

CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
CITY COMMISSION CHAMBERS, 405 W. 3RD St.
WEDNESDAY, MAY 9, 2018

A. CALL TO ORDER

The meeting was called to order by Mayor Steve Green at 9:02 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 (Absent)
Hon. Rolf Hechler, Commissioner
Hon. Paul Baca, Commissioner

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

Mayor Green asked the Clerk to let the record show Commissioner Clark has asked to be excused.

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 Mayor Pro-Tem Whitehead to lead the Pledge of Allegiance.

4. APPROVAL OF AGENDA

Commissioner Hechler moved to approve the agenda with the following changes; Under New Business remove Item #2 and remove the Bank of the SW property from the Executive Session on the agenda. Mayor Pro-Tem Whitehead seconded the motion. Motion carried unanimously.

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

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

Randy Ashbaugh, 1023 Poplar St. addressed the Commission related to:

1) He submitted a petition with approximately 200 signatures related to City Manager Fuentes. A copy will be included with the Agenda Packet. He read the sheet that was included with the petition. At the end of his three minute period, Mr. Ashbaugh continued to speak.

Ron Fenn addressed the Commission related to:

1) Wants to know why the City Manager has allowed the Solar Farm operator to be in the arrears since December? It was just paid in April. In that time we have given him approximately \$150,000 and he can't pay us the \$2,500. That is below the assessed value and an appraisal has never been done. Mr. Green also said that was a fair rent because of all of the things the solar farm was going to do for us. It was a scam from the beginning negotiated by Mr. Fuentes. And if you don't know, see him for proof.

2) Meeting at the Black Range Lodge which cost the city hundreds of dollars was all about what you can do for the city employees. What can you do for the city employees that will cost the residents more money?

3) One last thing, he warned Political Candidates that if their opposition doesn't like their signs and they remove, or steal, or deface them, there will be no investigation or follow up by the Police Department. They don't care about Second Amendments Rights and treat some of them accordingly.

Susan Curry addressed the Commission related to:

1) Fiesta this weekend was outstanding. They had a lot of vendors. The Sheriff was there, and also OJ and Charles Dixon pulled out a miracle. They did an outstanding job. They were there for anything they called them for. Everybody who came said it was one of the best Fiestas and parade. And none of those jobs are easy. She cannot thank the Parks Department enough. She didn't think anybody had anything bad to say.

Les Dufour, 1018 Kopra addressed the Commission related to:

1) He would like to recognize some people including the Golf Advisory Board and some great city employees who came to help out at the Golf Course. He also thanked Sharon and Terry Van for doing the garden so now that it's painted it's very representable. Harvey Klein who volunteered and rebuilt their ball washers.

2) Commissioner Hechler brought up to them to make a proposal for improvements to help the Golf Course such as a treatment system to treat the water before it gets to the Golf Course; we need to do something to clean the water up and maintain the lines. Another thing was an erosion project to alleviate the flooding across the property. These two improvements will help the city and should last a long time no matter what the future of that property may be. The board recommends if the city can come up with \$20,000 they approved taking \$20,000 out of their Golf Course Improvement Fund to help with the projects.

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

- 1) He presented ads that have been put in by the Chamber to different phone books in the state. It's not being paid by Lodger's Tax, they are trading for the cost of those ads.
- 2) Corner of Main St. and Date St., he got a copy of the Police report and he's very disappointed. He would really like them to do something about that corner, there were two accidents and it's dangerous when there is water on the road. He would like to see some results from that. He appreciates their time.

Charlie Warren addressed the Commission related to:

- 1) New Mexico Off Highway Ordinance. They were surprised to see this on the agenda. Several important speakers wanted to weigh in on that issue, including Representative Rebecca Dow; Edna Traeger; Dee Rogers; and Dean Tulk the President of the NMOHVA. They thanked them for removing it and will be talking to them the next time it's on the agenda.

Stanley Rickert, 1705 Carrie St. addressed the Commission related to:

- 1) 1750 Carrie St. and the property use. He asked some questions. Has any additional research helped to show the need for enforcement? He would like to see the permits that prove what is being claimed as the Grandfather Clause. What was applied for that the City Attorney based his decision on? Where is the proof the property was used in a similar manner? Where does it show the property was used continuously throughout the years before annexation? To be directed into believing what is written is not what should be taken as truth. It's not the correct way to abide by the Code of Ordinances. Documents will prove there is a need for enforcement. The property is inconsistent with Land Use rules for Residential Zoning. Just making statements to the Commission for the purpose of non-enforcement has a lack of truth and a need for investigation. Just receiving directions to make a ruling from a few individuals is only going to show the people of T or C who they should vote for. There is a need to follow the codes and to be justified. He hopes they do the research and checks it out to make sure they know what is going on. He appreciates their time.

Commissioner Hechler read a letter addressed to the City and County Commission related to:

- 1) Wendy Kissinger, President of Special Operations, Inc. for K-9 Forensics. They will be giving a Presentation of what they do, who they are, and how they can help the resident of Sierra County, the State of New Mexico and across the country. It will be held on Thursday, May 17th, 2018 at 6:00 p.m. at the Elephant Butte Lake Resort Events Center. Their website is at: specialoperationsinc@gmail.com

D. RESPONSE TO PUBLIC COMMENTS

City Manager Fuentes made a statement to the General Public in regards to Mr. Ashbaugh. The City is currently in litigation with Mr. Ashbaugh and he will not be responding to his comments at this time because of that litigation.

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Commissioner Hechler thanked Les Dufour from the Golf Course Advisory Board for his comments. He added no matter what the future of the Golf Course is going to be when they revisit it in a year or so, but the improvements they thought would be necessary will need to be improved regardless of what the Golf Course will be used for. It's got to have water, it's got to have sprinklers, and we have to deal with the erosion issues. Whether it will be Golf Course or City Park or somewhere in between, these issues need to be taken care. The Commission hopes the Golf Course Advisory Board and the City can turn the operations around and will re-assess it in a year to see how it's coming around.

Mayor Green thanked those who did speak, he thanked them for honoring the three minute rule, without that it could be complete chaos. He also thanked Les Dufour and their board for their participation and partnering in making those funds available. Also if any staff is listening, if any of you have a problem, the way to get that solved is not by going to a private citizen. You have a Supervisor that you report to. There is a Chain of Command that has been established. That's who you should go to if you want to seek an ear that will listen and if you're right, help fight your battles for you. Going to a Private Citizen is not the way to run a business.

Mayor Green spoke about Recycling and the cost of privatization of Collection Services. Which by the way would put 12 people out of work. At the present time, he reported the following figures:

The City of T or C for 96 Gallons is \$29.89 monthly;

New Mexico Waste Management for 95 Gallon cart is a monthly fee of \$36.36 and also has an annual fee of \$135.81 which adds up to \$47.67 monthly.

If we were to close our Collection Center tomorrow, the citizens would not only be paying the monthly amount but the annual payment would be added in. They would be paying an additional \$21.78 per month.

About Recycling, we do not charge any additional fee to our residents for recycling. One staff member out of 12 handles Recycling; \$32,000 is the salary, plus benefits. We take the cardboard, aluminum, metal, electronics, paper, and shredded paper, and we sell it. We have a company that comes down to pick it up. Last year, the Goods Sold was \$30,000, plus we've collected 467 tons of recyclable material that did not go to someone else's landfill. It would cost an additional \$21,850 to dump at the Landfill. So no one is going to make money on recycling but you will certainly can save money and reduce your costs. He's never read an article where people have refuse to move to a community because they have recycling.

Mayor Green continues, we also had a question about why we don't have Districts. He thanked City Manager Fuentes and Clerk-Treasurer Cantin for pointing him in the right direction. On a population of over 10,000 you are required to have Districts. We have 6,435. In speaking to the Research & Polling Co. in Albuquerque, not one community under 10,000 in the state has Districts. If we did want to go to Districts, they could come down and help with the process to break our community into five areas as equal as possible in ethnicity. You only get to vote for the candidate that is in your District and do not get to vote for the other Four Candidates. If they were to come down to have

Workshops and Public Input for Districting, it could cost up to \$20,000. He thinks it is not spending money well for our citizens. And hopefully, if you have a problem you will feel comfortable in reaching out one or all of the current Commissioner's and they will be happy to help them.

E. PRESENTATIONS

1. Proclamation naming May Poppies Month.

Mayor Green presented the proclamation to the Elephant Butte Post 44 American Legion Auxiliary proclaiming May 2018 as Poppy Month.

2. Proclamation naming May 7th -11th as Municipal Clerk's Week.

Mayor Pro-Tem Whitehead presented the proclamation to City Clerk Cantin and Deputy Clerk Angela Torres proclaiming May 7th – 11th as Municipal Clerk's Week.

3. Proclamation naming May 13th – 19th as Law Enforcement Appreciation Week.

Mayor Green presented the proclamation to the T or C Police Department; Sierra County Sheriff Department; and New Mexico State Police proclaiming May 13th – 19th as Law Enforcement Appreciation Week. He thanked all of the Fellow Police Officer's for helping us to sleep better at night.

4. Presentation related to the Municipal Pool. Tammy Gardner, Pool Manager

Pool Manager Gardner gave the presentation which is part of the agenda packet. They are hoping to open by the end of the month. The inside has been repainted and the outside as well. They also got new signs made. The pumps have been serviced and chemicals have been balanced out for the ph. The temperature sensor needs to be replaced and is on back order. The temp is about 65-69. They are still hiring and are still accepting applications. If you know anyone who wants to be a Lifeguard, please send them her way. Out of 7, they have hired 3. She announced those who were in attendance. One still needs to be trained and they hope to have that done within a couple of weeks. The inspection went well on the 23rd. We were approved with some minor conditions that have to be addressed, but there is no need for an additional inspection after those things are taken care of.

Mayor Green wanted to thank City Manager Fuentes, Ms. Johnson, Mr. Armijo, and Ms. Gardner who met with Ms. Quentin from the Friends of the Pool and how they can have better communication and work hand in hand for the benefit of the Pool.

5. Presentation related to an update on the Public Works Departments. Don Armijo, Public Works Director; David Johnson, Facilities Manager; and Orrin Hechler, Parks Supervisor

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Public Works Director Armijo began the presentation which is part of the Agenda Packet. He introduced Orrin Hechler and David Johnson who make his job a heck of a lot easier to get things done.

Facility Management Supervisor David Johnson presented their department mission; goals; current projects. The goals of the Facility Management Department are to maintain all City Facilities professionally and to the highest standard; adhere to the highest standards of safety; and continue Employee Safety training program. Some on-going projects include: Lighting – T8 fluorescent; Doors & Accessibility; New energy efficient Refrigerated Air units; New roofs as funds allow; Replace/repair sidewalks, as necessary; Windows/Glazing – improving energy saving throughout the city; Repainting city buildings and replacing gutters & drains; Replacing old & faded signage; and Replacing old Plumbing drains and pipes.

Facility Management Supervisor Johnson continued with some of the specialized projects they have. They are working on and ADA Ramp at Courthouse; built a new Judge's Bench; New Trash Receptacles & Benches; Sun Shade installed at SJOA (might be able to put one at the pool also); Fountain at Civic Center; Pipes replaced at SJOA and the Civic Center; and Painting at the Armory.

These are just some of the on-going projects they do in Facility Management along with their day-to-day maintenance. With a limited budget, increasing costs and additional building projects they try to manage with better planning and resourcefulness and they continue to improve our city.

Mayor Green asked about the replacement of the lights if that was on a state contract. Facility Management Supervisor Johnson said we have saved some money replacing the light bulbs with the low wattage to save energy, cost less, and also last longer.

Parks Supervisor OJ Hechler gave his presentation. One of their goals is to work on the retaining personnel. They are asking for the starting salary to be moved to \$11/hour so they can attract some quality personnel and so they won't lose them. They are losing them to State Parks, and other agencies. Building a team is very important because everything is labor intensive. With the correct team they can work on the things such as: Tennis Courts (screens, nets, backboard, trash receptacles); Louis Armijo Sports Complex (fencing; soil conditioner for ball infields; replace bases; automate irrigation systems; New UTV & UTV Trailer to drag infields and refuse collection; and 3 year plan to replace all bleachers.) Next he went on to Vista Memory Gardens where they need to: address erosion issues either through contract or in house support; purchase of fertilizer and grass seed; and implementation of automated timer system for irrigation.

Parks Supervisor Hechler continued with his vision for Personnel which includes: A team that is goal oriented; Professional development and working toward certifications in turf management, pesticides/herbicides, equipment operations and Master Gardener; and develop parks organization to include a manager, a team leader, two (2) Park Maintenance Worker 1 positions; and the Summer Youth Employment Program.

They proposed a new Summer Youth Employment Program. Parks & Recreation will oversee a summer youth program and will work to have all staff positions filled on a more permanent basis as they move forward in improving our parks and recreation facilities. He also foresees the Summer Youth Employment Program employees helping other Departments in the city that are labor intensive as we move forward to beautify our city.

Mayor Green asked if we are using potable water or effluent. Parks Supervisor Hechler responded it depends on where you are at. The Louis Armijo Sports Complex uses effluent water: Cemetery, Family Park, and Ralph Edwards is potable water.

Public Works Director Armijo started by thanking Tracy Johnson for putting this presentation together for them. Going back to some of the benches, they are purchased by MainStreet or other organizations and our staff puts them in. Staff works hand in hand with some organizations to make sure we get the best benefit. He added Parks Supervisor OJ Hechler has done a fine job in moving along and getting things done. He proceeded with the presentation with the mission for the Streets Dept. Some projects they have completed or are working on now include: Local Government Road Fund (LGRF), Kruger from 3rd St to 7th St.; NMDOT Broadway Ave. Sidewalk Project for pedestrians to safely get from Williamsburg to T or C (includes the Gabion Basket retaining wall); Downtown Streets (Sidewalk from Foch to Clancy along McAdoo); water harvesting with all departments; blading alleys; filling or changing utility/water cuts, and fixing potholes.

City Manager Fuentes mentioned in referring to the Gabion Baskets, could this be a solution at the Golf Course pond to brace it and slow down the water? Public Works Director Armijo agreed it could be, and they can go take a look at it.

F. CONSENT CALENDAR

1. City Commission Regular Minutes, April 11, 2018
2. Accounts Payable, April 2018
3. Lodger's Tax Third Quarterly Reports and Second Quarter Reports for Elephant Butte Lake State Park; Sierra County Arts Council; and T or C Veterans Memorial.
4. Subrecipient Third Quarter Reports

Mayor Pro-Tem Whitehead moved to approve the consent calendar as noted. Commissioner Baca seconded the motion. Motion carried unanimously.

G. ORDINANCES, RESOLUTION, & ZONING

1. Discussion/Action: Ordinance No. 693 for publication amending Section 8-38 of the Municipal Code for unlawful carrying of a concealed weapon. Mike Apodaca, Police Chief and Jay Rubin, City Attorney

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City Attorney Rubin presented the item and the changes that were included per the discussion at the March 28th meeting. The change included under Section A, he added *"an ordinary pocket knife is not included within this definition."*

Commissioner Hechler moved to approve Ordinance No. 693 for publication amending Section 8-38 of the Municipal Code for unlawful carrying of a concealed weapon. Mayor Pro-Tem Whitehead seconded the motion. Motion carried unanimously.

2. Discussion/Action: Ordinance No. 695 for publication adding Section 8-53 to the Municipal Code for prohibited use of weapons and firearms. Jay Rubin, City Attorney

City Attorney Rubin presented the ordinance. There was some discussion at the last meeting about other instances such as someone randomly discharging a firearm in the city limits. He read the ordinance and Section 8-53 for Prohibited Use of Weapons and Firearms. Under Section (f), it includes: *"it shall not a violation of this section for a person to discharge a weapon during a special event when such person has obtained the prior written permission from the City Manager or Chief of Police."*

Commissioner Hechler said his concerns have been addressed.

Mayor Green asked for clarification on Section 8-53.3 related to the parent of guardian or other adult person having the care or custody of a child, permit. City Attorney Rubin clarified ordinarily the parents of a child under the age of 18 would be responsible.

Chief Apodaca said they had mentioned looking into not bringing a firearm into this building. He said it's actually a state law that a firearm cannot be brought into a public building. City Attorney Rubin corrected that it is actually included in the New Mexico Constitution.

Commissioner Hechler moved to approve Ordinance No. 695 for publication adding Section 8-53 to the Municipal Code for prohibited use of weapons and firearms. Mayor Pro-Tem Whitehead seconded the motion. Motion carried unanimously.

3. Discussion/Action: Resolution No. 31 17/18 confirming the City of Truth or Consequences to participate in the Bureau of Reclamation Watersmart "Water and Energy Efficiency Grants" for Fiscal Year 2018 Program. Traci Burnette, Grant/Projects Coordinator

Grant/Projects Coordinator Burnette presented the item. BOR opened the funding opportunity for up to \$1 million for our Water Distribution Lines. There's a cash match requirement of 50% or more. Our application would be at approximately \$1,158,797.26 for critical water lines that are defined in our Water Asset Management Plan. She worked with Water & WW Supervisor Castaneda to help identify some of those lines. The project would take approximately 361 days from start to finish and would include: Marshall Street

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(from Steel St. to Platinum); North Pershing (from Main Ave. to 2nd Ave.); East 2nd Ave. (from Pershing St. to Silver St.); and Sierra Vista Dr. (from 6th Ave. to 9th St.). This grant does allow for three years which enables us to look at applying to Colonias and Water Trust Board which may allow for the payment of the cash match. Awards are in fall of 2018 and a resolution is required for the application.

Commissioner Hechler asked how we will be able to meet the grant match. City Manager Fuentes responded it's based on the actual award. Right now we want to get into the application process. If we do get an award we can do combination of ending cash balance and other sources, including possibly another grant for the match. The opportunity is to be a player and an applicant. The identified lines are critical and do need to be repaired. And if he has to stand on the corner collecting dollars with a boot, that could be an option.

Mayor Pro-Tem Whitehead asked how soon we will know if we are eligible. Grant/Projects Coordinator Burnette responded it will be in the fall.

Mayor Green was concerned about having the available funds for the whole project which is stated in the Resolution. His question is where do we get \$1 million and hold it out of the gate for the project. Grant/Projects Coordinator Burnette said first of all, we will be applying for \$1 million but we probably won't get that much. By then, there will be other grant funding we might be awarded further. City Manager Fuentes added this is the first time we will be applying for this funding. Once we do get an award amount, we will come back to the Commission and look at funding opportunities. It's part of learning how this particular funding agency works, this is the first time we've used it. Ms. Burnette added if we do get awarded this grant, the Water Trust Board and Colonias are looking for much smaller projects to fund. They don't want the much larger project. If they see this project they will know we have money set aside for a large project, they are more likely to award the funds.

Mayor Pro-Tem Whitehead moved to approve Resolution No. 31 17/18 confirming the City of Truth or Consequences to participate in the Bureau of Reclamation Watersmart "Water and Energy Efficiency Grants" for Fiscal Year 2018 Program. Commissioner Baca seconded the motion. Roll call vote was taken by the Clerk-Treasurer. Motion carried unanimously.

4. Discussion/Action: Resolution No. 32 17/18 approving the Juvenile Adjudication Grant for Teen Court. Bobbie Sanders, Municipal Judge

Municipal Judge Sanders presented the item. It's a small grant but is very important for our juveniles who are first time offenders. They are seeing an increase in self-referrals by Parents who believe they have a child who is committing a violation of the law. For example, paraphernalia or something that may lead to something. The Children go through an intake, then she determines if it should go through the Police Department or JPO. A student who is otherwise excelling, or average one time offender, the school decides if it should be a diversion for a one-time offense rather than create a record for a

child. Grants have become very competitive since the Federal Funding has been discontinued.

Mayor Green asked about the revenue by source there shows \$1,000, and he doesn't see the any revenue from Williamsburg or Elephant Butte. Is that from them? Judge Sanders responded Williamsburg falls under the county. The school makes the decision, not based on where the student is from.

Mayor Pro-Tem Whitehead moved to approve Resolution No. 32 17/18 approving the Juvenile Adjudication Grant for Teen Court. Commissioner Baca seconded the motion. Roll call vote was taken by the Clerk-Treasurer. Motion carried unanimously.

H. NEW BUSINESS

1. Discussion/Action: Naming rights for Field B to include field improvement project with private funding. Friends of Dr. Rick Felts, Gary Whitehead, Presenter

Mr. Whitehead thanked them for allowing him to be here. He is humbled and honored to be here and to present this request. Some Friends of Dr. Felts wanted to find a way to leave a legacy behind for Dr. Felts. Something that could stand the test of time, and the one thing they wanted to do was use Baseball as that facilitator. He gave an overview of the Felts Family and what they have done to provide a legacy. He and his family came in the early 80's and started a Dentist Practice in the Old St. Ann's building downtown. He raised his family here and his son went off to college and returned after and continued in the Family Business. So in terms of leaving a legacy, he thinks they have done so. They care for a lot of our citizens and that's all we can ask for. One think Dr. Felts was in love with was the outdoors. He was an avid fisherman and they conducted a very successful baseball program. Last year they had an All-Star Team that was able to get in to the Basics of the Little League World Series, which we can watch on TV. To have a dream and to help kids locally to see that they can participate is quite an honor. He reached out to the Parks Department and Parks Supervisor Hechler met with them. They had several long meetings and discussions. The Group doesn't just want to change the name, they want it to be meaningful. They are willing to contribute funds to do a project. They would like to have a field at the Louis Armijo Baseball Complex. Parks Supervisor Hechler suggested Field B. They would like the complex to remain the same. They are proposing to rename Field B as the R.D. Felts Field and they want it to be known as Felts Field. In order to accomplish that, they looked at what needs to be done at the field. Parks Supervisor Hechler identified that the fencing around Field B are in poor condition, primarily the backstops which have taken a lot of hit and are concaved.

They are proposing the project to do improvements to Field B including: 1) The backstop at the field; 2) Matt Felts feels the left field fence needs to be repaired; 3) they would like to have the awnings painted, as well as, the crows nest where the officials watching the game and doing the scoreboards would work. As with most grants, they want the dollars

to extend as much as possible so they asked Parks Supervisor Hechler where the city could participate and how they could make this happen. He said they would like to make the smaller fence on Field B permanent and he felt like they might be able to fund that through the budget process. Then the third project would be to remove the material on the in-field and replace it. Bartoo Sand & Gravel gave them a great deal on materials for the foundation and Parks Supervisor Hechler would like to purchase the material that would go on the top of the field that would make it a nice proper safe environment. And the city could leverage those funds by installing that. So they would do the excavation, remove it, then Bartoo would bring it in the crusher fines and foundation for them to install.

What they are proposing and offering today is the Group is willing to establish an escrow account at Bank of the Southwest, and put \$14,000 in that account. That would include \$3,500 for the painting project; the labor and paint; \$8,000 for the fencing project; \$2,500 for needed material for the in-field; and the agreement would require that the city participate by installing that material and completing the fence. One thing the group was concerned about is if they put Dr. Felts name on it, they don't want it to be half complete. So the group is also willing to contribute small additional amounts if there is not enough money for the project. They would like to construct a small bronze monument or plaque on that field so it would always be commemorated as Felts Field, and the group would like to come up with the wording. Baseball is currently going on now, so they are proposing this project to start February of next year so the field would be ready to go for the next season. Mr. Whitehead humbly requests the Commission consider this and consider leaving this permanent legacy for the Felts Family and that you approve today to permanently name Field B as R.D. Felts Field from this day forward to be known as Felts Field.

Mayor Green said it's certainly a great partnership between citizens and government. He thanked them for the incredibly generous offer. He is glad they got with Parks Supervisor Hechler on the particulars to help work it out, and appreciated the entities who helped with pricing. Mr. Whitehead said the family is very humbled and this is a group of friends who do want to remain anonymous. They just have a love for Rick Felts and his family and feel this is the right thing to do for the community.

Mayor Green asked City Manager Fuentes if he is comfortable with this. City Manager Fuentes said he asked Parks Supervisor Hechler to get with Mr. Whitehead and the representatives. As far as funding, he thinks it can be worked out.

Commissioner Hechler wanted to add this is a wonderful tribute to the Felts Family and has had dealings with him at the lake and appreciates his Outdoorsmanship. His Son also grew up with Dr. Felt's son, Matt.

Commissioner Hechler moved to approve as of today we permanently name Field B at the Louis Armijo Sports Complex as R.D. Felts Field to be known as Felts Field and to approve the field improvement project as presented with Mr. Whitehead and that the city works with group to make this happen. Mayor Pro-Tem Whitehead seconded the motion. Motion carried unanimously.

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Mr. Whitehead is humbled, proud, to memorialize this day they will get a plaque made for the field and a sign made to be posted so they know you have taken such action and the field has a new name. He said, "Let's Play Ball!"

2. Discussion/Action: Consideration to propose an ordinance to authorize the operation of Recreational Off-Highway Vehicles on maintained streets owned by the City. Paul Baca, Commissioner

Removed from agenda.

3. Discussion/Action: Golf Course Management and Operations. Juan Fuentes, City Manager

City Manager Fuentes presented we have had the Golf Course contract on the agenda a few times recently. The Liquor License is also on hold right now. An update on some of the issues they have at the Golf Course, not only as the contract, but things like the irrigation system. He and Parks Supervisor Hechler visited both the Silver City and Deming Golf Course's to inquire about their operations and management. Silver City is being managed by Western New Mexico University and they are using effluent water for irrigation. They are facing some of the same challenges, such as: a low number of golfers playing; not enough young players; operations going up; equipment, etc. One of the things they discovered is they are using a Sulfur Burning System. He asked Water & WW Supervisor Castaneda to go back with Parks Supervisor Hechler to look at the system and how it would work with the effluent water. This is what they are proposing as one of the projects, the system would break down the solids. He showed pictures of their pond which is twice as big as ours. Water & WW Supervisor Castaneda confirmed it was clear and it does work. They have been doing it for a number of years. He showed the irrigation which was shooting out and it really helps the flow when it breaks down the solids. So they are making a recommendation, and Water & WW Supervisor Castaneda is already looking at purchasing the Sulfur System.

City Manager Fuentes continued one of the other issues is replacing the sprinkler heads. Staff has been working with Mr. Taylor to purchase about 100 of them. We are looking at \$17,000 initially but we need to replace them. Commissioner Hechler asked him about installing the sprinkler heads before the new system, but the sprinkler heads are needed now. The sulfur system would be installed in the effluent water which will also help with the irrigation of the Soccer fields and other fields as well. We are looking at investing about \$20,000. Water & WW Supervisor Castaneda announce the initial cost would be from about \$14,000-\$25,000. City Manager Fuentes continued as far as the system in Silver City theirs was all automated and he would like us to consider making that our goal. It would be an additional project. They also visited the Deming Golf Course and they are using a combination of potable and effluent water. Their operating budget is significantly higher than ours, including the Sierra Del Rio Golf Course. Their FY 2018 Budget is \$543,000, and ours is significantly less. So going back to the Town Hall meeting and the Retreat and the several items that were identified for improvements at the Golf Course. Those included: the water system; cart paths; posts along Marie St; improved

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documentation and collection of revenues that is a contractual issue; fixing flooding and drainage issues; tournaments; events; keeping liquor license; working with the Golf Course Advisory Board and working on on-site management. Obviously, they have been working on some of those and the contribution from the Advisory Board of the \$1 fund will help and some of them can be done in-house. The issue regarding the contract, when they did the RFP in 2016, it was for a four year contract and he believes Jay has a legal opinion that it does extend every year.

City Attorney Rubin reported the opinion of the extension of the contract. In looking at the contract it offered a one year term and could be extended for three additional years which would take you to January 2020 which puts us well within that four year contract. It's not a situation where we are trying to extend it beyond the four year term. There are ways to terminate the contract, but for there to be an effective termination, there has to be something written between one party to another, and that has not happened. The assumption you have to make is that both parties are willing to proceed because there hasn't been an effective termination of this agreement. The other question was whether the contract was extended. There has not been specific action taken, and it might be something we take a look at to create a policy in the future. But looking at this case after the one year term, the contractor continued to show up and continued with all of the duties specified in the contract. The city was obviously satisfied with the work that was being done as if the contract was still in force. Under those circumstances, he's is confident a Judge would say it was an implied extension. He added what you have at this point is the contract is still being extended on a month-to-month basis. And with that opinion, you can have the Commission take action, but do not have to. He understands because of the liquor license issue and they require a contract to be in place, would recommend affirmative action to extend the contract for one year to comply with the state.

Commissioner Hechler asked if they vote to extend it would they use the date it expired or from today's date. City Attorney Rubin recommended they would start from today's date.

City Manager Fuentes added we do want the Liquor License to come back and be used but we have taken the stance that we have been extending on a month to month basis from January 2017 to now and to continue with the liquor license, we should go ahead and extend the contract from today for one year. He knows Mr. Taylor, understanding the limited resources we have, he has been very patient in working with us and giving him the opportunity with a one year extend to make some changes will be better than going out for an RFP at this time. His recommendation is to proceed forward.

Mayor Pro-Tem Whitehead's concern is because it's a one year contract, with a possibility of a three year extension, why do we not bring it to the Commission before it expires. There is a perception out there when the people see a contract expiring. We need to do it correctly and bring it back prior to the extension date, or go out for RFP. We as the Commission and the Manager need to look at the perception of it.

City Attorney Rubin agrees and maybe we need to bring it back to a meeting to discuss the policy for extensions in the future. You can include whether you want it all to come back the Commission for approval or if you want to allow it to be done administratively. I can be discussed how you want it to be done. That is his advice.

Mayor Pro-Tem Whitehead said she understands that, but we also need to make sure that it comes back prior to the expiration date. City Attorney Rubin is in favor of having it on the agenda to discuss.

City Manager Fuentes added the issue is some of the contracts have different terms and expirations. And in regards to bringing it back, this will also be addressed with the new Accounts Receivable position who will be managing the contracts.

Commissioner Hechler agreed with Mayor Pro-Tem Whitehead and he would like to see anytime a contract comes up for expiration that it be brought up at least two months before the expiration so the Commission can look at it. He understands we did not have confidence in the current contract, and that could be why it was done. Another thing is if we do extend this for one year, it will buy us some time to see what we are going to do with the Golf Course. We need to put the community on notice that we are going to do everything we can to make it a successful effort to make it a good Golf Course, and if it fails they will be facing some hard decisions next year. The improvements and activities will make a big difference out there. We are kind of on trial and he hopes we can make significant improvements.

Mayor Pro-Tem Whitehead moved to approve the Golf Course management and extending the contract for Terry Taylor for one year from today. Commissioner Hechler seconded the motion. Motion carried unanimously.

I. REPORTS

a. City Manager

- 1) Infrastructure – Mud Mountain Cell Tower. There is a little bit of a tilt in the middle. WKRG is proposing to move their antennas out of this tower. One of the reasons is, if it is compromised at the bottom. It currently has four users and there are some wires that hold it and the tension on the wires are not equal. They are working to find a new location. He showed them a tear in one of the legs of the tower. If we want to maintain it, we may need to look at what it's going to cost us. To continue to make that a location for the television stations, and he believes this particular one has two television stations. Electric Department Director Easley will be reaching out to a tower company to try to get an estimate of how much it would cost. Or if we decide to just abandon that tower, there is another tower a little higher up than this one that's currently not being used. There is a lot of old equipment and wires and is something we need to start cleaning up. So he wanted to bring that to their attention.
- 2) Airport RFP will be going out soon.
- 3) North Lift Station by Denny's where we have had two incidents recently. The original Preliminary Engineering Report that was done back in 2012 was

specifically on the Wastewater Treatment Plant. After that there was an opportunity to amend it to include some of the lift stations in July 2016. Which included the Nickel, Clancy, and North Date St. lift stations. So it has been identified for the final Phase 2B project. He wanted to give them an update on this lift station. He had W/WW Supervisor Castaneda show the schematic and what will need to be done. Water & WW Supervisor Castaneda reported North Date Lift Station was set up with a wet well and dry well setup. Normally they are one dry well with pumps in the same pit now. They are trying to install the pump in the wet well to eliminate the dry well. The electrical components would be placed on top where anybody could access them. Right now, they actually have to have someone crawl down there to remove the top or pump to access it. The problem they have now is the electrical components which are outdated and were installed below the surface. They have been disconnected and they have a temporary panel placed on top of the surface that controls that one pump. On a normal operation you have two pumps, with one that runs and one that is a backup. Because of the condition of the control panels, they are running one pump out of the North Date lift station which is creating some issues for them. City Manager Fuentes added this is an outdated old lift station that needs to be fixed. They think it was constructed in the 90's, but Water & WW Director Salayandia thinks it may have been earlier than that. In the PER they did identify a picture of a new location for the new lift station. Water & WW Supervisor Castaneda said it would be in the vicinity but would have to be moved over to make more room towards the Interstate. Ms. Burnette reported back when the application was submitted they had an opportunity to amend the PER to include the lift stations. Since then, the Engineer has been working closely with Water & WW Director Salayandia and Water & WW Supervisor Castaneda on the plans. Those have been submitted to USDA for the first round of approval and then it would be sent to other agencies for approval and the only one they are waiting for is from NMDOT. Once the approval is done they are looking at mid-June to go out for advertisements. We are looking at late August or September for actual construction.

b. City Attorney

None.

c. City Commission

Mayor Green thanked everyone who helped with Fiesta.

It was brought to his attention The Friends of NRA had a dinner and the advertisement included T or C Municipal Golf Course as one of the sponsors. Upon research they found that was not acceptable to include the T or C Municipal Golf Course and that was not the city or the way we use your tax dollars. Mr. Taylor is certainly entitled to donate to the NRA he thinks it was just a misstep to put down the T or C Golf Course. Again, that is not how they use your dollars.

He doesn't want people to think he likes to do battle with Mr. Fenn because he really doesn't. However, he is not going to allow anyone to start throwing tomatoes and rocks at this Commission and staff. What Mr. Fenn said was a bold face distortion of the truth and what transpired during the retreat. If you listen to Mr. Fenn, even though he can't sit here for an entire meeting, and walks out after his three minutes. He leaves you with the impression that for six hours they talked about salaries for staff. Mayor Green added in being brutally honest that was one of the points of discussion. However, if you take a look at the document Commissioner Hechler constructed after that six hour meeting, salaries was one of the maybe 50-60 items that were discussed. To those who read the newspapers and listen to the radio, to say that's what they did for six hours is untruthful and unfair. He knows Commissioner Hechler spent many hours preparing for the retreat with all of the Town Hall ideas and other ideas presented and created the document. If Mr. Fenn had read that document, Mayor Green cannot in his wildest dreams figure out how Mr. Fenn could make such a comment, other than to embarrass the Commission. We will not tolerate it or stand for it. If anyone comes before this Commission and gives misinformation to the public about their actions, he will certainly speak up, as he says it's his right and obligation to do so.

Last thing is at the Hospital Meeting, next week is Hospital Week to say thank you for the everyday hard work and dedication of people in hospitals everywhere.

J. EXECUTIVE SESSION

1. Acquisition of Real Property (612 E. 2nd St. and ~~Bank of the Southwest Annex Building~~) Pursuant to 10-15-1(H.8)

Mayor Pro-Tem Whitehead moved to approve going into executive session at 11:25 a.m. to discuss Acquisition of Real Property (612 E. 2nd St.) Pursuant to 10-15-1(H.8). Commissioner Baca seconded the motion. Roll call vote was taken by the Clerk-Treasurer. Motion carried unanimously.

Mayor Green reconvened the meeting in open session at 11:40 p.m.

Mayor Pro-Tem Whitehead certified that only matters pertaining to Acquisition of Real Property (612 E. 2nd St.) Pursuant to 10-15-1(H.8) was discussed in Executive Session and no action was taken.

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

Mayor Pro-Tem Whitehead moved to approve to authorize staff to finalize the acquisition of the real property at 612 E. 2nd St. Commissioner Baca seconded the motion. Motion carried unanimously.

L. ADJOURNMENT

Mayor Pro-Tem Whitehead moved to adjourn, the meeting as was adjourned at 11:41 a.m.

Passed and Approved this 12th day of June, 2018.



Steven Green, Mayor

ATTEST:



Renee L. Cantin, CMC, City Clerk