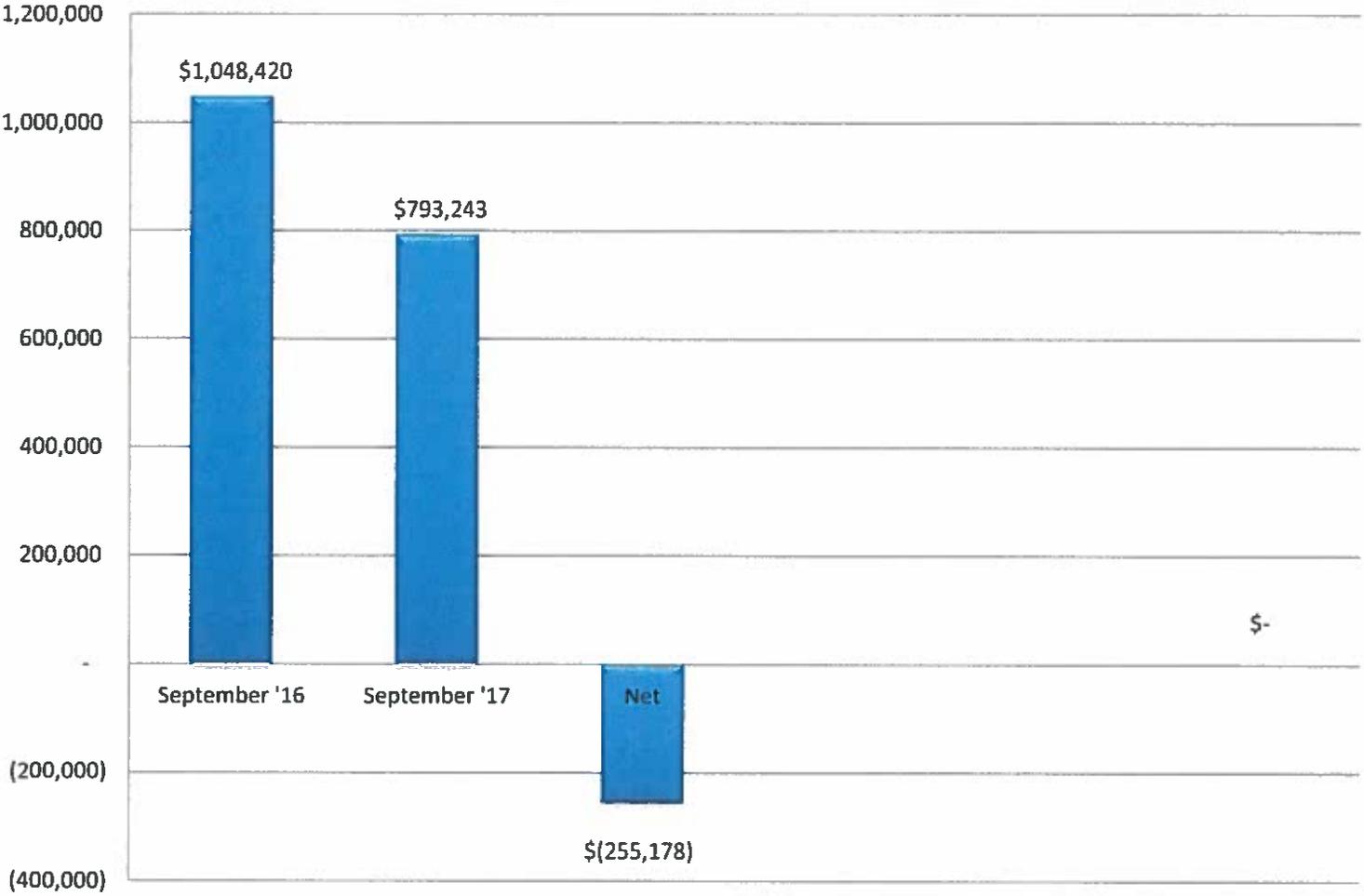
General Fund Revenues 1st Qtr. %



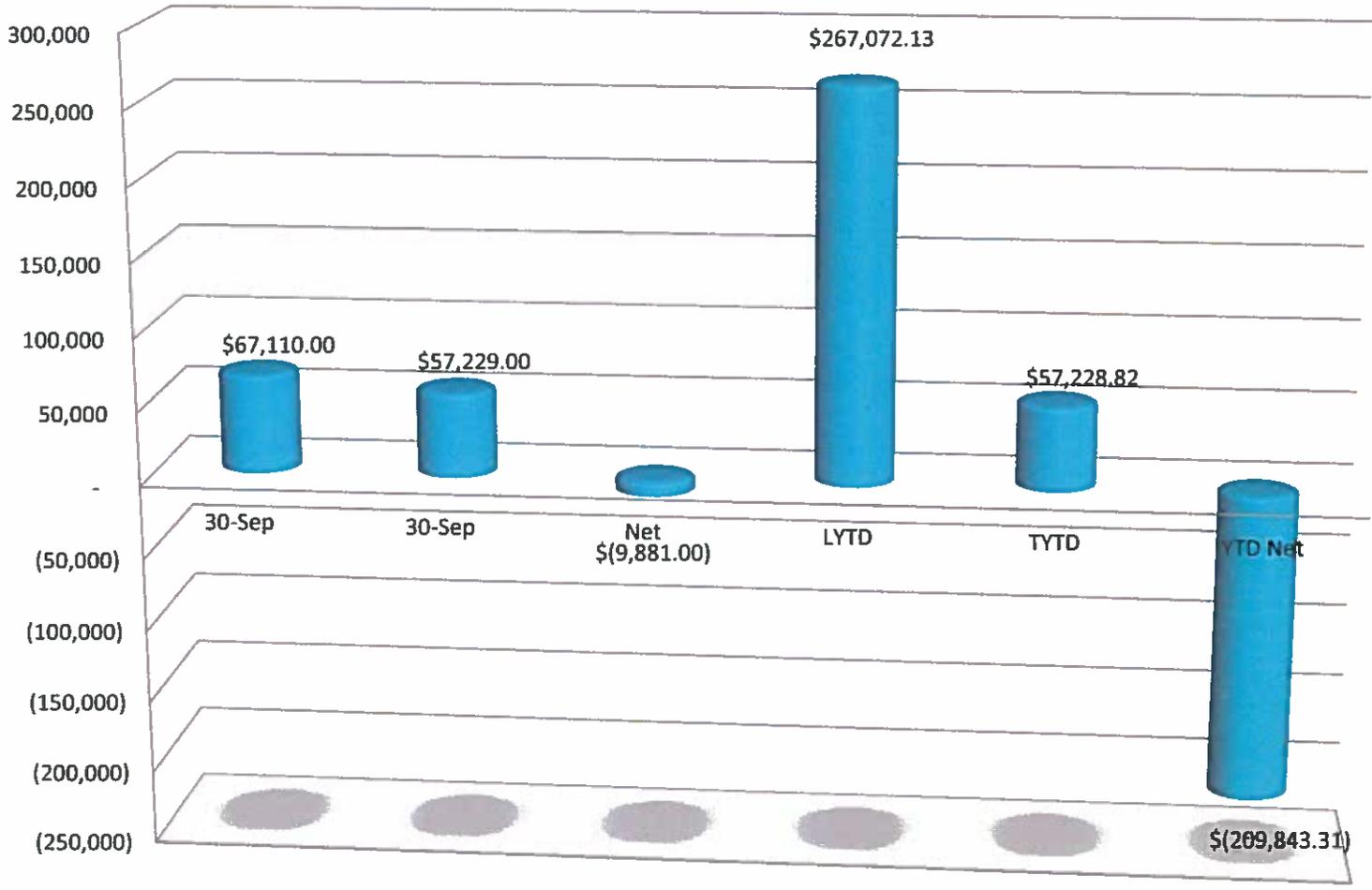
| REVENUES | % Rec. | % Est. | YTD % over/under |
|----------------------|---------------|---------------|---------------------|
| Tax Receipts | 35.10% | 25.00% | 10.10% |
| Federal Grant Loans | 95.54% | 25.00% | 70.54% |
| Local / State Grants | 21.58% | 25.00% | -3.42% |
| License & Permits | 11.72% | 25.00% | -13.28% |
| Charges for Services | 16.74% | 25.00% | -8.26% |
| Fines & Forfeits | 52.60% | 25.00% | 27.60% |
| Investments | 34.51% | 25.00% | 9.51% |
| General Fund | 89.15% | 25.00% | 64.15% |

| FUND | REVENUE | | | | EXPENDITURES | | | | DIFFERENCE REV/EXP ACTUAL |
|---------------------------|----------------------|-------------------|-------------------------|-----------|------------------------|------------------------|-------------------------|-----------|---------------------------------|
| | BUDGET REVENUE | ACTUAL REVENUE | DIFFERENCE POS/(NEG) | % DIFF | BUDGET EXPENDITURES | ACTUAL EXPENDITURES | DIFFERENCE POS/(NEG) | % DIFF | |
| SRF | | | | | | | | | |
| (209) Fire Protection | \$ 289,685 | \$ 73 | \$ (289,612) | 0.03% | \$ 605,122 | \$ 63,474 | \$ (541,648) | 10.49% | \$ (63,401) |
| (217) Recreation | \$ 35 | \$ 3 | \$ (32) | 8.09% | \$ 42,900 | \$ 11,664 | \$ (31,236) | 27.19% | \$ (11,661) |
| (201) Corrections | \$ 3,100 | \$ 4,035 | \$ 935 | 130.16% | \$ 41,400 | \$ 3,743 | \$ (37,657) | 9.04% | \$ 292 |
| (211) LEFP | \$ 27,800 | \$ 27,800 | \$ - | 100.00% | \$ 27,800 | \$ 1,311 | \$ (26,489) | 4.72% | \$ 26,489 |
| (214) Lodgers Tax | \$ 352,358 | \$ 68,624 | \$ (283,734) | 19.48% | \$ 278,381 | \$ 11,283 | \$ (267,098) | 4.05% | \$ 57,340 |
| (507) SW Collection Ctr. | \$ 691,600 | \$ 149,580 | \$ (542,020) | 21.63% | \$ 632,300 | \$ 89,110 | \$ (543,190) | 14.09% | \$ 60,470 |
| (216) Street | \$ 557,819 | \$ 159,090 | \$ (398,729) | 28.52% | \$ 598,625 | \$ 59,866 | \$ (538,759) | 10.00% | \$ 99,225 |
| Other | \$ 121,024 | \$ 22,017 | \$ (99,007) | 18.19% | \$ 496,880 | \$ 47,512 | \$ (449,368) | 9.56% | \$ (25,494) |
| | \$ 2,043,421 | \$ 431,222 | \$ (1,612,199) | | \$ 2,723,408 | \$ 287,962 | \$ (2,435,446) | | \$ 143,259 |
| Capital Projects | | | | | | | | | |
| (301) W-WW EFFL Reuse | \$ 108 | \$ 1,616 | \$ 1,508 | 1496.73% | \$ - | \$ - | \$ - | #DIV/0! | \$ 1,616 |
| (302) Electrical Const. | \$ 70 | \$ 34,060 | \$ 33,990 | 48656.49% | \$ 118,964 | \$ 9,914 | \$ (109,050) | 8.33% | \$ 24,146 |
| (303) Veterans Wall | \$ 100,000 | \$ - | \$ (100,000) | 0.00% | \$ 110,000 | \$ 377 | \$ (109,623) | 0.34% | \$ (377) |
| (304) Senior Grants | \$ 1,590 | \$ - | \$ (1,590) | 0.00% | \$ 1,755 | \$ - | \$ (1,755) | 0.00% | \$ - |
| (305) Capital Impr. (Gen) | \$ 351,000 | \$ 11,325 | \$ (339,675) | 3.23% | \$ 467,000 | \$ 29,903 | \$ (437,097) | 6.40% | \$ (18,578) |
| (306) C.I. Joint Utility | \$ 1,659,964 | \$ 85,926 | \$ (1,574,038) | 5.18% | \$ 1,973,875 | \$ 128,226 | \$ (1,845,649) | 6.50% | \$ (42,299) |
| (309) USDA WWTP | \$ 6,808,725 | \$ 35,327 | \$ (6,773,398) | 0.52% | \$ 6,808,725 | \$ 194,647 | \$ (6,614,078) | 2.86% | \$ (159,320) |
| (307) Golf Course Imp. | | | \$ - | #DIV/0! | \$ - | \$ - | \$ - | #DIV/0! | \$ - |
| (310) Emerg. Fund | \$ - | \$ - | \$ - | #DIV/0! | \$ - | \$ - | \$ - | #DIV/0! | \$ - |
| (311) R&R Sewer Fund | \$ - | \$ - | \$ - | #DIV/0! | \$ - | \$ - | \$ - | #DIV/0! | \$ - |
| (312) R&R Airport | \$ 1,091,015 | \$ 23,748 | \$ (1,067,267) | 2.18% | \$ 1,126,015 | \$ 21,263 | \$ (1,104,752) | 1.89% | \$ 2,485 |
| (313) R&R Water | \$ - | \$ 0 | \$ 0 | #DIV/0! | \$ 3,000 | \$ - | \$ (3,000) | 0.00% | \$ 0 |
| (314) CDBG | \$ 500,000 | \$ - | \$ (500,000) | 0.00% | \$ 500,000 | \$ - | \$ (500,000) | 0.00% | \$ - |
| (315) Capital Impr. Res. | \$ 1,020 | \$ 169 | \$ (851) | 16.56% | \$ - | \$ - | \$ - | #DIV/0! | \$ 169 |
| (316) Emerg. Repair Res. | \$ 90 | \$ 24 | \$ (66) | 26.24% | \$ - | \$ - | \$ - | #DIV/0! | \$ 24 |
| (317) WW Repair Res. | \$ 90 | \$ 27 | \$ (63) | 29.61% | \$ - | \$ - | \$ - | #DIV/0! | \$ 27 |
| (318) Elec. Repair Res. | \$ 70 | \$ 23 | \$ (47) | 32.36% | \$ - | \$ - | \$ - | #DIV/0! | \$ 23 |
| (319) LEDA | \$ - | \$ - | \$ - | #DIV/0! | \$ 8,492 | \$ 8,492 | \$ 0 | 100.00% | \$ (8,492) |
| | \$ 10,513,742 | \$ 192,244 | \$ (10,321,498) | | \$ 11,117,826 | \$ 392,821 | \$ (10,725,005) | | \$ (200,577) |

Prior vs. Current GRT 1st Quarter



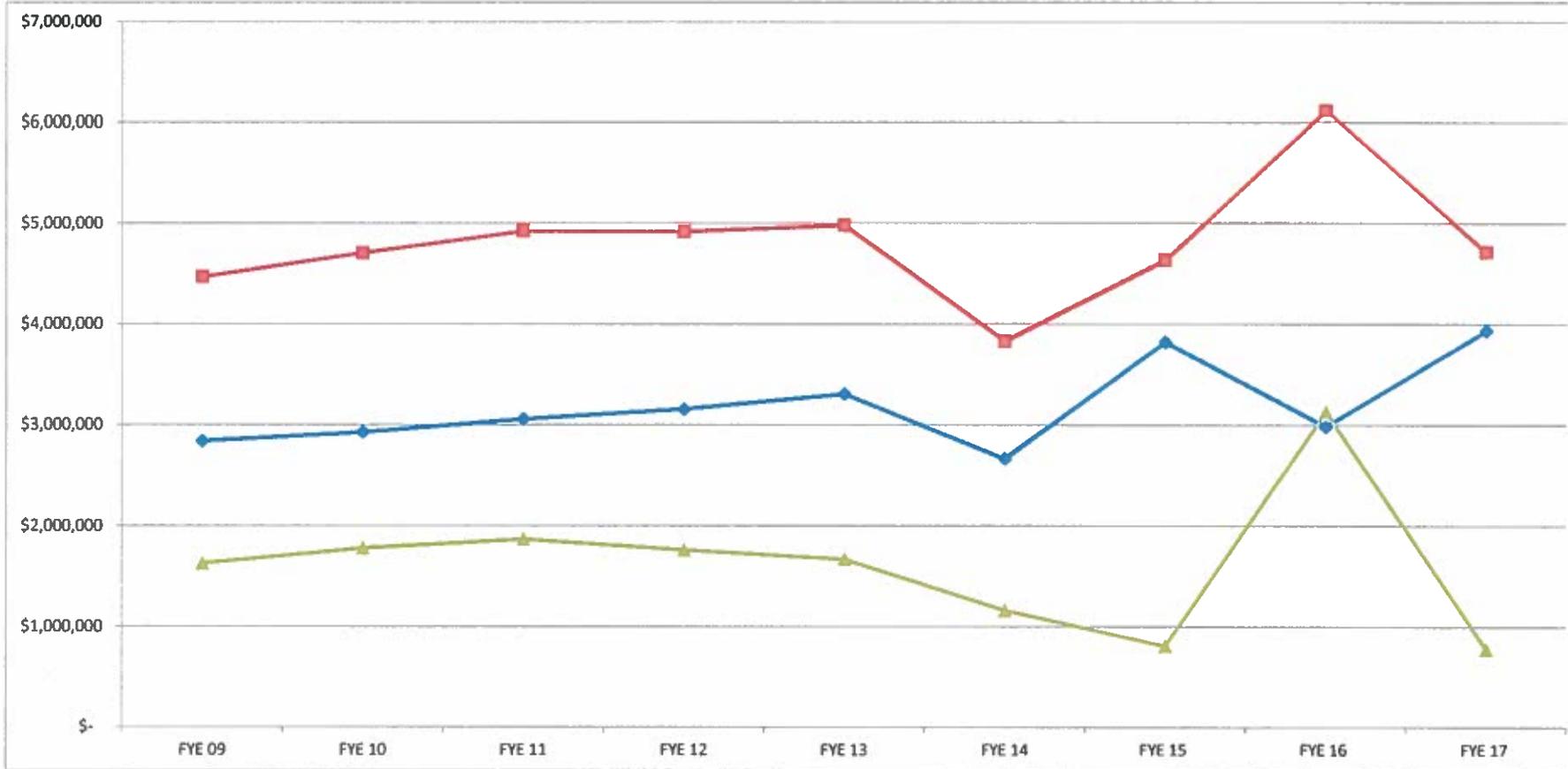
Prior vs. Current Lodgers' Tax Revenue Month & YTD Comparison



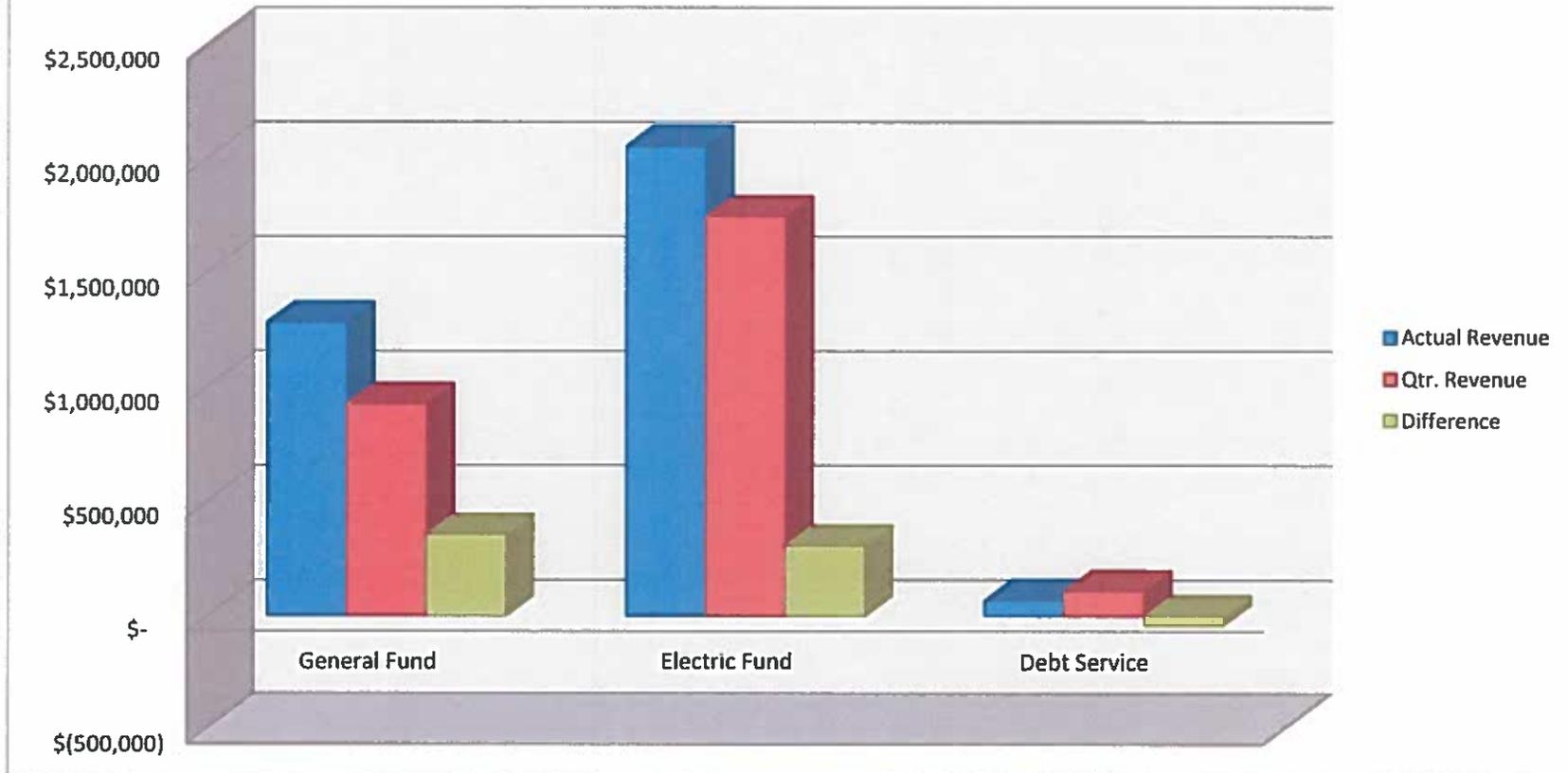
GENERAL FUND FISCAL YEAR END NET

Growth since FYE 09

| | FYE 09 | FYE 10 | FYE 11 | FYE 12 | FYE 13 | FYE 14 | FYE 15 | FYE 16 | FYE 17 | FYE 18 Budget | % | \$ |
|----------|------------------|---------------------|---------------------|---------------------|---------------------|---------------------|-------------------|---------------------|-------------------|-------------------|-----------------|---------------------|
| Rev. \$ | 2,839,161 | \$ 2,926,427 | \$ 3,057,324 | \$ 3,156,898 | \$ 3,308,626 | \$ 2,664,993 | \$ 3,822,020 | \$ 2,983,856 | \$ 3,936,430 | \$ 1,282,938 | -206.83% | \$ 1,097,269 |
| Exp. \$ | 4,467,045 | \$ 4,705,040 | \$ 4,923,209 | \$ 4,917,306 | \$ 4,978,989 | \$ 3,830,281 | \$ 4,632,032 | \$ 6,115,589 | \$ 4,713,256 | \$ 1,278,690 | -268.60% | \$ 246,211 |
| Diff. \$ | 1,627,884 | \$ 1,778,613 | \$ 1,865,885 | \$ 1,760,408 | \$ 1,670,363 | \$ 1,165,288 | \$ 810,012 | \$ 3,131,734 | \$ 776,826 | \$ (4,248) | -109.56% | \$ (851,058) |

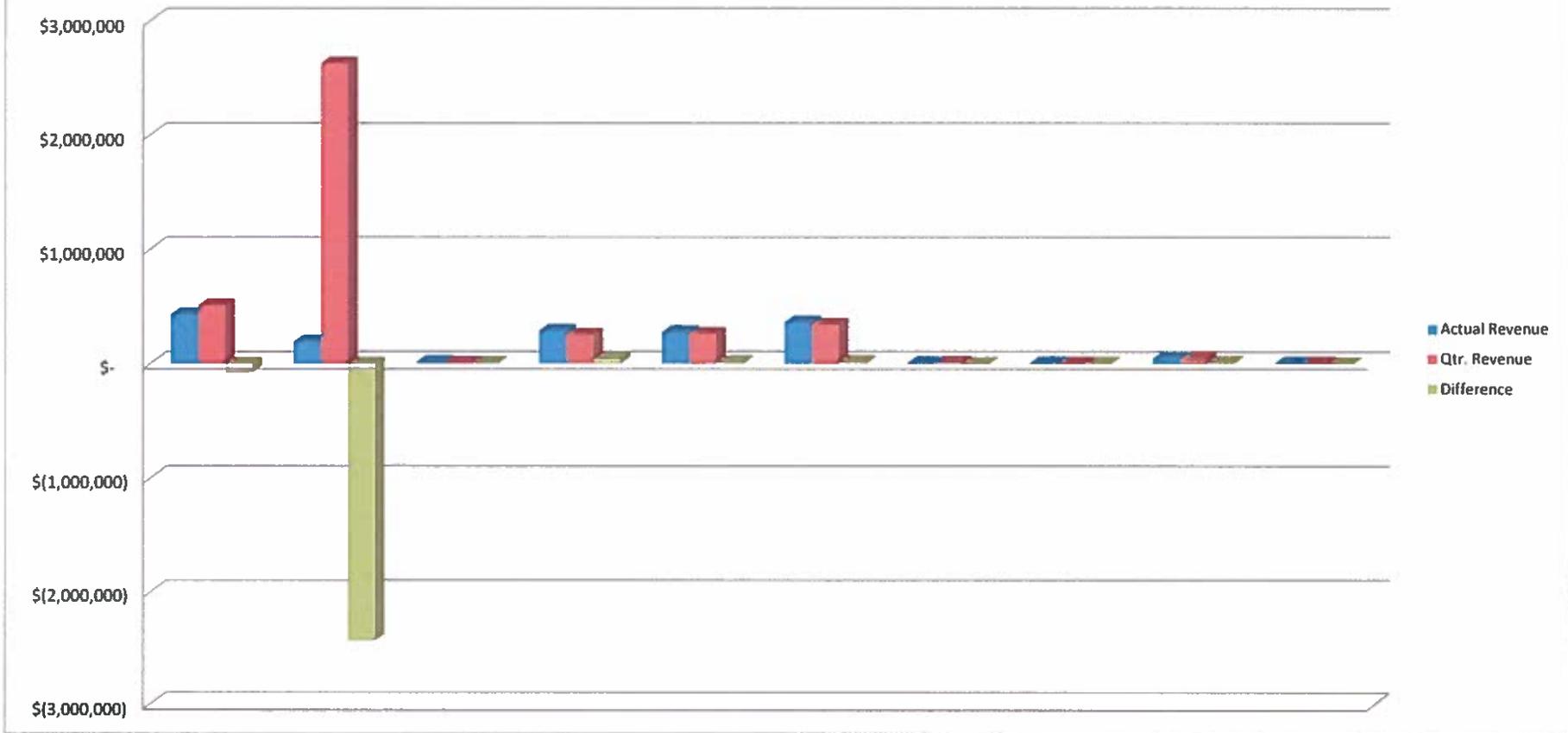


Revenues Actual / 1st Qtr. Budget FYE 18 YTD



| | General Fund | Electric Fund | Debt Service |
|-----------------------|--------------|---------------|--------------|
| Actual Revenue | \$ 1,282,938 | \$ 2,052,704 | \$ 69,420 |
| Qtr. Revenue | \$ 926,797 | \$ 1,745,550 | \$ 109,142 |
| Difference | \$ 356,141 | \$ 307,154 | \$ (39,722) |
| QTR | 1 | 1 | 1 |
| Budget Revenue | \$ 3,707,188 | \$ 6,982,200 | \$ 436,568 |

**REVENUES
ACTUAL / 1st Qtr. BUDGET
FYE 18 YTD**



| | Special Revenue | Capital Project | Utility Office | Water | Wastewater | Solidwaste | Golf | Cemetery | Airport | Internal Service |
|-----------------------|-----------------|-----------------|----------------|--------------|--------------|--------------|------------|-----------|------------|------------------|
| Actual Revenue | \$ 431,222 | \$ 192,244 | \$ 13,945 | \$ 288,332 | \$ 276,757 | \$ 361,349 | \$ 5,126 | \$ 5,900 | \$ 44,546 | \$ 3,858 |
| Qtr. Revenue | \$ 510,855 | \$ 2,628,436 | \$ 9,200 | \$ 251,138 | \$ 262,275 | \$ 341,650 | \$ 10,580 | \$ 2,650 | \$ 34,916 | \$ 3,500 |
| Difference | \$ (79,633) | \$ (2,436,191) | \$ 4,745 | \$ 37,195 | \$ 14,482 | \$ 19,699 | \$ (5,454) | \$ 3,250 | \$ 9,629 | \$ 358 |
| QTR | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| Budget Revenue | \$ 2,043,421 | \$ 10,513,742 | \$ 36,800 | \$ 1,004,550 | \$ 1,049,100 | \$ 1,366,600 | \$ 42,320 | \$ 10,600 | \$ 139,665 | \$ 14,000 |

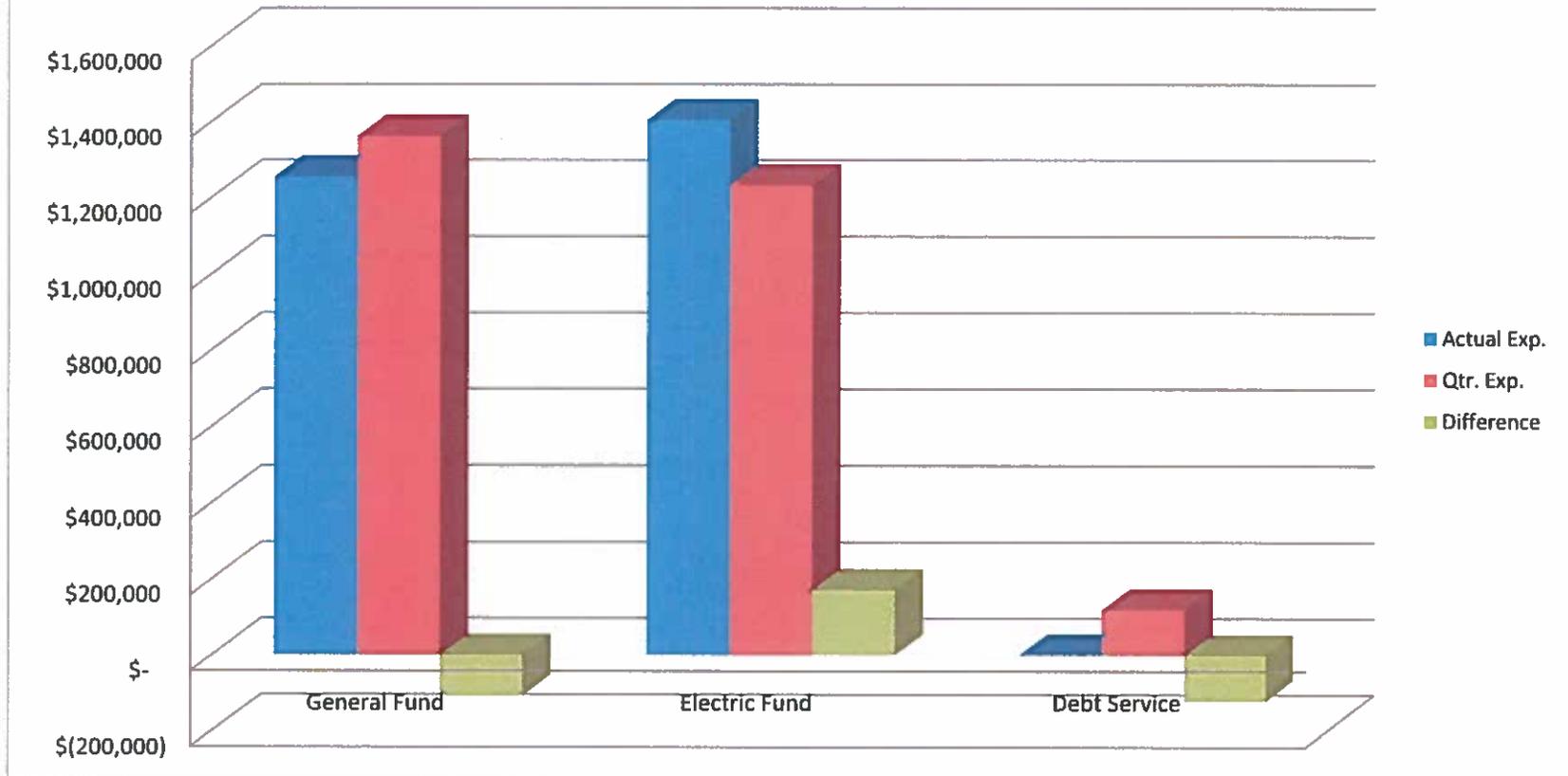
General & Enterprise Fund Expenditures

1st Qrt.

FYE 18

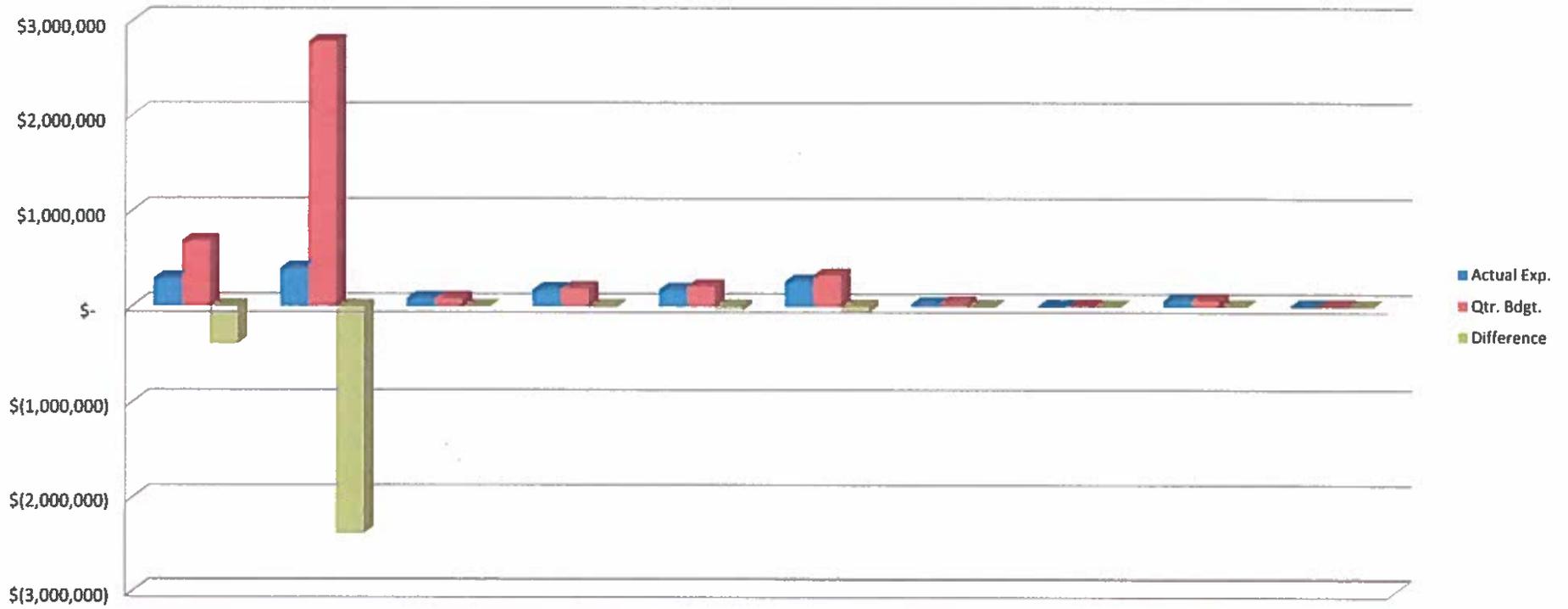
| EXPENDITURES | %Exp. | Mo.% | YTD % over/under |
|---------------------|---------------|---------------|---------------------|
| Gov. Body | 21.84% | 25.00% | -3.16% |
| City Clerk | 20.95% | 25.00% | -4.05% |
| Municipal Court | 22.79% | 25.00% | -2.21% |
| City Manager | 28.58% | 25.00% | 3.58% |
| Finance | 28.83% | 25.00% | 3.83% |
| Vol. Fire Dept. | 100.00% | 25.00% | 75.00% |
| Police | 23.75% | 25.00% | -1.25% |
| Codes/Animal | 25.39% | 25.00% | 0.39% |
| Recreation | 19.70% | 25.00% | -5.30% |
| Comm. Development | 14.72% | 25.00% | -10.28% |
| Street | 23.61% | 25.00% | -1.39% |
| Fleet | 22.59% | 25.00% | -2.41% |
| Facilities | 22.00% | 25.00% | -3.00% |
| Library | 20.89% | 25.00% | -4.11% |
| Hospital GRT Dist. | 19.35% | 25.00% | -5.65% |
| Ins. & Utilities | 16.27% | 25.00% | -8.73% |
| General Fund | 94.81% | 25.00% | 69.81% |
| Utility Office | 25.24% | 25.00% | 0.24% |
| Electric Division | 33.45% | 25.00% | 8.45% |
| Water Division | 36.94% | 25.00% | 11.94% |
| Solid Waste | 20.74% | 25.00% | -4.26% |
| Waste Water | 33.08% | 25.00% | 8.08% |
| Golf Course | 18.90% | 25.00% | -6.10% |
| Airport | 24.88% | 25.00% | -0.12% |

Expenditures Actual / 1st Qtr. Budget FYE 18 YTD



| | General Fund | Electric Fund | Debt Service |
|--------------------|---------------------|-------------------|---------------------|
| Actual Exp. | \$ 1,253,121 | \$ 1,403,277 | \$ - |
| Qtr. Exp. | \$ 1,360,317 | \$ 1,231,287 | \$ 119,653 |
| Difference | <u>\$ (107,196)</u> | <u>\$ 171,991</u> | <u>\$ (119,653)</u> |
| QTR | 1 | 1 | 1 |
| Budget Exp. | \$ 5,441,269 | \$ 4,925,146 | \$ 478,612 |

**EXPENDITURES
ACTUAL / 1st Qtr. BUDGET
FYE 18 YTD**



| | Special Revenue | Capital Project | Utility Office | Water | Wastewater | Solidwaste | Golf | Cemetery | Airport | Internal Service |
|-------------|-----------------|-----------------|----------------|-------------|-------------|--------------|------------|------------|------------|------------------|
| Actual Exp. | \$ 287,962 | \$ 392,821 | \$ 79,173 | \$ 171,869 | \$ 168,676 | \$ 262,169 | \$ 27,062 | \$ 1,505 | \$ 62,634 | \$ 2,953 |
| Qtr. Bdgt. | \$ 680,852 | \$ 2,779,457 | \$ 78,845 | \$ 182,476 | \$ 208,770 | \$ 324,417 | \$ 35,800 | \$ 2,750 | \$ 62,948 | \$ 5,625 |
| Difference | \$ (392,890) | \$ (2,386,635) | \$ 329 | \$ (10,607) | \$ (40,094) | \$ (62,248) | \$ (8,738) | \$ (1,245) | \$ (314) | \$ (2,672) |
| QTR | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| Budget Exp. | \$ 2,723,408 | \$ 11,117,826 | \$ 315,379 | \$ 729,902 | \$ 835,079 | \$ 1,297,668 | \$ 143,200 | \$ 11,000 | \$ 251,791 | \$ 22,500 |