

CITY COMMISSION MEETING MINUTES  
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO  
CITY COMMISSION CHAMBERS, 405 W. 3<sup>RD</sup> St.  
WEDNESDAY, APRIL 11, 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.

**B. INTRODUCTION**

**1. ROLL CALL**

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

Hon. Steve Green  
Hon. Sandra Whitehead  
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 fifteen seconds of Silent Meditation and asked us to keep our veterans in our thoughts and prayers.

**3. PLEDGE OF ALLEGIANCE**

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

**4. APPROVAL OF AGENDA**

Mayor Green requested to move Items C & D to after presentations.

**Mayor Pro-Tem Whitehead moved to approve the agenda as suggested. Commissioner Hechler seconded the motion. Motion carried unanimously.**

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

After Presentations.

**D. RESPONSE TO PUBLIC COMMENTS**

After Presentations.

**E. PRESENTATIONS**

1. Presentation: Off Road Desert Racing at the Old Motor Cross Track. Drew Garcia, Outlaw Desert Racing Club

Mayor Green first wanted to thank Airport Manager Mark Bleth and City Manager Fuentes for bringing this event to T or C.

Carlos Trujillo, President of ODR. They have had a lot of success on the Trophy Truck level. And they are getting a lot of response from those who want to be a part of this in New Mexico. People all over the world envy the dirt we have here. He presented the item with Drew Garcia who is the Past President.

Mr. Garcia is an Ambassador for New Mexico Off Road and he announced some other organizations and the success they have had. They showed a video that shows a little about what they are about and bringing racing to New Mexico from a 2012 race. They are hoping to have this a complex and would like to bring Cinco de Baja here at their home for the race. It races thousands of people all over the nation. They are seeing millions of dollars going into Lake Havasu. At Parker 425 they raced there in February. They have never had any deaths; they have full security; full safety; insurance; land permits; and everything that is required to run the event. They have excellent volunteers to help with clean up. They always try to do the less environmental impact and stay on the roads they are allowed on. They would like to have a race on Memorial Day Weekend, they have talked to the local landowners Randy Ashbaugh and Bob Ingram for approval. They want to do this for the Veterans calling it the Veterans' Memorial 2018. They have a strong community who are proud of their racing, who they are, and what they do. They would love to bring the racecars out to show the kids and do local advertising in the papers, including internships, scholarships, and things that benefit kids. They are on the cusp of worldwide recognition for racing. They want to have multiple races during the year and bring the UTV national events here. Everywhere they go they hear this was the birthplace for off road racing in 1964, and they would love to bring it back. Again, the Memorial Weekend they want to have the Veteran's Memorial.

Commissioner Hechler is excited about the event, but he has some environmental concerns. Mr. Garcia responded they water down the track. He also mentioned that is a busy weekend at the Lake and what resources will they have. They indicated they have their own Medics on staff, and also tow trucks, they coordinate with the local ambulance, police, fire, and State Police if they need to. They take their event seriously, if a team is caught drinking they are disqualified. If a vendor wants to do a beer garden it has to be contained.

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Commissioner Hechler also asked if they will have an opportunity to sit down with them Post Event. They agreed absolutely, they will be there all week afterwards and would be happy to. Mr. Garcia explained all of the things they do during the week after and wanted to clarify Outlaw Desert Racing is just a theme.

2. Proclamation declaring Saturday, May 6<sup>th</sup>, 2018 (1<sup>st</sup> day of Fiesta) as Miss Fiesta 2018 Eleanor "Ella" Cano-Linson Day

Mayor Green gave a history of Miss Fiesta who was ran by the Hot Springs Women's Club previously and it has been Rotary who has taken on this tradition and kept it alive. He personally wanted to thank Frances Luna, Krystie Wear, Isabel Garcia, all Rotarians, Emcees, Judges, and all volunteers. He then read the Proclamation and presented it to Miss Ella Cano-Linson.

3. Presentation: Truth or Consequences Animal Shelter. Lt. Erica Baker, T or C Police Department

Lt. Baker and Animal Shelter Manager Sabrina Day made the Presentation. They are looking at the Grand Opening on the 18<sup>th</sup>. She has been responsible for this project since Chief Alirez left. This is a metal building they have added on to make it what it is today. The shelter is a State of the Art shelter, it will have self-cleaning drain systems. Which means all of the feces is washed out into a drain system and will make it cleaner. She explained some of the other new things they have purchased including kennels, weigh kennels for intake, ventilation system, intake room for AC for those dogs running at large. They will be able to do their own microchipping for animals and a designated area for vaccinations. Their number one priorities are the animals and adoption. They will have Shelter Pro which connects them with shelters all over the state to promote adoption. They have linked up with Tractor Supply who are putting out donation boxes for giving the broken or old bags of dog food or anything they want to donate and also Bullocks will be giving broken bags of dog food. They showed slides of the indoor/outdoor kennels. She can't say enough how great this shelter is going to be and not saying anything but good about the Veterinarian who has been wonderful. They are very excited about the shelter they have built.

Commissioner Clark said they have to really be commended for putting this together and she appreciates the fact that they are focusing on adoption. She's looking forward to the grand opening and a tour.

Mayor Pro-Tem Whitehead said Great Job, thank you.

April 18<sup>th</sup> at 10:00 a.m. will be the Grand Opening.

Mayor Green asked if there will be any adult residents allowed.

4. Presentation: I-25 Business Loop Project. Aaron Chavarria NMDOT District 1 and Andreas Linnan NMDOT South Design Region PDE, NMDOT

Mayor Green said before he asked them to come to the podium, he was asked to let those in attendance know, they will not be answering questions today and there will be another time for a public forum that they will put together.

Mr. Chavarria began by saying the biggest component was safety, all alternatives have been vetted and engineered. Mr. Linnan wanted to start by thanking City Staff who were instrumental in the coordination and communication from the beginning. They want to encourage the city to become more active in the design in the ways of gateway future landscaping. He gave a rundown of where they are at and what they are doing. The project will be at the beginning of Date St. and 181, the project they are presenting is specifically between Smith and Ashbaugh. He wanted to point out this was a community initiated project. Based on the public input they reviewed the need and began a design which will reduce traveling speed and time. They have regulations in place for design guidelines. It's important to look at the drainage.

Mr. Chavarria mentioned all of the lists are Federal Funding approved. Without that they could not have any construction in our District. They gave an overview of the options. The roundabout does provide an as good or better solution.

What they are proposing is the DOT is very limited in what they can do with landscaping. They are here to see if the city wants to commit to working on the landscaping for the center of the roundabouts. If the city is willing to partner up with them and provide 30% of the landscape design, they will pay the other 70% to help make it a more personal design for T or C. He feels like this is an opportunity to build with the infrastructure to allow the city to be involved.

Mr. Chavarria said the city can also come back later and do their own landscaping as well.

Mayor Green asked what the 1% of total construction cost will be. Mr. Linnan responded it will be \$50,000 and if the city wants it incorporated into their project they will need a design by May or June.

Commissioner Clark asked if there will be an opportunity to tie into a water line in case they would like to water the landscaping. Mr. Chavarria so typically they would build the infrastructure. And to add if the city has any capital improvements to the utility at that time of the construction.

Commissioner Hechler encouraged those before the town meeting one more time to make contact with the business owners in that area that will be impacted. So perhaps we can resolve some of those issues before the public hearing. They mentioned they will do that.

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

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

Daniel Holm, lives at 1008 Kopra St. addressed the Commission related to:

- 1) First Off Road racing will be good for us, he hopes that traffic issues will be addressed on Kopra since it's the only other access to that area. And the hill by the Middle School used to become a viewing area and he hopes they keep that in mind.
- 2) Round a bouts. People don't know about them. He walks down the street and people don't know about it when he asks. He invited them to spend a week driving around our town. It's not a community who knows how to drive around town and they will confuse them. He also wanted to address the size of them and he hopes they are planning on have the equipment nearby to clear the roads. And make them big enough for the big RV's or people will not use them and will go around the whole town to avoid them.

Hans Townsend, Chamber of Commerce addressed the Commission related to:

- 1) They stand behind the Desert Racing it is an awesome idea. Although that weekend is busy at the lake, it may bring some activity into town.
- 2) Last Monday evening about 4-5 months ago a vehicle went through the window from the sprinklers. Last Monday he got a call from the guy who lived there and he said the road was full of water again. While he was down there someone else shot across the road and we had another accident. It's only because of the water that comes out of the sprinklers. When we have accidents that hurt people maybe we should think in a different direction. We should look into irrigation instead of sprinklers.
- 3) He did want to ask if the city had a LEDA in place yet. When the Chamber talks to people its something they would like to know about which could help them bring people in.

Ron Fenn, addressed the Commission related to:

- 1) The last meeting he spoke about the appraisal of the Lee Belle Johnson. Since then he received the paid invoice, the check signed by Mr. Steve Green for the McAdoo Appraisal which was not discussed at the February 28<sup>th</sup> meeting for the use of the Spaceport. He read some information from the minutes of a previous meeting. One statement included there is only one Electric Hookup, he claimed that's a lie, and there are two. The other is charged to the Library for the heating and cooling of that building.
- 2) They asked staff to run some numbers to see what the usage was for previous years when it was a Recreational building. It also had a few concerts. Thank you very much Mr. Green. We also have a library in there and Geronimo Scenic Trails in there. The building on average is running \$268 for electricity and no other agency, state, local, or federal, gets that kind of break. He thinks \$300 is fair and reasonable fee when the utilities are more than double that and nothing for the \$19,548 rent that the city and the people are due for that building. There is nothing driving our community other than economic development. We need to work with the citizens to raise our GRT, the GRT is less than 15% of our budget. He feels that we need to get on with this and not take it to the voters for the people to decide and not five people. This is Ludacris and Mr. Green due to the

lies and the deception I believe you should resign and get off of this board and leave it to somebody with a little more integrity.

Angela Rael, 164 Los Lunas Road addressed the Commission related to:

1) She is the South Central RPO Manager and she commented on the work NMDOT has done. They initially asked them to come to their meeting. She is a former Elementary School Teacher and Principal and she has walked her children across that road. Its dangerous, and at that time you couldn't call the police to block the road for them to cross. A Roundabout is just a curve in the road and people figure it out. We do a disservice to the citizens in thinking they can't maneuver it.

Lt. Erica Baker and other Police Department Employees.

1) She has been through four different Chief's in the Police Department. She explained each of them have their own ideas on how the department should be run. The only difference is Chief Apodaca is the only one she's worked with for the last seven years. She explained their history working together. There is not one bad thing she can say about Chief Apodaca, he's one of the best people she knows. He is someone she looks up to and continues to look up to. It's truly meaningful for an employee to say they would lay down their life for him and they know he would lay down his life for them. In their line of work it's pretty important. She knows most of the department shares her feelings as well and that is why they are standing up there with her. You will not find anybody more invested in this community or this departments. Someone who truly cares about the people who work for him. Someone who is not afraid to stand up and do the right thing no matter what the cost. So they are all here today standing for him to show the City Commission and City Manager their belief and confidence in Chief Apodaca retaining the job as Chief of Police for the City of Truth or Consequences Police Department.

Audon Trujillo, commented on the following:

1) Roundabouts. He happened to work in Brasilia which was built before people even lived there. There were no stop lights and it was wonderful.

2) Public Meeting that was held yesterday. He hopes it was a public meeting, he wasn't able to get up there to find out and he called the city and didn't get through. He hopes it was productive.

3) He came to the city and when he retired he was a Procurement Officer in the Federal Government. He read all of the ordinances and have given them those which have the duties for the City Manager and the City Commission. He also thinks they just don't know about Procurement Regulations. He was thinking if he planned that kind of meeting one of the things he would have done was go over some of the ordinances that are in place and we are not following. Mr. Fuentes knows there are some. You should discuss them and the ordinances and if you don't want to follow them, take them off of the books. Just say, we don't want to have an Entertainment Center, we don't want to have a Personnel Board, we don't want that. Just do it. It's called rule of law, you are not supposed to cherry pick what you want to follow, you are supposed to follow them all. The Gaylord contract, you are making a four year contract into a four one year contracts. The Golf Course contract was over in 2017, yet you allow it to continue. He is beside himself and

has tried to tell them by email and in public comment and receive no responses. This is his community and he grew up here, so come on and do something.

Ankhasanamen Sow, new resident, commented on the following:

1) She's really happy to be moving down here and excited about the community and what she can see if happening here. She can see the future endeavors, especially in the Arts. Her brother is Carole Smith and very interested in the arts. Her comment is specifically about the Roundabout. She had one put in near her block in Oakland. Her first reaction was the same as the gentleman who spoke and it might be a little confusing for some who don't know the rules. But it did solve a problem in that area. And in this case she is also concerned about the larger vehicles and it will be a learning curve and she would like to know what they will do about getting the word out about the public meeting. She suggested at the Public Meeting a video to help people with the learning curve. And what about for people who are from the community and may be experiencing it for the first time in their lives.

Carole Wheeler, commented on the following:

1) Remembers once she spoke to the Mayor about once she gets done with the Dog Park and the Square Dance Festival, she wanted to do some racing here. And look what we got. Racing is a great family sport, much like Square Dancing which is non-alcoholic and mostly Racing is non-alcoholic. Although, her plate is full she will do whatever she can to help them out. She has a family full of friends, like ten of them, who are behind her on this. Keep them here and they will do great for our town.

Jared Bartoo, lifelong local resident and taxpayers commented on the following:

1) He would like to show his support for the top notch people with the Off Road Racing. In fact, he would like to see an ordinance put into place for allowing off road vehicles on our streets. The state allows municipalities to allow this. Elephant Butte, Farmington, Dona Ana County, and Alamogordo all have similar ordinances in place. Our area is perfect for this and has great potential for tourism. In fact, his Father won in 1964 with no helmet, one little hoop roll cage, and no seat belts. And his passenger lives on Riverside and they can still tell you about it and he's still got the jeep in the garage. You have already passed private property protection ordinances in place recently so there is penalties and protections in place for landowners who have reservations. There are provisions for insurance and license requirements as well. Colorado and Arizona are already embracing this and increasing their tourism. Please support this in the future.

Lt. Josh Baker, Sierra County Sheriff's Department

1) First they support the Off-Road Racing, they are shorthanded on the Holidays, but they will make due like they always do.

2) Second, he is here in support of Chief Apodaca. In the past, the working relationship has not been real good, but Chief Apodaca has brought them together since he's been in charge. They've had a couple of incidents where they worked together to get some violent criminals off the streets. This has happened with previous administration. He works well with them and seems to make decisions on what's best for the community. They would really like to see him having a chance at continuing that. Thank you.

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LaRena Miller, 512 W. Foch

1) Geronimo Trails Visitors Center statistics. During 2017 they had a 10% increase in visitors, coming from all over the States and Foreign Countries. They had 7,340 people sign in during 2017. So far in 2018, they had a 17% increase in January; a 22% increase in February; and a 20% increase in March. In March they had the single most visitor's for any month ever with 1,030. Of those 299 were from New Mexico and only 34 were from Sierra County. They had 627 from other states and she gave the breakdown. Out of the 104 from Texas, 64 listed El Paso as home. They do not ask for names but they had 24 people who did not list where they were from. The country with the most visitor's was Canada with 75. Most of these people eat in our restaurants and spend the night or two in our hotels; soak in our mineral baths; and shop. They go out to the surrounding area and explore also. Approximately 80% are new visitors, those who return don't come back by because they already received all of the information and they already know what they want to do. We have a wonderful and helpful staff of volunteers and are still opened 7 days a week to help people. In a year, they give over \$42,000 in volunteer hours in the year. She provided the statistics for the Commission.

Ted Ontiveros, Police Department Patrol Officer and School Resource Officer

1) Is here in support of Chief Apodaca. He's know Chief Apodaca for many years. In Middle School and High School they were in the same graduating class; in the military they were in the same unit. So he knows him real well and he's very supportive of his troops and takes care of them. There had never been anything bad that was said about him in the community. He was raised here and knows the community as well as anyone. If you would support him as Chief, he will do a great job. And as Officer Baker said, he would lay his life for them, just as they would do for him.

Stanley Rickert, 1705 Carrie St. commented on the following:

1) He started by saying Dilly, Dilly for Chief Apodaca.

2) The letter written to Planner/GIS Tech Diller from the Attorney. The letter came after he submitted some complaints about a Commercial Business in a Residential Zone in his neighborhood. It is worded with unfounded suggestions and there is no proof or evidence. He mentions a Commercial Business but not in a Residential Zone. He says prior owner used it for Commercial business before annexation in a similar manner and this is a false statement. He says it appears the current use was grandfathered in the late 1980's to the mid 1980's which is not a true statement. His suggestions for non-enforcement are all unfounded. There is a lack of positive proof or licensing or permits. The zone infraction is unjust and should be addressed as unlawful. To allow this to continue goes against all ordinances regarding the comprehensive plans and zoning districts. The facts are misconstrued as to lead you from the truth. The information should be brought up in a legal form and ruled on by the Commission. Nobody wants to address this as a serious matter. If they would let him be on the agenda and take care of business like it should be taken care of. The ordinances are there for a reason. It's so the community would have something to follow and work with. He thanked them for this time.



Linda DeMarino commented on the following:

- 1) This Saturday is the Second Saturday Art Hop, some businesses have arranged some things and some musicians will be playing on the street.
- 2) May 11<sup>th</sup> – 13<sup>th</sup> is the Hot Springs Festival. They have workshops, music, yoga, massage, and vendors.
- 3) MainStreet is partnering with the County and other entities for the shuttle on Friday and Saturday starting on Memorial Day weekend. She encouraged the Off Road Desert Race people to tap into that because we may have thousands of people who are in Elephant Butte who might be interested in that. They will have the opportunity to bring more people into town.

Len Street off Rodeo Arena Rd. about the Carrie St. residents:

- 1) 1980 he moved here from California, he gave a breakdown of where he has lived in town. He never had a problem to get the city to repair the roads, but since then these people moved in they started a storage place. They have knocked his chain linked fence down three times. He just got out of the Veteran's Hospital and when he was there he had a phone call that the people chopped down a Globe Willow which landed on his fence for the fourth time. As of now he can't keep it clean and they run their heavy equipment all night long and diesel fuel running all night long. He can't relax in his back yard because of the equipment and junk they have. Please come take a look to see what's going on and please try to straighten it out. He's going on 25 years on that property and he never would have moved in if he would have known they were going to put a storage unit.

Jerry Korbowski, 1700 Carrie St. commented on the following:

- 1) He has been there since 1970 and he started a business there and went through all of the programs and everything else. First he did mechanical work out of town because he couldn't make a living in this big city. He did everything he could and got his license and did everything by the law. The Chief knows everything that happened. He went out of business and is in the process of cleaning it out. He thinks this city needs to change a lot of things. Mr. Green if you have people from Texas then he's probably kin to you, and a lot of people around here. But he doesn't put that out because he's a private person.

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

Mayor Green read two emails he got in support of the Off Road Racing. One was by John Masterson, T or C Brewing Co. He is a newcomer to T or C and didn't know about the race track asset. Bringing events like this to town is a fantastic idea and if we can be good hosts they will return again and again. He hopes we will support this with enthusiasm.

The other was from a different Steve Green, he read the letter. He feels this would be an awesome opportunity for the town. As a kid growing up, he rode at the track when it was a track and it would be awesome to get people and more attention to this town. It's a great opportunity to get a motocross track in town and he would be willing to help with that.

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Mayor Green said Mr. Townsend has left but the city does have a Local Economic Development Act (LEDA) ordinance that has been in place for a couple of years. And the Brewery took advantage of that ordinance which was passed before June of 2016. He can't believe Hans didn't have any knowledge of that. He invited him to come to the city to receive a copy of the ordinance.

In relation to Mr. Fenn's kind offer to take an early retirement, thank you for your offer. In relation to the meters at the Lee Belle Johnson, when they talked he was talking about the one meter that was assigned to the Visitor's Center. If there was one for the Library, that was separate and he was not including it.

And lastly, he fully believes the people should decide. In fact, he believes there was a vote taken on the usage of the Lee Belle Johnson Visitor's Center and this community had a vote of 600 in favor of changing the usage to what it is now. He's not talking about the money that was made from the tours, he's talking about those who come to stay. And others from Canada came also who started at the Pelican and also at the RiverBend. It's not necessarily the money the city derives from the tickets. It's the overall impact of what it does for the city. A couple more flights will be coming to Spaceport America. So that was taken by the citizens which was almost 6 to 1 against repurposing that building, when Mr. Fenn talks about the people should decide, the people did decide.

He will hold some of his response because some of the people are not here. But he did want to put out some information on Code Enforcement. He named each employee who would be involved. He asked City Manager to give them an example on a quick turnaround for someone who was cited and someone who took a long time to process. He asked for this to be done with no names, but just the process.

### **F. CONSENT CALENDAR**

1. City Commission Regular Minutes, March 14, 2018
2. Accounts Payable, March 2018
3. Approve changing the USDA Street Sweeper Account name to USDA Equipment Grants per USDA funding request
4. Approve the annual Law Enforcement Protection Fund Application
5. Appointment of Bridget Long to the Library Advisory Board

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

**Recessed the meeting at 11:22 p.m. and reconvened at 11:27 p.m.**

### **G. UNFINISHED BUSINESS**

- a. Discussion/Update: Short Term Residential Rentals Update. Renee Cantin, Clerk-Treasurer

City Clerk Cantin presented the information that was provided on the Commission Action Form. On March 15<sup>th</sup>, letters of notification were sent to all of the property owners who

were identified by Planner/GIS Tech Susanna Diller. To date we have had three property owners submit their paperwork for compliance. She also offered to meet with anyone who is not sure about the process or what to do. We plan to send the second notice to those who have not responded and post a notice on the door for compliance. There is a company who have worked with many other municipalities & would be willing to review any ordinances that we have in place; who have experience in locating Short Term Rental Facilities who help bring them into compliance; and they also offer external Lodger's Tax audit services and indicated that they will do monthly reporting and coordination between the city and the Lodging Facilities to ensure we are getting all of the required revenues. She will need to get with Finance Director Torres to see what the Clerk's Office will be responsible for.

Mayor Green wanted to go for the record that we want to capture as much housing and lodging that we have and position ourselves to be the recipient of as much dollars as possible. He asked us to keep that in mind to keep this moving. City Clerk Cantin agreed they will keep it on the front burner and will plan to get with the company who may be able to help locate the Short Term Rentals.

- b. Discussion/Action: FY 2016-2017 Audit Action Plan. Melissa Torres, Finance Director

Finance Director Torres gave the presentation. One of the things the new State Auditor Wayne Johnson advised them of was about having continuous findings and developing an Action Plan and we are being proactive in presenting it now where next year it will be required. She went over some of the findings we have carried over from year to year. She is proud of her staff and management team. They went through a lot of training and education to the Department so they can learn their role and learn that they are part of the solution. The other thing is efficiency in internal control. She commended Mr. Fuentes for allowing her to do the training to help with this. There was a finding that had to do with opening and closing the books at the end of the fiscal year. And with the advice from the Auditors and Mr. Fuentes we worked on the late audit and cleaning it up and working forward and it was worth it. Procurement was another thing that we had help with. Another thing was the Impact Fees. We looked at our internal controls and the ordinance and state statutes. She went on to the current findings. She's proud to announce that we received an unmodified opinion which is the best we could get. We had to take staff that were use to doing it the way they always did and try to learn a new way that would help. One finding was Purchase Orders being issued after the purchase. Little things were important in providing the guidance and understanding.

Moving on with Payroll Disbursements, some of the forms were done as a routine, but we went in to learn what the purpose was for the forms to ensure they were being done correctly. Cash Receipts was something that we are working with the Clerk's Office to help them out. Cash Disbursements have to be deposited within the 24 hours and if it's not deposited within 24 hours, then we are in violation of our own policy. In regards to that also is we have to have that supporting documentation and the understanding of why we are collecting that money. She gave an example of a Walmart purchase. We are

required to have that information to show why we are charging. That is something that is in transition and also in working with Ms. Cantin's department. The next one is travel and per diem. We do have an Administrative Financial Policy and it's in line with the state policy. Which means if the Feds change their rates, we should change ours also, and that didn't happen. She can assure them this one won't happen again. Next is the PERA on the reconciling. Paige Vest now reconciles before she pays any vendors which wasn't done in the past. She explained how the Auditors review the certain packages and the one with the Audit Finding was done before her time. Chief Procurement is required to be certified and it's required to be reported and unfortunately was not done last year. Cash Management required us to have a single audit and it determined Finance needed to be more involved and procedures have already been put in place for this.

Commissioner Hechler asked about processing requisition forms which takes a lot of time. He believes a state study showed it was about \$80 for each transaction. He hopes we are working on establishing something to do Open P.O.'s or Petty Cash or go with Credit Cards to make sure our Field Staff has the tools to make a purchase in an efficient manner. He also said thank you for not kicking the can down the road. It may have been done that way in the past, but you held on to it and recycled it. He said especially for the Mayor. These findings although they are not near as bad, they are important that your fixing it. He also said it seems that the Cash Receipts have always been done by the Clerk and they are set up for security to be done by the Clerks. He doesn't understand why we are moving that and how are we dealing that.

City Manager Fuentes responded one of the things we found internally was a little bit of a conflict with the mission of the Finance Department and the clerk's office. There are some receipts collected in the Utility Office and some receipts collected in the Clerk's Office and some other communities are centralizing those collections into one area. In the Town of Mesilla for example, they were collected with the Utility Clerk. So in speaking with Melissa and he also shared it with Renee, the vision was that we would be more efficient if we centralized collections and work on being cross trained. And also they could follow up on the contracts we have in place and making sure we do a better job tracking the payments. Right now the Clerk's Office and Sonya from the Utility Office are working together to make that change. Commissioner Hechler asked if there will be a window to go to for those operations or how will that work? City Manager Fuentes said there is a location that's being remodeled where they take the Utility Payments, the separate window will take the other payments. That way we won't have other departments collecting cash, it's all being centralized. Which will give our Finance Department a better hold on what's happening and make sure there is some accountability on what might be missed in collections. Finance Director Torres added that we did look at other communities that are our size rather than half there and a little bit here. As the Financial Director it's frustrating when you have other financial duties that are not under your umbrella. She might have an action plan but then it can only go to a certain part to where the other department has to kick in. They had to look at what would serve the city the best. On top of that, we all sat down with the Auditor's and had that discussion. They don't come in with their big red pens but they come in to give support in something we might be needing. Not only that we have Mr. G's expertise from 42 years that is so

essential. If you look at it, we have the Attorney who has the expertise, contractors, engineers and others with expertise that we hire. And Mr. G is nothing short of that. They are both burning it at both ends of the candle. In regards to the Utility Office, Ms. Williams has done an amazing job in cross training. She was concerned about if she was gone would the billing stop, but she's done a great job cross training her staff, there is not one of her staff who is not trained to do the billing, and they are sure that would not happen. But to have the Accounts Receivable and contract management and have the Utility Office that can be cross trained for that.

City Manager Fuentes added another reason for this is to keep up with the requirements for the state. With the new GASB or the reason for needing a CPA is some of things are technical. One of the other things they are also looking at is the meter readers who will also be under the utility office. Sometimes when customer complaints come in they were not available or the Supervisor is not available. He has thought about restructuring for years and its time for us to move forward. There are a lot of small communities where you have a Clerk-Treasurer who oversees both. But in this case historically T or C has had a Finance Director and a Clerk. It's time to separate the two positions to focus on those specialized areas.

Finance Director Torres wanted to add that we have become a model where other municipalities of our size have looked into hiring somebody like Mr. G, because things are getting so specialized. Our multi-million dollar grants alone are specialized.

Commissioner Clark said it's nice to look at these findings and she's not embarrassed about them, but how they can be going over again and again. And learning that we don't have to look at having a Fiscal Agent and adding a CPA is a real complement to our Manager because it's a struggle and we've done a great job.

Mayor Green congratulated her the team she has put together to help us be more efficient and effective and moving us into compliance.

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

1. Discussion/Action: Motor Cross Track improvements. Mark Bleth, Airport Manager

Airport Manager Bleth gave his presentation. As you heard earlier from the presentation for the Off Road Desert Racing there is an interest. One of the things that will need to be done is naming the park and he suggested Mud Mountain Recreational Park which stands alone as a Recreational Economic Engine. You noticed earlier in the presentation they didn't mention Hot Springs, not that they don't use Hot Springs, but they will actually benefit from this activity. But the racing doesn't have a season and doesn't go out of season. They don't mind racing in the wind, it keeps the dirt out of their faces; they don't mind racing in the heat and it doesn't get that cold here. Now we are coming up on Memorial Day weekend and we are looking at other things like the shuttle to skin those people off of the lake that we can rarely get into this community. We are talking about power sports and people at the lake like power sports. He wanted to look at the trends

for racing and if it's a growing industry. He showed some of the stats that show this is growing worldwide and represents a big growth. The price points for a unit is about \$20,000. Years ago, they would build their own and now you can go buy one and race it that afternoon. He announced some of the other options they have which are always evolving year after year which is a nice benefit. A market you wouldn't even realize is just the electronics put into these vehicles which makes some of them Million Dollar Trucks. He showed a picture of a full size truck to show them a scope of the size of the acres that are out there for potential use. He got involved with this park in the first place because of UAV for the Unmanned Air Vehicles or the Drone Park. There is plenty of room to do those activities in that area. He could do another presentation on the size of Drone Parks alone which is also growing. If you bring these here, there is likely companies that will want to come in to sell this equipment. If a company wants to have a Polaris Equipment Company cannot have one in Albuquerque. They only have them there and Las Cruces. We could also include the Gun Club and Gun Range can do which is another great asset to the city. It can also be an economic engine in itself. He then went on to the GRT, he asked Dean to do an informal survey. And what they learn is that out of 100 people who came for the event, they spent about \$20,000 a day. When we are talking about his race we are talking about 100-150 teams which can have up to 20 people in each team. They need lodging, food, and recreation. When you get them here often enough, at some point they are going to say they should invest here. Just like he did 15 years ago. He came for recreation time and time again and then bought a second home here. Now, maybe he will retire here. This can start that chain. What they are looking for is about \$5,000 to put electricity back out there. He gave the breakdown on the cost for the electrician, and additional \$4,000 in labor and they should get that back with recycling materials; professional services and have legal review the papers; there is project management and his time to help coordinate it to make it successful. Clean up, there is not much, we've done a good job keeping up with the parks. It can be done during normal business hours and only about \$2,000 should be out of pocket. All other can be done in-house. He shared a statement that read, "Yesterday is gone; tomorrow has not yet come; we have only today. Let us begin". This speaks to needing to take care of business. This is a huge opportunity that any community in the state would love to have and they don't have the facilities we have to provide.

Commissioner Clark asked if there was a map of the satellite. Airport Manager Bleth said yes, they also went and met with Randy Ashbaugh and Mr. Ingram for approval. Commissioner Clark asked if we need to have that electric done before Memorial Day weekend. Airport Manager Bleth responded they are actually stand alone, they could run the event with their own generators. Commissioner Clark asked if there is a hang-up and we don't get done fast enough, they could handle it. They confirmed. Commissioner Clark continued over the years and she's gotten more impressed with ATV's and less impressed with horses who don't like the sound of them. She is also impressed with them staying after the event to help clean up the area. She thanked them for all of the effort they have put into this. She hopes it works out really well and she would love to see them more than once.

City Manager Fuentes included for their information, one of the things that we made sure was that a Special Use Permit was not needed. City Attorney Rubin responded one of the things they looked at is if was going to be on a continuous basis, what requirements for zoning would we have. A one-time event isn't something we have to worry about. City Manager Fuentes said right now we are asking for authorization to proceed forward, but after a successful event, this will come back to the Commission for a more long term relationship. City Attorney Rubin would like to look into it more asked if there are any liability things we need to cover.

Mayor Green asked if the \$9,000 will be enough. City Manager Fuentes responded the big question is giving authorization staff to move forward with the needed improvements we can handle it internally within our departments. He would like to work on a long range plan to bring back to the Commission.

**Mayor Pro-Tem Whitehead moved to approve to authorize staff to move forward with the needed improvements for the Mud Mountain Recreational Park and giving permission to Outlaw Off Road Organization to go ahead with the event if they don't get the improvements done. Commissioner Baca seconded the motion. Motion carried unanimously.**

2. Discussion/Action: City of Truth or Consequences Summer Youth Employment Program. Don Armijo, Orrin Hechler, Tracy Johnson, & Melissa Torres

Finance Director Torres started the presentation saying this is something that they have wanted to do for over a year and a half. Mr. Fuentes has always asked him what we can do for our youth. So they came up with the Summer Youth Employment Program (SYEP). It will be for youth at the ages of 16-19. It will offer them work experience, teaches them values, employment skills, and provides them with a summer income. This will be designed to emphasize real work experience, awareness, and provided for opportunity for career instruction, financial training and improvement for social growth. Reaching out to our future is so important and we are going to teach there to be great stewards and ambassadors of this community.

Parks Supervisor Hechler continued with the first thing that comes to mind is they would ensure the safety of each employee. They would have proper PPE, eye protection, gloves, vests, and etc. It would also be showing safety to the community. When they see five or six people out in the parks working, we will know they are park of the Summer Youth Program. Finance Director Torres added the program will be designed where they will be labeled seasonal laborers and seasonal clerks. The minimum qualifications will be an eighth grade education. The purpose of the labor will be under supervision, performs manual labor, a variety of maintenance, and landscaping tasks. It will include maintaining our city parks, restrooms, buildings, and operating our landscaping equipment. Parks Supervisor Hechler said the Lead Seasonal Laborer will communicate him with throughout the day and will call him if any issues arise or they have any questions. If a Lead Supervisor is not present to supervise, then either he or another

Parks Employee will be there at all times. The next position will be the Seasonal Clerk. This credit goes to Ms. Johnson who has done so much work at the pool, and suggested we put one at the pool for the greeting and assisting customers, direct phone call inquiries, customer service, processing pool passes, cash register, and various basic clerical duties under the Supervision of the Pool Manager. Ms. Tracy Johnson said for her personally, she was involved in a similar program when she was a teenager and it brought a lot of fond memories of being the only one who was making money during the summer. It's a great opportunity for the kids to have for the rest of their life. It will also give them an opportunity for future employment with the city and they don't have to worry about saving someone's life.

Finance Director Torres gave the financial aspects of the program. Their vision is to have 5 Seasonal Laborers for \$8.50, one seasonal Lead Laborer at \$9.28, and two Seasonal Clerks with the wages of \$8.50. They came up with this is one of the biggest competitors will be Elephant Butte Lake and Caballo who have done this for quite some time. So we want to be competitive and get the best of the best. The Parks Department will be funding it, because he has room on his personnel side, but if they need to they can do a 1% reduction in operations funding. They are looking at starting this program in June and end after they go back to school.

Parks Supervisor Hechler gave an overview of what a day would look like in doing timesheets and safety reviews. Finance Director Torres thinks we have a great staff that can be role models and be an example for these workers.

Commissioner Clark asked about the transportation and will they be asked to show up on site or how will they be transported if they are under aged. Parks Supervisor Hechler gave his idea of how transportation will work. They would meet at his office and will work it out from there. City Manager Fuentes said in regards to this we don't want to limit it to only those who drive, we will want to use some of our resources in order to accommodate. Commissioner Clark appreciates that they are reaching out to the people in our community. Over the years, she has had some High School kids working at her place for over 20 years, and it's been remarkable and they still come back and visit.

Mayor Pro-Tem Whitehead asked if the hours will be a 40 hour work week. Finance Director Torres confirmed it will be a 40 hour work week. That's why they looked at the ages of 16-19.

Commissioner Hechler suggested the 7 Minute Safety Tracker. It will give them the responsibility and safety training they will need. Finance Director Torres agreed they want to give them the knowledge they can take to other jobs.

**Mayor Green moved to approve authorizing support and approval of the finances involved for the Summer Youth Program. Mayor Pro-Tem Whitehead seconded the motion. Motion carried unanimously.**



## CITY COMMISSION APRIL 11, 2018 REGULAR MEETING MINUTES

3. Discussion/Action: Landscape Architectural design for I-25 Business Loop Project. Juan Fuentes, City Manager

City Manager Fuentes said you have heard the details of the presentation, at this time we are asking if you want to proceed with partnering with them for the landscaping for the roundabouts.

**Mayor Green moved to approve the City of Truth or Consequences to partner with NMDOT for the proposed roundabouts. Mayor Pro-Tem Whitehead seconded the motion. Motion carried unanimously.**

### I. REPORTS

1. City Manager

None.

2. City Attorney

1) He's working with the Chief on the Ordinance for carrying a concealed weapon.

3. City Commission

**Mayor Green** sent the Commission, the Sentinel and the Herald the Article that was written. It was about a Charming, quirky, hot springs town. He read three lines in the article. Including the New Mexico Magazine called us the Most Creative Little Town in the United States.

2) The Recycling Committee on Saturday, April 21 at 9:00 a.m. - Noon at the Geronimo Springs Museum they are having a Swap-o-rama for Earth Day with clothes and other items.

### J. EXECUTIVE SESSION

- a. Sale, Disposal, Acquisition of Real Property (Bank of the Southwest Annex Building; and parking lot across from SJOA) *Pursuant to 10-15-1(H.8)*
- b. Threatened or Pending Litigation (City vs. Ashbaugh; City vs. McGeachy) *Pursuant to 10-15-1(H.7)*

**Mayor Pro-Tem Whitehead moved to approve going into executive session at 12:42 p.m. to discuss Sale, Disposal, Acquisition of Real Property (Bank of the Southwest Annex Building; and parking lot across from SJOA) Pursuant to 10-15-1(H.8); and Threatened or Pending Litigation (City vs. Ashbaugh; City vs. McGeachy) Pursuant to 10-15-1(H.7). Commissioner Hechler seconded the motion. Roll call vote was taken by the Clerk-Treasurer. Motion carried unanimously.**

**Mayor Green reconvened the meeting in open session at 1:20 p.m.**

Mayor Pro-Tem Whitehead certified that only matters pertaining to Sale, Disposal, Acquisition of Real Property (Bank of the Southwest Annex Building; and parking lot across from SJOA) Pursuant to 10-15-1(H.8); and Threatened or Pending Litigation (City vs. Ashbaugh; City vs. McGeachy) Pursuant to 10-15-1(H.7) was discussed in Executive Session and no action was taken.

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


Mayor Pro-Tem Whitehead moved to approve to proceed with further exploration the acquisition of the Bank of the Southwest Property and property across from SJOA. Commissioner Baca seconded the motion. Motion carried unanimously.

Mayor Pro-Tem Whitehead moved to approve to proceed with Mediation under condition as discussed on the McGeachy property. Commissioner Clark seconded the motion. Motion carried unanimously.

Commissioner Clark would like to add that the Ashbaugh item was not discussed in Executive Session so there is no perceived conflict.

**L. ADJOURNMENT**

Meeting was adjourned at 1:25 p.m.

Passed and Approved this 9<sup>th</sup> day of May, 2018  
  
Steven Green, Mayor

ATTEST:

  
Renee L. Cantin, CMC, City Clerk