

**CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
CITY COMMISSION CHAMBERS, 405 W. 3RD St.
WEDNESDAY, JUNE 27, 2018**

A. CALL TO ORDER

The meeting was called to order by Mayor Steve Green at 9:01 a.m., who presided and Renee Cantin, City Clerk-Treasurer, acted as Secretary of the meeting.

B. INTRODUCTION

1. ROLL CALL

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

Hon. Steve Green, Mayor
Hon. Sandra Whitehead, Mayor Pro-Tem (Absent)
Hon. Kathy Clark, Commissioner (Absent)
Hon. Rolf Hechler, Commissioner
Hon. Paul Baca, Commissioner

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

City Manager Fuentes notified the Commission that Commissioner Clark contacted him and is having car trouble and may not make the meeting. Mayor Green announced Mayor Pro-Tem Whitehead and Commissioner Clark are 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.

3. PLEDGE OF ALLEGIANCE

Mayor Green called for City Clerk Cantin to lead the Pledge of Allegiance.

4. APPROVAL OF AGENDA

Commissioner Hechler moved to approve the agenda. Commissioner Baca seconded the motion. Motion carried unanimously.

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

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

Terry Vandevetter addressed the Commission related to:

- 1) Wanted to ask if the Council has any input on the roundabouts on Date Street. It looks to him like a street light would be more economical. He doesn't think the semis and a big trailer with a boat can make it through safely. His first experience with them was when he was in Waco, Texas when he was 25 years old. He grew up in the Southern part of Nebraska where there were farms and ranches. The only roundabout he had heard of is when a guy was leaving his wife in the morning, he said, "I'll be here roundabout dinner." And that was it. He had never heard of them in Las Cruces, Albuquerque, or Santa Fe and he is sure they have them. But they don't seem to solve any of their traffic problems.
- 2) How do you arrive at the place you are going to do replace or redo the streets? He lives around Marie St. and walks that street every morning. So he decided he would see what that street actually is and there are over 900 patches on that street. It looks like that would take preference over the others. They have more people on that street in one day than all of the rest of the places you are going to refix. He thinks there ought to be some consideration to fixing some of the other streets.

Audon Trujillo, 506 W. Third St, addressed the Commission related to:

- 1) He's talking to them today because someone actually talked to him about Personnel. He wants to make sure he addresses the Commission again as he did in the past. He doesn't understand why they don't have subject matter experts as part of the Personnel evaluation when selecting someone for a position. He was very fortunate in working with a Federal Government organization, when you have people who are coming up for a position. They always made sure three of the five people selecting a person were subject matter experts who knew what the position required. We do not do that in the city and we do not have the best persons hired which he suffered himself. We have only the City Manager and the head of HR who can sit on the panel and select the Department Director. The HR Director is a beautiful person, but not a subject matter expert. We also need the subject matter experts on a panel.
- 2) We also need to have a management review of what the city is going to be hiring. He would argue any department that is on the books that has not been created as ordained by the ordinances. You all are supposed to create the departments and Juan is supposed to fill those positions. He reiterated the need for a management. He used to prepare for these meetings but he doesn't do that anymore. You all don't take things to heart. He thanked them.

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

- 1) Where is the Planning & Zoning Commission? How come you haven't done anything about getting them back in order. It was back in the middle of 2013, where there was a dispute about a sign being put up in by the Charles Motel, if he's not mistaken. They sent their request to the Commission and the Commission debated it and said they weren't going to do that. And the Planning & Zoning Commission decided if they weren't going to listen to their orders, they are just going to walk off the job. They did walk off the job and

left the decisions to the City Manager. We need a Planning & Zoning where there are ordinances and ideas to see what the city should put up with in the future.

2) He is still trying to put up with some junk that is over there. He's said there is enough stuff that is sitting there. It's getting worse every day. The number of boats and trailers, unfit housing that needs to be demolished. These houseboats are all oversized, out of hope, nonworking, and haven't been worked on and you should see the amount of trash that goes in every day. It's been inspected.

3) He's trying to figure out what's going on with the Commission. You don't take things to heart, you go on about your own business picking things that you take care of. Eventually the people are going to get smart and are going to he hopes they get their act together and gets things taken care of. He may be a peon, but there are a lot more of them in this town. It's the irresponsibility coming from you guys and that's sad. He hopes they get their act together and try to work things out and get things accomplished and ordinances that need to be challenged or at least followed to have an idea of what the city can expect for the future. He is still trying to get rid of that junk next to him, it's getting worse every day. There are a bunch of boats and trailers or another half dilapidated unfit housing that are oversized and out of shape and haven't been worked on since the last time Planner/GIS Tech Diller was over there with Ray Chavez to inspect things. That's been over three months ago. He's just trying to figure out what's going on with this Commission. It seems like you don't care like Mr. Trujillo said. You don't care and just push things aside to things you think is important. He may be just a little peon, but there are a lot of peons like him in this town and eventually they are going to get smart and get rid of you fools. There is just irresponsibility' coming from you folks that you don't take care of. That's what's sad. He hopes they get their act together and try to work things out and get things accomplished. It's time to just adjust what you have taken care of and look forward to the future. He appreciates their time, and have a good day.

D. RESPONSE TO PUBLIC COMMENTS

Commissioner Hechler responded to Mr. Trujillo, they just recently conducted interviews for Police Chief and three of the people had extensive police experience. So he was happy in that regard. He's not saying they have done it all the way through yet and he thinks he made some valid points and they will keep on trying to do that. And to Mr. Rickert, this is not your personal Commission. They send their professionals out there to look at the property and they rely on them to come back to them and give them the information they need to act. He feels comfortable with the information they have provided and until they hear differently from them, that's how he's going to deal with it and vote on it.

Commissioner Baca responded to Mr. Rickert. He lives in the area of Rodeo Road and basically where Mr. Rickert lives. He's not sure which property he is talking about. Is it the one North of him or the one next to him that is a junkyard? He doesn't see him saying anything about that gentleman. Mr. Rickert mentioned he cleaned his place up. Commissioner Baca said nothing has happened in three months. He is just curious why he says it's just the one, and not the other.

Mayor Green responded on the P & Z Board. We had a full active board and because of some of the actions from the citizens, who forgot these are volunteers. These next door neighbors would nail these people constantly. And one by one, to no one's surprise, they resigned. Why should they have to take that garbage when they are volunteering to serve this city and make it better. And to that point, Mr. Rickert, there are five positions open. We have been advertising that and it's on the board at City Hall and not one person has applied. Is this Commission infallible, of course not. But they are certainly doing their best to serve this community. It's a partnership between the citizens and the government. He doesn't necessarily see the citizens understanding that, as he claims the Commission doesn't understand his point.

Mayor Green then responded to Mr. Vandevetter about the roundabouts. This is an Interstate Bypass Loop that we do not own or control. Originally they did a traffic light study and at that particular point it did not justify the amount of traffic and didn't warrant a traffic light. However, they did offer the option if we could make it a four way intersection and take Smith Street and reroute it through the Moose where their RV Park is located. Then they would consider a four way traffic light. They would have to do the same research and traffic study, and it would cost \$2 million on the City's money. So that's the dilemma we are in, and it's their dance and their road. They had a meeting last week at the High School which gave the Citizens and opportunity to express their concerns. It's all about safety and its Federal dollars that have certain regulations they have to follow. But it's a work in progress. They did show pictures of a 53' tractor/trailer going around a roundabout and it seemed not to have a problem. If they need more room, there should be a structure the can use for more room. In three years they had something like 31 accidents at that corner. Fortunately, none of them have been fatal.

E. PRESENTATIONS

1. Presentation for the review of the Infrastructure Capital Improvement Plan (ICIP) for 2020-2024. Traci Burnette, Grant/Projects Coordinator

Grant/Projects Coordinator Burnette said she attended the training for this year's ICIP and will show some of the changes for this year. This is a presentation only and no action is required at this time. They will bring it to another meeting for a public hearing and action. The projects now cannot extend more than sixteen months from the date the money is allocated to the date all of the money is spent. It will establish our priorities, shows critical needs projects, and increases funding opportunities. She explained how the ICIP is used by Legislators, the Governor, and funding agencies. The projects can be split up to request Planning Funds for the first year; Design Funds for the second year; and Construction Funds for the third year. The costs they submit are estimates. She does reach out to some other Engineers to help with the estimates. They stress regionalization just like a quick project. As far as the process, one thing is Citizen Participation; we identify projects for capacity and meet with Department Heads. Some of the funding sources has funded some of the recent ICIP projects such as: Animal Shelter, Electric Feeder upgrades; Veterans Wall; Wastewater Treatment Plant upgrades; Airport Fuel Farm; Electrical Pole Replacement; Sims Road rehab Broadway Sidewalk Project; and Manhole rehab. This year she is asking the Commission and the

public to review the current list at the projects that are on there. They would like the lists to be smaller, so we need to look at any project we need remove or to add.

City Manager Fuentes wanted to emphasize what the state is requesting. They do not want a long wish list, they want the shorter list with projects that are ready to proceed with. If we put a project that's ready to go and we decide to invest a piece, we can get a bigger part of the funding.

Mayor Green asked if she got a sense they would be amenable for funding a project that's already started. Grants Projects Coordinator Burnette responded they tend to like the projects that can be finished. Currently our water line replacement only specifies the downtown water lines. So to seek funding outside of that area, we would need another PER to do that. If we spent that money to get it done, we would have a better chance of getting the bigger projects done.

F. CONSENT CALENDAR

1. City Commission Special Budget Workshop Minutes, May 3, 2018
2. City Commission Regular Minutes, May 23, 2018
3. Impact Fee Board Minutes, May 21, 2018
4. Public Utility Advisory Board Minutes, May 21, 2018
5. Authorization to re-invest balance amounts of maturing certificates of deposits for the R&R Sewer, R&R Water and Pledge State Accounts.
6. Contracts with Lee Deschamps and Steven Sage for Public Defender Services for indigent defendants.

Commissioner Hechler moved to approve the consent calendar as noted. Commissioner Baca seconded the motion. Motion carried unanimously.

G. ORDINANCES, RESOLUTION, & ZONING

1. Discussion/Action: Resolution No. 38 2017/2018 declaring surplus property for the July 28, 2018 public auction. Renee Cantin, City Clerk

City Clerk Cantin presented the information on the Commission Action Form. She said a special thank you to the Electric Department and Police Department who went all out to get it done. She knows the Mayor had a question about recycling the computer equipment and she contacted Sanitation Director Alvarez who said at this point with the recycling costs down the way it is and with the work involved in taking the cords out and going for the higher bidder, it would be much easier and cost effective to just put it in the auction.

Commissioner Hechler moved to approve Resolution No. 38 2017/2018 declaring surplus property for the July 28, 2018 public auction. Commissioner Baca seconded the motion. Roll call vote was taken by the Clerk-Treasurer. Motion carried unanimously.

2. Discussion/Action: Resolution No. 39 2017/2018 Final Budget Adjustment. Melissa Torres, Finance Director

Finance Director Torres read each of the changes that are being requested on this budget adjustment which are included in the agenda packet. She read the comments received on any of the numbers for the adjustment.

City Manager Fuentes wanted to clarify they took some money when a department did not have enough for their expenses. For the new fiscal year if a department is over in their budget, that Department Head will be asked to come and present the request. That way we can recognize the departments who stay within their department.

Commissioner Hechler asked if we still have a balanced budget with all of these changes. City Manager Fuentes responded they still don't know at this point until the end of the fiscal year. Because of the way our budget is structured, it's critical to stay within budget as much as we can. Commissioner Hechler explained that having worked with State budgets before, there is no way you can predict what every department is going to use every year. Sometimes you would have one Park that would be way under the budget and you would have to transfer the money from that Park to another Park. He feels if City Manager wants to bring it in front of the Commission they can, and perhaps they should be aware of it. But he doesn't think it's totally necessary as long as we stay within a balance budget which is the most important thing. City Manager Fuentes responded for example in the Public Works Department, because they have multiple budgets, there is that flexibility. But when it's two different departments he can't just take it from one to put it in another because they may still need those resources. That's why towards the end of the fiscal year that's part of their goal. They will have more discussion about this during the final but this is when it's critical to stay within their budget. When it's in a deficit from the start, we have to work as hard as we can throughout the year to make sure we have the available ending cash balance. That's why he would feel more comfortable in bringing those to the Commission, because they've done it in the past, and it helps them stay within their budget as well as recognizes those who do stay within their budget.

Commissioner Baca asked City Manager Fuentes if he will keep them posted. City Manager Fuentes said that's right and they will can an eye on internal control.

Commissioner Hechler moved to approve Resolution No. 39 2017/2018 Final Budget Adjustment. Commissioner Baca seconded the motion. Roll call vote was taken by the Clerk-Treasurer. Motion carried unanimously.

Mayor Green said it's not an easy task to keep track of it all. He thanked them.

H. NEW BUSINESS

1. Discussion/Action: Award RFP: 18-19-001 for Airport Engineering Services.
Pat Wood, CPO

Central Purchasing Officer Wood reported we received three proposals. The Selection Committee evaluated the proposals and are making the recommendation to award it to Armstrong Consultants.

Commissioner Hechler moved to approve Award RFP: 18-19-001 for Airport Engineering Services to Armstrong Consultants. Commissioner Baca seconded the motion. Motion carried unanimously.

Tim Archebeque, Director of Aviation Services for Armstrong introduced himself and Laura Van Egree and they are anxious to get started on it and they think the city will be pleased with the project.

2. Discussion/Update: Proposed terms for Verizon tower on water tank.
Susanna Diller, GIS/Planning Tech

Planner/GIS Tech Diller started with a point of clarification for the water tank they are referring to is the painted one on tank hill behind the museum. Verizon sent some terms they would like to propose, the Commission is not taking a vote on it, but she would like some authorization to proceed. They do not want to go through the Special Use Permit process, go through the work of sending the lease or anything, if you looked at it and thought it was absolutely ridiculous. They are basically asking for the initial annual rent of \$1,000 a month with an escalator of 2% and they are looking at a 25 year contract where they would have the option to opt out at every five year point. So if that looks like a reasonable threading point to the Commission, she can let them know they could move forward with the Special Use Permit for legal review. You are not agreeing to anything yet, this is just a reasonable starting point.

Mayor Green asked if it's a single tower. Planner/GIS Tech Diller responded this is what they were talking about doing the single panels on the tower. They would be against the top of the tower and painted to match the existing design to have as minimal visual impact and a small ground area. This is not a tower. Mayor Green said in case they are asked how far it will stick up above the line of the water? Planner/GIS Tech Diller said the last discussion they had it would not be any taller than the water tank itself.

City Manager Fuentes added the initial request is just the terms. The height and color will be discussed during the Special Use process. Who knows we might have 50% of the residents come out and say they don't want it. But the public will have an opportunity to do that. Part of the reason it has taken so long is they were trying to reach out to AT&T to give them an opportunity and they never responded. So we are ready to proceed with Verizon.

Commissioner Hechler moved to approve starting the process of negotiations with Verizon to present to us the project of putting the antennas on the water tank as presented by Planner/GIS Tech Diller. Commissioner Baca seconded the motion. Motion carried unanimously.

3. Discussion/Action: Lodger's Tax reimbursement request - Chamber of Commerce. Hans Townsend, President

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Hans Townsend presented that it's a little embarrassing that he failed to claim the \$500 reimbursement request on the Friday it was due. He has no excuses for it, but he is asking them to consider his request for the Chamber.

Commissioner Hechler said at some point we are going to have to take a stance with these requests who are late. Because it does take peoples time and causes some issues. City Attorney Rubin said we might also want to take a look at the guidelines to make sure they are not conflicting.

Mayor Green agreed they are compassionate. However, if you are late with a mortgage payment, they don't come in necessarily come in and take your home. But they do penalize you. You just accumulate penalties. He referred to the guidelines where it says if you miss the deadline, you would not get paid. Yet there is another section that says if you mess up you can come before the Commission and ask for forgiveness. So there's mixed messages we are sending out under Lodger's tax and Subrecipient Grants. We don't want to be hard hearted but it's no fun playing King Solomon. He would like to see staff work with the Lodger's Tax Board to come up with something that takes the pressure off of the city. They appreciate what these organizations do for us and for the community. And if we had to foot the bill ourselves we could not. But it's free money and they are not asking them to run a mile, just to follow the rules and regulations. He would like the same language for the Lodger's Tax and for the Subrecipient Grants so there is no more confusion and they don't have to spend their time doing more important things, and it will free up staff as well. City Clerk Cantin said she will make sure it's on the next Lodger's Tax Board Agenda. Commissioner Hechler suggested that a percentage of it could be lost over time and the longer it's been neglected the more the percentage could be.

City Manager Fuentes asked if we can put in the agreement a legal clause that they cannot come before the Commission and if they are late, they would lose the funding. There is a section that says you could be eligible for a 50% reduction. They are not asking for the entire amount, they are just asking the applicants to follow the direction so there is no conflict. City Attorney Rubin agreed if there was a contract everyone agreed to, it could be added. City Manager Fuentes said they will take those suggestions to the Lodger's Tax Board and if the application can be reviewed.

Commissioner Hechler moved to approve the request for reimbursement for up to \$500. Mayor Green seconded the motion. Motion carried unanimously.

Mr. Townsend added that when they say it's Free Money, it's not necessarily that, they do put their own money in. In this case there was \$700 they did pay towards the bill. .

Commissioner Hechler thanked him for his service to our community. He thinks it's important.

4. Discussion/Action: Lodger's Tax reimbursement request – NMSRDA/Sierra Twirlers of T or C. Joseph Solis, Requestor

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Mr. Solis came to request an extension and reimbursement. He read the letter that was attached to the agenda packet with their explanation. They did not need the email funding because they were able to partner with Arizona areas by advertising their dances and they agreed to advertise ours. He explained the amendments they are requesting at this time.

Mayor Green wanted to clarify that they can use the funding for materials. We are obviously in good hands.

Commissioner Hechler moved to approve the request as presented in the amount of \$926.85. Commissioner Baca seconded the motion.

Mayor Green wanted to thank them for putting on the event. It really worked out well and he thinks we may have the pleasure of holding this event. The economic impact is awesome. He thanked them again for all of their efforts.

Motion carried unanimously.

J. REPORTS

a. City Manager

- 1) Attended the Municipal League Policy committees and they will be adding a Resolution for the rooms that are required to be eligible for Short Term Rentals to pay Lodger's Tax.

b. City Attorney

None.

c. City Commission

Commissioner Hechler reported on the ESRA event at the Space Center. He was trying to get some SWAG from them and got a Hat from the Swiss Team because he promised to present it to the Mayor. He then presented it and the Mayor put it on and would like to send them a thank you picture.

Commissioner Baca was curious about the North Lift Station and when that's going to be fixed. City Manager Fuentes responded the funding is now in place, but we have to wait for the project to begin so we don't spend our own money. Commissioner Baca asked if the city obtained the Buckhorn property. City Manager Fuentes confirmed.

Mayor Green reported on the T or C Brewery. He heard something on KRWG where they were talking about how to revitalize downtowns, and before you know it, they were talking about T or C Brewing Company. And the next day we got a request for a tour.

K. EXECUTIVE SESSION

1. Threatened or Pending Litigation (City vs. McGeachy) *Pursuant to 10-15-1(H.7)*

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Commissioner Hechler moved to approve going into executive session at 10:21 a.m. to discuss Threatened or Pending Litigation (City vs. McGeachy) Pursuant to 10-15-1(H.7). Commissioner Baca seconded the motion. Roll call vote was taken by the Clerk-Treasurer. Motion carried unanimously.

Mayor Green said before we do, he would like to thank Commissioner Hechler for promoting the community at the Spaceport and his work.

Mayor Green reconvened the meeting in open session at 10:50 p.m.

Commissioner Hechler certified that only matters pertaining to Threatened or Pending Litigation (City vs. McGeachy) Pursuant to 10-15-1(H.7) was discussed in Executive Session and no action was taken.

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

Commissioner Hechler moved to approve to authorize staff to proceed as discussed. Commissioner Baca seconded the motion. Motion carried unanimously.

M. ADJOURNMENT

The meeting was adjourn at 10:51 a.m.

Passed and Approved this 24th day of July, 2018.


Steven Green, Mayor


ATTEST:

Renee L. Cantin, CMC, City Clerk