

CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
CITY COMMISSION CHAMBERS, 405 W. 3RD St.
WEDNESDAY, MARCH 14, 2018

A. CALL TO ORDER

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

OPENING CEREMONIES

ADMINISTRATION OF THE OATH OF OFFICE BY THE HONORABLE MUNICIPAL JUDGE BEATRICE SANDERS

Position I City Commissioner – Sandra Whitehead

Position III City Commissioner - Paul Baca

Judge Sanders administered the Oath of Office for Position 1 City Commissioner, Sandra Whitehead and for Position III City Commissioner, Paul Baca

B. INTRODUCTION

1. ROLL CALL

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

Hon. Steve Green, Commissioner
Hon. Sandra Whitehead, Commissioner
Hon. Kathy Clark, Commissioner
Hon. Rolf Hechler, Commissioner
Hon. Paul Baca, 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 seventeen seconds of Silent Meditation and asked us to keep our students and teachers who lost their lives in Parkland, Florida in our thoughts and prayers and all over our country.

3. PLEDGE OF ALLEGIANCE

Mayor Green called for Commissioner Baca to lead the Pledge of Allegiance.

4. APPROVAL OF AGENDA

Mayor Green asked to delete I.7 Appointment of the MainStreet Board Member from the agenda because the state does not allow an Elected Official on the MainStreet Executive Board. And to move H.1 for the transit district to be discussed after E.

Commissioner Hechler moved to approve the agenda as amended. Mayor Pro-Tem Whitehead seconded the motion.

Commissioner Clark asked why we were removing just the Mainstreet board appointment and not the others. Mayor Green responded that MainStreet is controlled by the Economic Development Department and they have had a problem with Elected Officials serving on that board because they felt it would be a double voice so they decided not to allow them to serve on that board. He finished out his term and the only reason he was on there as a board member was because it expired in two months. Commissioner Clark asked if that would not be the same for the tourism board? But it is not, unless the state mandates it.

Motion carried unanimously.

5. CANVASS OF ELECTION RETURNS

City Clerk Cantin reported the Regular Election was held on March 6th. The canvass of the election was held on Thursday, March 8th with Judge Matthew Reynolds who served on the Canvassing Board with her and Deputy Clerk Angela Torres assisted. The canvass is required to be a part of the official minutes so we put it on the agenda do include it. The results confirmed the following were elected as Commissioners: Position I (4 year term) – Sandra Whitehead; and Position III (4 year term) – Paul Baca.

There is no action required on this, it will be made an official part of the minutes. She would like to officially thank her staff and all of those who worked so hard to help us get through another successful election.

6. REORGANIZATION: SELECTION OF A MAYOR & MAYOR PRO-TEM

City Clerk Cantin announced that According to the State Statute Listed below, At the first meeting of the new commission after each election, or as soon thereafter as practical, the commissioners shall select one of their Members as Mayor to act for two years, or until a successor is selected and qualified. Related to appointing the Mayor Pro-Tem it further states; During the Mayors absence or disability, his duties shall be performed by another member of the commission, appointed by a majority of the commission and designated as Mayor Pro Tem.

Staff recommends to make nomination(s) for a member to serve as Mayor, then call for a vote in the order they were nominated. And then, make nomination(s) for a member to serve as Mayor Pro-Tem, and call for a vote in the order they were nominated.

Commissioner Clark nominated Steve Green as Mayor. Commissioner Hechler seconded the nomination.

Seeing none, Mayor Green closed the nominations and called for a vote, on the nomination of Steve Green. The vote carried with a vote of 4-1-0. Mayor Pro-Tem Whitehead voted nay.

Mayor Green asked to take this one moment to say, it's truly an honor and when he was growing up his Father taught him that he's only as good as his last cup of coffee. So he will do his best to serve every citizen and every member and staff of this community.

Commissioner Hechler nominated Sandra Whitehead to continue in the position of Mayor Pro-Tem. Mayor Green seconded the nomination. With no additional nominations, he called for a vote. Vote carried unanimously.

Mayor Pro-Tem Whitehead thanked them for that vote of confidence and she will also serve the community and hopes they will all trust in her.

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.

Randy Ashbaugh, Poplar St. addressed the Commission related to:

- 1) Congratulated Paul. He's known Paul almost all of his life and worked with his Dad. He's also know Sandy, he can't remember how long and congratulated her on her victory. He only has a couple of things to say, "Common Sense and no favoritism". All of around downtown needs to be looked at and especially the Golf Course. Need to get back on water, sewer, roads. We need a strong Police Department and a good Code Enforcement. He hates to see Robbie go, he was a great employee. We need to get our Winter Visitor's to come back. We aren't getting them like we used to because we are not catering to them. We need to make an all-out attack on repairing our Golf Course. The land values in Elephant Butte have gone through the floor because of their Golf Course. And there is not a single housing unit going in here in Truth or Consequences. We need to get all of the assets in the county which are many including: promoting our lake, hunting, fishing, the water. Stop bad decisions and money waste.
- 2) Thanked the Commission for the poor economic development so he had to look for work outside, and thank you for the two very lucrative jobs he got in Las Cruces.

Audon Trujillo, 503 W. Third St. addressed the Commission related to:

- 1) Thank you and congratulations to you two for being on board. Audit report for the city. We have had the same findings year after year. He doesn't think the Commission is spending enough time going over with city staff what's going to be done so the finding don't reoccur. Why don't you have a Special Meeting to discuss the findings?

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2) There's a large leak on Veater st. with the sewer. He wants to know what the city is going to do to remediate that? He understands it was the contractor's fault. He hopes one of them will report on that today. Planner position, he has a Master's in Planning. He's concerned about one issue regarding that position. You don't have a legally established Department of Community Development and they have to be first deemed as needed by the City Commission. What does the ordinance say about how the department is established? Just go back over your bases and establish it. You all just have to say it's needed and think about what positions you want to have and fill those positions. He loves what Randy was saying about what needs to be done. We need to have another priority session to let citizens say what need to be done. He thanked them for allowing him to speak.

Ron Fenn, addressed the Commission related to:

1) He only has three minutes, so he won't be doing the niceties that he would have done if he was sitting in one of their seats. The points he was going to raise, still need to be raised.

2) First is the replacement of Mr. Fuentes needs to be seriously looked at. There are members of this board who have agreed with him and its time it's taken care of.

3) Since you have been sworn in to represent the people you have to listen to what they have to say. In that regard, meetings must be returned to the evenings where working people and others who are interested can come and give her input. It makes no sense for city employees to sit here while people who are out and working and paying taxes cannot come to attend meeting. The City is the business of the people, not of the Commission. If you don't get the consensus of the people, then you know what happens because of the Police Department debacle. Please take this under consideration very seriously.

4) Just got some interesting appraisals on the Lee Belle Johnson Center and the chamber building showing we are foregoing \$21,000 a year in rent on those facilities. And no one has showed \$.10 of income from getting free rents. Which he believes is in our state constitution which you all swore to uphold.

Stanley Rickert, Carrie St. addressed the Commission related to:

1) Zoning enforcement. State Statutes have to have more input into this city. It's not being followed. The ordinance rules whether adopting shall be filed in the office of the Municipal or County Clerk and should be offered for inspection when requested. He has a problem with his neighbor who has not been dealt with. It's a commercial business he's running and he doesn't have permits for either. He has a license, but it has not been advised by Planning & Zoning. It says you are to prevent any illegal conduct, act, or use of such premises. Why is this allowed to go on, it has not been dealt with and for four years he has done this. There's more traffic and more nuisance and he would like to know what's going on and what's going to be done. It's getting way out of hand and something needs to be done. He thanked them for their time and congratulated Paul.

Sharon Eastvold, 1301 N. Silver addressed the Commission related to:

1) Thanked them for passing the criminal trespass ordinance last month. It's very crucial to what they would like to do. As they continue to gain support of the Conservancy, they

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are always fearful of what they might find when they tour supporters. One of the major points of access is the 15 acres of the property. Last month the Police collected needles, the power poles are covered with graffiti, they learned gangs recover stolen cars there, and they have witnessed other criminal activity from this access point. Her Husband and her have suggested to the Joint Powers Chair that we establish a working group for a solution regarding this 15 acres. They have also offered to take JPC Members on walking tours so they can see the damage themselves. When the members of the JPC are appointed, please keep them in mind for the conservancy as they move forward.

Ike Eastvold addressed the Commission related to:

- 1) He thanked them for letting them participate in this public forum and we have a very good open government and intelligent statements from the public coming to you.
- 2) They have been trying to work with the adjacent property owners and getting good boundaries that are defensible for the conservancy. One owner is even going to donate some property. He explained some of the progress that has been made. They have been noticing the No Trespassing signs. They continue to be fearful of taking people there because they cannot guarantee their safety. They have met belligerent individuals and others committing illegal acts. They have been working with the Police Department and specifically Officer Peru who is a gem. They feel we have a good Police Department to work with and can count on. But they can't be out there 24/7 and they can't either. So we need to close of the access points that allow criminal access. The easy one is Smith Avenue access road is the place to cut off the access. They would pay for the gate themselves, they just to get it done. They look forward to working with the appointed members of the JPC to get this trespassing stopped.

Linda DeMarino, MainStreet Truth or Consequences addressed the Commission related to:

- 1) Just finished the retaining wall which is the North wall on the North side of Main St. at Foch St. They worked with the Youth Council and some members to restore it.
- 2) Casino Night which was a great collaboration with MainStreet and the Chambers.
- 2) May 11th – 13th will be Hot Springs Festival and they are working on that right now.

Kim Audette addressed the Commission related to:

- 1) Item H.1 which is listed as unfinished business but it involves transit services and we finished that so it should be listed as new Business. They aren't offering what we need and their only reason for coming here appears to be that they lost a significant portion of their grant and they want us to make it up for them. The problem is we voted it down 2 to 1. The problem is if they came to us, they should have gotten some information about what we need before they start suggesting that we pay money for it.

Mayor Green wanted to go off script to say he thanked those who took the time to run in this past election. It's important to have those people who want to run. There are three of the Commissioners who stand for re-election in two years. He encourages them to stay involved and engaged. There are city advisory boards they can serve on. He hopes they will continued to be involved and will consider running again in two years.

D. RESPONSE TO PUBLIC COMMENTS

Commissioner Hechler responded to the recent audit report. He feels they could not be more wrong and he feels this is the best audit report we have received in a long time. There have been issues that have been cleaned up which have been out there for over ten years. Major issues that have been dealt with. And if you have listened to some of the reports that have been given to the Commission over the last few weeks, you would understand things have really been worked out at the Utility Office. He commends the staff and City Manager Fuentes for dealing with those issues and taking the major ones off of the table. He for one commends them for their actions. Also, at the last meeting some unsubstantiated accusations were made regarding City Manager Fuentes. He would hope our Commission would rise to the defense of the City Manager if any future or unsubstantiated allegations are made against him or any of our Commission or city employees. If there is evidence of malfeasance, there are methods and manners to properly handle those situations that don't involve the rumor mill or a person's integrity. Thank you.

Mayor Green wanted to respond to Member Pacourek who is not here, who questioned why we were not having a Town Hall Meeting. The answer is we were waiting for the election results to see who would be seated and that is the reason we didn't have it before the election process. You will see it's further down on the agenda.

E. PRESENTATIONS

1. Presentation of the Fiscal Year 2016-2017 Audit. Chris Garner, CPA, Pattillo, Brown & Hill, LLP

Mr. Chris Garner presented the highlights from the exit conference for the audit. He included what the Auditor's responsibility is for the audit. They are charged with expressing an opinion. They are not looking at every transaction because if they looked at every transaction it would increase the cost substantially. They make sure the finances are materially correct. They look at Internal Controls in the yellow book audit by testing controls. That requires them to talk about the results of their testing. As far as the result, they gave a modified opinion which is highest level of an opinion and is a Clean Opinion. Because the city spends more than \$750,000 in Federal Grants, they are required to do a single audit. They select grants and review the requirements those have to make sure the city is complying. They are giving an unmodified opinion which is the highest. There was one issue they will report at the end. The next is to see if we have any difficulties when it comes to the audit. This year was smooth the records were submitted in a timely manner that they could understand, so there were no difficulties. He explained the standards of reporting that is used. The receivables and long term assets and liabilities are not to be considered. What that would tell him is they didn't have any regular adjustments, only the adjustments to get it to the accounting records to their system. There were no disagreements to report or discuss. We did have some long term findings that were resolved. We have different levels of findings: Material Weaknesses, Significant Deficiencies, and other matters. Material Weaknesses are the worst that you can have. The merit the attention immediately and need to be dealt with. Significant Deficiencies

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are also troublesome but not as problematic. Other Matters are just compliance issues and not as bad. If you look at last year, you had 8 findings and 6 of those findings have been resolved. The first long term one from 2001, was what they call a Material Weakness, which is the worst kind. And with the addition of Mr. Gaylord coming and taking responsibility for the numbers with all of the Governmental Accounting Standards Board (GASB) that sets all of the rules they have to follow. You have to have that expertise internally. This year with Mr. Gaylord you were able to give them all of that information.

The two findings that carried over are only a year old. The most outstanding findings are only a year old and two are being repeated. Two of the travel forms that they pulled were not paying the correct mileage rate for reimbursement. It netted out to \$2.98 overpayment. But because of the State Audit Rule, they have to report them in the financial statement. To be honest, all of the findings are lower level matters. The second finding is related to PERA. They have to look at payroll reports to make sure they are remitting the correct payroll reports to PERA. The one problem they had in all of the payrolls was in July with an overpayment of \$114. All others they looked at were cleaned up. He would expect this finding to go away next year. Next is the cash disbursements, they looked at 40 items and three of those were purchased prior to receiving the purchase order. This is one they see quite often and this is what they call another matter. Next is Payroll Disbursements, they picked 40 items and 30 did not Personnel Action Forms. We are just not documenting the correct rates into the personnel files. Next is the Chief Procurement Officer, there is required testing to become one and the city needs to make sure someone has this in place.

He went on with the next one which is cash receipts. Again, they are looking at samples, they didn't go out and look at every single cash receipt. Three cash receipts they tested had issues, they were the swimming pool, the library, and golf course. The documentation we are getting from those is not always the best. We need to make sure like for the Golf Course we get a cash register so we can show what the collections were. We just had an excel spreadsheet and they were definitely not coming in within the 24 hour timeframe. So we were working on Cash Register for them. The Swimming Pool and Library was the same, we did not receive them within 24 hours and we need to make sure to do that. The last finding relates to the single audit. Looking at whether we are meeting compliance requirements and what are the internal controls over those compliance requirements. One of those that were turned into the USDA did not have the required approval before it was submitted. With that he opened it up for any questions.

Commissioner Hechler stated as he noted this is a very good audit. He appreciates the efforts of the city. His concern is about the accountability of cash receipts. He is hearing the recommendation is that we have cash registers at every department and it has to be done on a daily basis. The other question is the area of Lodger's Tax. Do we have spreadsheets? Do we know how the hotels are submitting? Mr. Garner said they reviewed the amount that the Lodger's reported and made sure that was happening, they did not go out and look at the accuracy of what the Lodging Entities reporting. But they did come up with an agreed upon procedure which is on top of a regular audit.

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Commissioner Hechler would hope that the city does go forth and provides those checks and balances on what we are getting. It is our money and we should be getting everything we can. Mr. Garner said that is something that is done regularly throughout the state.

City Manager Fuentes thanked them for identifying things that we need to resolve. He commended staff for their work and they've done an excellent job. One of those things we will be doing is an Accounts Receivable Position. And as we move forward, we need to identify what we need to do. When the state requires higher standards, we do need to provide the right personnel to be able to address these things. He's very optimistic to be moving forward and having this position filled to help us.

Mr. Garner said the audit went so much more smoothly with Mr. Gaylord here. This year we were able to get started right away. You have so many transactions, you will have some findings. He feels they should focus on the old findings and how they originated. Sometimes by the time the audit is approved, there are situations you can't resolve until the next audit. But this year six of the eight were resolved and that's the important part.

City Clerk Cantin wanted to clarify that since the cash receipts problem has been brought to their attention, because they do handle the accounts receivable right now, the Cash Register's or receipts have been purchased and standardized procedures have been completed. They ensure proper receipting within 24 hours from all departments that we receipt money in from daily. So we are very confident this has been taken care of at this point and should not be a finding for next year.

Commissioner Clark asked for us to talk about the accounts receivable and being on a cash basis. She hears there is more work than being accrual. How do we go about it knowing it's not a requirement but it's good to have throughout the year? How do we go about this for the receivables.

Mr. Garner responded just because you don't have to get them recorded in your general ledger, doesn't mean there can't be accounting for them outside the general ledger. That's how they picked the samples they can get. That's what they talked with at the Clerk's Office, for example you may have a Tower that you're receiving rent on a monthly basis and to make sure we are doing that. So they won't record those entries in the system but someone can keep track of that outside of the system and ensure we are properly getting the revenues. He believes they have procedures that are established that keeps track of that. They don't come up with the numbers, at June 30th they come up with what the taxes are and add them up. Those can be monitored throughout the year with any system.

Commissioner Clark asked so he is recommending that we keep track of those on a monthly basis. She asked City Manager Fuentes if that is what we are doing?

City Manager Fuentes responded that's correct, the new Accounts Receivable position that will be under the Utility Office, will be working on not only the daily receivables and the contracts, impact fees, and internal audits. At least we know we have someone who

can give us an explanation or research it. So all collections will be processed through the Utility Office.

Mr. Garner said during the audit we did have these discussions.

Mayor Green thanked City Manager Fuentes who heard their comments on cleaning up the books. This has been the concern of the Commission for many years. He thanked Finance Director Torres and her team members for making us look good and thanked them for their efforts.

H.1 UNFINISHED BUSINESS

1. Discussion/Action: Planned expansion of transit service to Sierra County. David Armijo, Executive Director of the South Central Regional Transit District.

Mayor Green introduced Ms. Sharon Thomas, Mayor Pro-Tem for the City of Las Cruces who gave the presentation. She started by saying it is Unfinished Business because they decided to move in a little different direction. She gave a background on the project. There are four Districts in New Mexico and there was State Legislation in 2003 that allowed communities to put together Transit Districts. They have a Mission to strengthen communities and economic development and promote health and safety through safe and efficient regional transportation services. Back in 2014 they had a starter bus service based solely on what had been collected in membership fees and didn't carry on too long. They didn't have an Executive Director and the referendum they held did not pass. By 2016 they had increased funding and they were able to hire an Executive Director and he is very qualified. They started in Dona Ana County with the service, she explained the service area. They have had a number of success and they have a five year plan that was approved by the New Mexico Department of Transportation. They just updated it and it will be going to the board soon. The DOT has done an audit and they were number 10 in their ratings. She announced some of the other ratings. You can see how the system has connected all of the little communities which is very beneficial. They are funded by Membership Fees and that's \$.50 per resident. The fees pay for the District Activities, like Regional Planning and looking for grants; working with all of the entities; connecting with other systems. The services at the moment are in Dona Ana County and they pay \$350,000 a year. There is a provider in Alamogordo they work with who comes from there and they have a few stops. The Federal money currently makes up 60% of the budget and some of that includes funding to come up to Sierra County. That comes from Gas Tax and if they don't apply it, it goes to somebody else. It all goes into the local economy for the drivers, contractors, Executive Director, maintenance workers, and other items. For every \$1 you invest, you get \$3-\$4 in return. She explained other benefits due to the stops they have incorporated in their routes. They have also tried to attract the Millennials who are really big on transportation and have looked into moving to places that offer transportation. Housing also affects the use of transportation and you have a large retiree population also. They rate areas on the transit needs like age, people who don't have cars, and things like that. Both Truth or Consequences and Elephant Butte

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score in the critical category. She introduced David Armijo who came with 30 years' experience to talk about the Sierra services. /

Mr. Armijo wanted to talk about where they are and where they are going. The most critical elements is to try to connect the services. If we look at services in Sierra County and Dona Ana County, Sierra County has been waiting a long time to obtain services. They also have membership with the nine members. The fees are used for resources and used to match on the grants. Before they talked about the huge amount of money that has been lost by not participating. Our funds controlled by your RPO and if it doesn't get expended by the state, the Governor determines where it will be spent. If we don't submit, the funds will be spent but just not on your community. They have been working for two years to get a route to Sierra County. It's done on an 80% / 20% match. And give a great opportunity because the cost is shared by Dona Ana county and your share would be about 25%. They are also looking at smaller buses to use. He talked about the stops and routes that they will have to discuss as to whether it would be a regular route or by request. He showed a possible route they are presenting which goes through Williamsburg, Truth or Consequences, and Elephant Butte. Funding would come from a Federal Grant, Membership Fees, and the state. The Veterans Home is asking for support and they have some interest in Hatch and elsewhere. They are also looking at a web app on a smart phone for scheduling. Bus stops will be replaced, he showed how the stop numbers are displayed. They are a little late but moving into the 21st Century. They did just shy of 27,000 trips last year alone and those will continue to grow. They are looking at expanding their services over to Organ and to Alamogordo with Z-Trans. And other areas.

Mayor Green thanked them for keeping Sierra County on their radar.

Commissioner Clark remembers this and it seems they kind of missed out on the vote. Would this be within Sierra County to or just back and forth to Las Cruces? She also asked if it would include some medical stops.

Mr. Armijo said yes, they plan to make numerous stops for medical. They hope to work more closely with groups once they get started. The number one call is when will they get service to Hatch, and number two request is Sierra County. He explained some other requests they have had and how they went out of their way to find them a route that would work for them. They hope to connect with Uber and other companies to make it even better.

Mayor Green again thanked them. One of the biggest things they heard about riders was it takes a lot of time to get them down to Las Cruces, then you have to take another to get to your ultimate location. The last bus that people have to take to get back was a 4:00 p.m. leave from Las Cruces, there was a later bus but it terminated in Hatch. That was one of the problems and why he feels they did not get the usage of the service because of the hours of the service. He truly believes there is a need for these services and they will be going into budget hearings soon and when they are able to tie down something they can bring to management with a real cost, they would like to see it.

Mr. Armijo said they can do that for them within the next couple of weeks.

F. CONSENT CALENDAR

1. City Commission Regular Minutes, February 14, 2018 (removed)
2. Accounts Payable, February 2018
3. Approval of the Fiscal Year 2016-2017 Audit

Commissioner Hechler moved to approve Items No. 2 and 3. Commissioner Clark seconded the motion. Motion carried unanimously.

ITEMS REMOVED FROM THE CONSENT CALENDAR

F.1 City Commission Regular Minutes, February 14, 2018

Commissioner Hechler moved to approve the City Commission Regular Minutes, February 14, 2018. Commissioner Clark seconded the motion. Motion carried by a vote of 4-0-1. Mayor Green abstained because he wasn't present at that meeting.

G. ORDINANCES, RESOLUTION, & ZONING

2. Discussion/Action: Resolution No. 29 17/18 Open Meeting Act. Renee Cantin, Clerk-Treasurer

City Clerk Cantin presented the Open Meetings Act which is known as the "Sunshine Law" generally require that the Public business be conducted in full public view, and that the deliberations of public bodies be open to the public. This Resolution is generally adopted as the first Resolution of each Fiscal Year at the first meeting in July. The resolution is also what is used to change the days and time of the Regular meetings, if the Commission wishes to. She opened it up for any discussion and approval of the Resolution.

Mayor Green asked if there are any questions or concerns. Being none, he knows Commissioner Baca works for the Public School System and asked if he would have any concerns with a day meeting. Commissioner Baca did not have any concerns.

Mayor Pro-Tem Whitehead moved to approve Resolution No. 29 17/18 Open Meeting Act. Commissioner Hechler seconded the motion. Roll call vote was taken by the Clerk-Treasurer. Motion carried unanimously.

H. UNFINISHED BUSINESS

2. Discussion/Action: Planned expansion of transit service to Sierra County. David Armijo, Executive Director of the South Central Regional Transit District.

Moved up after presentation.

I. NEW BUSINESS

1. Discussion/Action: Appeal of Resolution No. 24 17/18 for Eugene Kent regarding property at Lot 11, Blk 76 Original Townsite. Robbie Travis, Building Inspector and Susanna Diller, Planner/GIS Tech

Commissioner Clark recused herself and City Attorney Rubin gave an update on the process of this item. He has recommended in the past that the city use the Battershell Procedure. Mayor Green asked if Mr. Kent is in the room, and he was not. Do they proceed with the original action? City Attorney Rubin asked for clarification on whether he was notified of the meeting.

Building Inspector Travis said on his appeal they notified him it would be on the agenda at that time. City Attorney Rubin feels at that point, you can make a motion to confirm the resolution. Building Inspector Travis reported they did go by the property this morning to see if he was out or around so they could remind him to be here but he was not there. City Attorney Rubin responded in that case he feels they can make a motion to confirm the resolution assuming he's been notified.

City Attorney Rubin and Commissioner Clark both have a conflict of interest and they left the room for the discussion.

Mayor Green explained to Commission Baca why they stepped out when they recused themselves so they won't participate in the discussion. He wanted the record to show that on the appeal, Mr. Kent was notified of the appeal and there are no proponent or opponents signed up. And the only two people who signed up are Susanna Diller and Robbie Travis who are staff.

Commissioner Hechler moved to approve to reaffirm our decision two weeks ago for Mr. Kent to take care of that property and that structure and they will hold that decision. Mayor Green seconded the motion. Motion carried unanimously.

2. Discussion/Action: City Commission Rules of Procedure. Renee Cantin, Clerk-Treasurer

City Clerk Cantin announced The Open Meetings Act Resolution was discussed and the Rules of Procedure was also included on this Organizational Meeting and was also included in the New Commissioner binder that was provided.

If there were no changes in the date and time of the Regular Meetings the only change they are proposing is Rule No. 18 under Voting. Section A to be amended to read: Unless otherwise provided for by statute, a Roll call vote shall be taken for final adoption of ordinances, resolutions, and to adjourn into Executive Session by the Clerk.

Mayor Pro-Tem Whitehead moved to approve the revised City Commission Rules of Procedure as presented. Commissioner Clark seconded the motion. Motion carried unanimously.

3. Discussion/Action: Appointment of Joint Powers Commission (JPC) Board Members. Renee Cantin, City Clerk

Mayor Green gave an overview of this board and the Governing Board for the Hospital. At this time Mayor Pro-Tem Whitehead, Mayor Green, and Commissioner Hechler are serving and if one of them can't make it, Commissioner Clark is an automatic Alternate. The question is does the Commission want to change the members or go with what we have now. Commissioner Hechler suggested that perhaps Commissioner Clark and he could change and he could be the alternate so they could use her financial expertise. Mayor Pro-Tem Whitehead also offered to change to be an alternate.

Mayor Pro-Tem Whitehead moved to approve the appointment of Mayor Green, Mayor Pro-Tem Whitehead, Commissioner Clark and Commissioner Hechler as the Alternate to the JPC Board for the Sierra Vista Hospital. Commissioner Baca seconded the motion. Motion carried unanimously.

4. Discussion/Action: Appointment of South Central Council of Governments (SCCOG) and the Regional Planning Organization (RPO) Board Member(s) and Alternate. Renee Cantin, City Clerk

Mayor Green announced we are looking for a board member to serve. He is currently the Treasurer of the SCCOG and the Co-chair of the RPO and Mayor Pro-Tem Whitehead serves as an alternate.

Commissioner Clark moved to approve the appointment of Mayor Green to the SCCOG and RPO Boards and Mayor Pro-Tem Whitehead as the alternate. Commissioner Hechler seconded the motion. Motion carried unanimously.

Mayor Green encouraged Commissioner Baca to contact any representative that is serving on one of these boards if he's interested in attending to learn about one or more of them.

5. Discussion/Action: Appointment of South Central Regional Transit District Member. Renee Cantin, City Clerk

Mayor Green announced the problem with this board is they meet at 1:00 on Wednesday during our meeting days and it's hard to make it to Las Cruces for the meeting. He thinks this position will become really important if they are able to deliver bus service from Las Cruces. He would certainly continue if its their wish or would be open to someone else serving.

Mayor Pro-Tem Whitehead moved to approve the appointment of Mayor Green to the SCRTD Board. Commissioner Clark seconded the motion.

Commissioner Clark said it wouldn't hurt to see if they would change the meeting or find someone who is not a Commissioner. Mayor Green said he's not sure it's set up to have citizens or someone who is not an elected official to be asked to make decisions.

Motion carried unanimously.

6. Discussion/Action: Appointment of Sierra County Tourism Advisory Board Members. Renee Cantin, City Clerk

1:59.00

Mayor Green reported Commissioner Clark serves as a Lodging Representative, and he joined the board as part of the Arts Council and there is nobody representing the city. I agreed we need to have somebody on their. Mayor Green said they meet the first Tuesday of every month at 9:00 a.m. at the MainStreet Office. Commissioner Clark mentioned her thought would be to have the new Tourism Coordinator serve on that board once we have someone in that position. Mayor Green agreed and asked what we think about holding off on that and have the Tourism Coordinator serve on that if Manager Fuentes feels it would be a good use of their time.

No action taken.

7. Discussion/Action: Appointment of the Mainstreet Truth or Consequences City Representative. Renee Cantin, City Clerk

Removed from the agenda.

8. Discussion/Action: Public Forum, Commission Retreat, and Fiscal Year 2018-2019 Budget process. Steve Green, Mayor and Juan Fuentes, City Manager

Mayor Green announced it's important to hear what the Citizens would like to see the Commission focus on. Then they will have a one day retreat to go away and get together to see what the vision is and what we can do with the City Manager and talk about what they have heard. Then they would come in and do the budget with each Department Head to attend the Public Forum. Commissioner Clark thinks it's a good idea and she thinks Mayor Pro-Tem Whitehead started this when she was Mayor and it was great.

City Manager Fuentes said he sat down with Melissa to figure out a budget calendar and feels we could look at the first week of April so we have two weeks notice. That would be after the March 28th. Mayor Green asked Clerk-Treasurer Cantin what days are available. Clerk-Treasurer Cantin gave some possible dates the Civic Center is available.

Mayor Pro-Tem Whitehead moved to approve scheduling a Town Hall Meeting on Monday, April 2nd from 5:00 – 6:30 p.m. at the Civic Center. Commissioner Clark seconded the motion. Motion carried unanimously.

th

Mayor Green asked how the Commission feels about doing another retreat the week after the public forum. One option would be to go to the same place they went last week. Commissioner Clark said it would be a good idea to keep them closer together so it's fresh in their minds. She also mentioned thinking about going to the Chloride area. Mayor Green said it would be a longer drive but he would check it out. Some dates were discussed and City Manager Fuentes said we could possibly just coordinate it. Mayor Pro-Tem Whitehead asked what time they would be starting. Mayor Green was thinking about 10:00 a.m. to 4:00 p.m.

Commissioner Hechler thinks it would be a good time to do some goal setting for the next couple of years. Mayor Green was going to say three of them have two more years and it would be nice for them to see what they want their legacy to be.

Mayor Green will email all of them to come up with an appropriate date.

Mayor Green moved to approve the Commission to go to a one day retreat with the time and date to be determined by notification of the Mayor or Manager to the Commission. Mayor Pro-Tem Whitehead seconded the motion. Motion carried unanimously.

J. REPORTS

a. City Manager

- 1) Impact fee study project update meeting on Monday to work with staff and start the kickoff meeting.
- 2) The project Mr. Trujillo mentioned was part of the manhole project and the state was notified and it was taken care of and has been addressed. They are working with the resident on the damage.
- 3) March 29th is the Clean up
- 4) We received our Small Cities Assistance and it was unfortunately \$45,296 less than before. Other communities are experiencing the same thing.
- 5) Request for a waiver for two outstanding colonias applications and we are tapping into another one for the wwtp and they do require they spend 50% of that money. He explained the delay to the project and we have a good argument so they are hoping they will approve the waiver.
- 6) The Governor has signed the \$100,000 for the downtown roads, so that survived. Unfortunately some other projects were vetoed. They will have to bring back the roads to be improved for approval.
- 7) They met with the NMDOT about the roundabouts on the north end of town. They would like the Commission to give an idea as to our level of interest to partner with them for the landscape of them. He showed them some designs and some different features. If we want to partner with them, it will require some funding. He would like to know if there is an interest so they can start the process. Now is the time to do a little bit of infrastructure to make sure they can water the plants if they need to, etc. Discussion was held about the safety of the roundabouts. City Manager Fuentes said from the studies they have done, they have determined it's a lot safer. He understands this project was selected for an award. Commissioner Baca commented on the area near Sonic.

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City Manager Fuentes responded the businesses should still have access. Other comments were made about the design. City Manager Fuentes reminded the Commission, he is only asking about landscaping, but the Engineers did say they would be willing to make a presentation and he could make that request to them. Mayor Green said if we could work with them and look for money, we could get that first one and it would be a good opportunity. City Manager Fuentes gets there is an overall consensus for the interest to proceed. There is no commitment, he just wants to get the details and bring it back to the Commission.

b. City Attorney

None.

c. City Commission

Mayor Green told the story of City Manager Fuentes at a meeting they attended in Santa Fe. They were in a ballroom with other people who want money and with people who can give money. Juan was talking to someone and John Arthur turns and says the Governor isn't going to fund anything that's not shovel ready. And immediately Juan turns to the elected officials and said what about #3, its downtown roads and he explained the importance of it and John Arthur Smith didn't give us a dime and Representative Dow did.

Mayor Pro-Tem Whitehead thanked everyone who got out and voted. She hopes to do them all proud. She attended casino night and it was a really great event and a great collaboration between the different organizations.

Commissioner Clark commented on the progress we made on the storm drainage issues and she feels it will be a good idea for a Commissioner to stay on it and maybe one of us needs to stay on it and continue with it. Commissioner Baca would love to. Commissioner Clark suggested he get with City Manager Fuentes to be updated. Mayor Green thanked Commissioner Clark for volunteering Commissioner Baca.

Commissioner Baca would like to thank those who went out to vote, and to give him the opportunity to show them what he can do for the city.

Mayor Green read a letter from the Fellowship Alliance Church praising Don Armijo and his crew for the recent improvements of sidewalk, curbing and gutter at Kruger St. They are also thankful for the crews who spent their time in the freezing weather and making sure the project was done correctly and on time. They thanked them for choosing that street and for a job well done. Mayor Green thanked Don Armijo and his crew for their hard work.

We've been nailed plenty about cleaning up and he took someone out there to the old Malco track and it was filled with trash. He literally looked at him and said you've got to be kidding and walked off. Thankfully Andy and Don got their crews out there and got it cleaned up. These are our own citizens bringing trash and leaving it there. He has

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promised he will be coming sometime in 2018. Whoever owns the Gillette Trail Blazer tire, and other tires, he can show them where they left it. It rips his heart when they try so hard to do a job for the citizens and they don't seem to care. We try to make things happen and this could have been a \$1 million investment. He would like staff to put the telephone poles back so he can invite that person to come back. We are trying to make things happen and we become our own worst enemy.

He announced International Womens Day, March 8th and March is the month of the woman. He read the story of equality and the meaning of National Women's Day.

K. ADJOURNMENT

Mayor Pro-Tem Whitehead moved to adjourn at 11:50 a.m. Commissioner Clark seconded the motion. Motion carried unanimously.

Passed and Approved this 11th day of April, 2018.



Steven Green, Mayor

ATTEST:



Renee L. Cantin, CMC, City Clerk