

CITY COMMISSION
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
MARCH 10, 2015
SPECIAL MEETING
Action Minutes

The Truth or Consequences City Commission of the City of Truth or Consequences in the County of Sierra, and State of New Mexico met for a Special Meeting, in full conformity with the law and ordinances of said Commission in the Commission Chambers of said City, March 10, 2015; at 3:45 P.M., in the Commission Chambers, 405 W. Third, Truth or Consequences, New Mexico.

The meeting was called to order by Mayor Sandra Whitehead, who presided and Judy M. Harris, City Clerk acted as Secretary of the meeting.

Upon calling the roll the following Commissioners were reported present:

Hon. Sandra Whitehead
Hon. Steve Green, Mayor Pro-Tem
Hon. Jeff Richter, Commissioner
Hon. Kathy Clark, Commissioner

Also present:

Mike Kertesz, Applicant Commissioner Position III
Russell Peterson, Applicant Commissioner Position III
Dean Tulk, Applicant Commissioner Position III
Bobby Allen, Applicant Commissioner Position III
Juan Fuentes, City Manager
Jay Rubin, City Attorney
Judy Harris, City Clerk

There being a quorum present the Commission proceeded with the business at hand.

Mayor Sandra Whitehead called for fifteen seconds of Silent Meditation.

Mayor Sandra Whitehead led the Pledge.

Mayor Sandra Whitehead called for approval of the Agenda.

"Mayor Pro-Tem Steve Green moved to approve the Agenda as presented, for our Special Meeting of March 10th 2015."

Seconded by Commissioner Kathy Clark.

Mayor Sandra Whitehead called for the vote.

Motion Carried Unanimously.

Mayor Sandra Whitehead noted item number one on our Agenda this evening is Discussion/Action: Process for selection of City Commission Position III.

Mayor Whitehead noted that during the March 2nd 2015 Special Meeting the Commission instructed Manager Fuentes to get a legal opinion on whether using a scoring system to select a City Commissioner is allowed under our City Code. He spoke to Jay who concluded that the scoring system is allowed. Based on the discussion from the last meeting and clearing the legal question, the following is a suggested summary of the proposed process for moving forward. Mayor Sandra Whitehead noted she would read the process:

Number 1.) The City Commission will begin interviews at 4 P.M.; Candidates will be called in one by one. We will ask that the remainder of the Candidates wait in the Civic Center, either in the Civic Center or in the Red room. After interviews they may stay in the audience.

1. Each applicant is allotted 30 minutes for each interview.

The Commission will be given an opportunity to ask three questions.

The Commission will alternate asking a question. She suggested the Order as follows:

Number 1 will be Commissioner Clark

Number 2 will be Commissioner Richter

Number 3 will be Mayor Pro-Tem Green, and

Number 4 her.

The questions would be scored by each Commissioner on a scale of to 5; with 5 being the highest.

After each interview the scoring sheets will be handed to the Clerk for Tallying.

After the interviews, the final score sheet will be tallied and I will announce the applicant with the highest score. At which time, I hope we can all come to a consensus

I will then call for a motion to appoint the highest score applicant.

If seconded, the Commission will vote on the applicant.

If approved, the City Commission will adjourn the meeting and proceed with the Regular Meeting."

Mayor Sandra Whitehead then asked "Attorney Rubin, is this an acceptable process?"

Jay Rubin, City Attorney answered "Yes; the relevant Statue at play here, to fill a vacancy in Commission is Section 3-14-9 of the State Statues, and paragraph A indicates that a vacancy in the Commission can be filled in one of two ways; One is that by a majority vote you may appoint a qualified elector to fill the vacancy, until the next regular municipal election. Or, a Special Election can be called." Attorney Rubin explained that the Statue does not give instruction or even guidance about how an appointment is to occur. He stated that he interpreted that to mean that it's really up to the Commission to decide what

process you wish to utilize in order to fill the appointment. He noted the suggested scoring system, stating he found nothing in the law to prevent that. It was suggested you use a scoring system, I find nothing in the law that says we cannot do that. Attorney Rubin stated he even checked with the Municipal League also to get a second opinion, they concurred; yes you can use the scoring system and the process you discussed. Attorney Rubin stated one thing he wished to caution the Commission that we are talking about using the scoring sheets, everything that you produce will be public record, and the public would know who submitted what scoring sheets.

Mayor Sandra Whitehead called for discussion or a motion to approve the process as noted.

"Mayor Pro-Tem Steve Green moved for approval of this process as you pointed out".

Mayor Sandra Whitehead called for a second.

Mike Kertesz, from the audience, called out Point Of Order; asking what they would do in case of a tie.

Mayor Sandra Whitehead noted we'll deadlock.

Mayor Pro-Tem Steve Green noted we'll pick a name from a hat.

Commissioner Kathy Clark noted flip a coin.

Attorney Jay Rubin noted we'll cross that bridge when we cross it.

Mayor Sandra Whitehead stated we'll cross that bridge when we get there. Right now we're voting on the process.

Commissioner Kathy Clark asked a question of Attorney Jay Rubin; can you tell me the downside of this point system is. What could potentially happen with this point score, could this be used against the City, in any way shape or form?

Jay Rubin, City Attorney answered that he thoroughly trust the integrity of the City and the Process, but anytime you use the scoring system, of course it's subjective, there are people who may feel goes without saying, a scoring system did not go in their favor, or feel something abuse the process or didn't trust the System, there is some way. He finished by noting he would not tell them which process to use; and that it would always be subject to public scrutiny.

Seconded by Commissioner Kathy Clark.

Mayor Sandra Whitehead noted she had a motion and second to approve the Process; is there any further discussion.

With no further discussion, Mayor Sandra Whitehead called for the vote.

Motion Carried Unanimously.

Mayor Sandra Whitehead stated the interviews would begin at 4:00 P.M.; noting that first interview would be Mike Kertesz, asking the remaining candidates wait in the Civic Center.

INTERVIEWS: Mayor Sandra Whitehead noted it was now 4:00 P.M.; starting the interviews.

The order of those called: Mike Kertesz, Russ Peterson, Bobby Allen, and Tulk. Video link to interviews can be found at: <http://torcnm.suiteonemedia.com>

Mayor Sandra Whitehead noted that at this time we will deliver all the score sheets to our City Clerk for a tally.

SELECTION: Mayor Sandra Whitehead took the tally from the Clerk and announced the Candidate with the highest score is Russ Peterson; she then called for a motion to appoint.

"Mayor Pro-Tem Steve Green made the motion to approve Russ Peterson in the Position of City Commissioner Position III."

Seconded by Commissioner Kathy Clark.

Mayor Sandra Whitehead called for further comments; with no further Comments, she called for a Roll Call Vote.

Hon. Sandra Whitehead responded AYE to a Roll Call Vote.

Hon. Steve Green responded AYE to a Roll Call Vote.

Hon. Jeff Richter responded AYE to a Roll Call Vote.

Hon. Kathy Clark responded AYE to a Roll Call Vote.

ADJOURNMENT: Mayor Sandra Whitehead called for a motion to adjourn.

"Mayor Pro-Tem Steve Green moved to adjourn."

Seconded by Commissioner Kathy Clark.

Motion Carried Unanimously.

Mayor Sandra Whitehead stated that the Regular City Commission Meeting would begin at 6:00 P.M. Mayor Whitehead also announced that there would be three Public Hearings tonight, and there are signup sheets on the table by the door.

CITY COMMISSION
MARCH 10, 2015

**REGULAR MEETING
ACTION MINUTES**

- TIME & PLACE:** The Mayor and the City Commission of the City of Truth or Consequences in the County of Sierra, and State of New Mexico met in regular Session in full conformity with the law and ordinances of said Commission in the Commission Chambers of said City, March 10, 2015, following the Special Meeting, with the meeting starting at 6:00 P.M.
- PRESIDING OFFICER:** The meeting was called to order by Mayor Sandra Whitehead, who presided and Judy M. Harris, City Clerk acted as Secretary of the meeting.
- ATTENDANCE:** Mayor Sandra Whitehead called the Meeting to Order, asking for a Roll Call.
- Upon calling the Roll, the following were present:
- Hon. Sandra Whitehead, Mayor
Hon. Steve Green, Mayor Pro-Tem
Hon. Jeff Richter, Commissioner
Hon. Kathy Clark, Commissioner
- Also Present:
- Russ Peterson, Appointed Commissioner Position III
Juan Fuentes, City Manager
Jay Rubin, City Attorney
Judy Harris, City Clerk
- QUORUM:** There being a quorum present the Commission proceeded with business at hand.
- Mayor Sandra Whitehead noting the Quorum present and called for fifteen seconds of Silent Meditation.
- Mayor Sandra Whitehead led the Pledge of Allegiance.
- APPROVAL OF THE AGENDA:** Mayor Sandra Whitehead called for a motion to approve the Agenda.
- "Mayor Pro-Tem Steve Green moved to approve the Agenda for March 10, 2015."
- Seconded by Commissioner Kathy Clark.
- Motion Carried Unanimously.
- PUBLIC COMMENTS:** Mayor Sandra Whitehead called for Public Comments, noting the black box for any items, handouts, noting the time allotted is three minutes, and the person is

only allowed to approach the podium one time.

Ron Fenn, Truth or Consequences, approached and made comments regarding an email he sent to all the Commission which included eight questions regarding the Follow The Sun Tour Lease and had not received any replies. He also spoke of the Visitor Center and the City donating the land at the old Shutter Factory site.

Randy Ashbaugh, Local Business Owner approached, noting he could use a million dollars. He then thanked the Police Department, from himself and Staff, for their quick action for arresting the Armed Robber, who hit 3rd Street store. Wished to thank the Police Department and their quick actions were efficient and appreciated. He also made comments regarding the City clean up and the Welcome Center to be built, Virgin Galactic, and the Spaceport.

Carl Jensen, Maple Street, approached and made comments regarding streets that are not paved and need to be. He mentioned Maple, Fourth, Date and Kruger streets.

Manyon Long, Chairman for the Old Time Fiddlers and a Member of the T or C Community Theater, approached and made comments regarding renting facilities for both programs, noting they have had problems because they had to remove their set up each and every night, and that made the use of the facility to difficult. He also mentioned the cost of the Facilities.

Klaus Whittern approached and commended the Commission on the way interviews were conducted, noting he thought the process should be codified to the Code Book.

Linda DeMarino, MainStreet Truth or Consequences, approached and noted items coming in the future, she also thanked those who she attended and noted it was good for the Healing Waters Landscape concept for the Healing Waters Park.

Hans Townsend, Chamber of Commerce, approached and noted, he came to the Commission in February of last year with a company which wished to set up a business. He noted lack of procedures as he has heard nothing in that time. He left the Commission a *Handout*, attached herein and made part of thereof.

Mary Jo Montgomery, Hot Springs Women's Club, who noted the Organization, was scheduled to speak in the New Business section, but they wished to speak in the 3 minute public comment instead. She explained that the Women's Club had not received information for the Civic Center for fees, dates and such, and because of that they would not be holding the Miss Fiesta Contest this year. Noting they were not able to commit, and the use of the Civic Center.

Mayor Pro-Tem Steve Green asked if a meeting could be arraigned for tomorrow would that give them enough time to contact the high school girls, he also mentioned the decorations needed. He also spoke of fees. He asked the Women's Club to call City Hall and a meeting would be arranged. He stated that

RESPONSE TO
PUBLIC COMMENT:

he does not want to lose this event. Asking if the rental of the hall was not an issue, or if they could partner with someone with a non-profit.

Ms. Montgomery answered, we don't have time. She went over the dates items would have to be accomplished to hold the contest, and we need the facility for the entire practice and show.

/
Mayor Sandra Whitehead asked when they started the process for using the facility this year.

Ms. Montgomery answered sometime after last year they rented the hall, but have been unable to verify fees, even speaking with City Manager Fuentes and the Clerk's Office. She stated they just don't have time, it takes months of planning.

Mayor Pro-Tem Steve Green asked for a telephone number to attempt to save something that is such a large part of our history.

Mayor Pro-Tem Steve Green requested that discussion points be put on the next agenda, referring to the lease of property at the Airport requested by Hans Townsend, and more forward.

CONSENT CALENDAR:

Mayor Sandra Whitehead called for approval of the Consent Calendar consisting of City Commission Meeting Minutes for 2/10/2015; the Public Utilities Meeting Minutes for 9/15/2015, 11/17/2014 and 1/20/2014; and the Accounts Payable for February 2015,

Mayor Pro-Tem Steve Green moved for approval of the Consent Calendar as outlined. "

Seconded by Commissioner Kathy Clark.

Motion Carried Unanimously.

PRESENTATIONS:

Mayor Sandra Whitehead called for Presentations; noting the Police Department and announcing Chief Priscilla Mullins.

Chief Priscilla Mullins noted she had the End of Year Report, the Recognition of Police Department Staff and the recognition of local volunteers. Noting she would begin with the end of year report. She noted that she asked Detective Lee and Captain Morgan to be present for the end of year report. She noted that their system crashed, and the complete numbers for Williamsburg and some of T or C, and they would not have the Williamsburg service and some of the numbers for this report.

Chief Mullins began with the End of Year Report; noting a handout of the

reports. A Complete copy of the report is attached and made herein part of the Record.

<u>Seven Major Felonies:</u>	<u>2013</u>	<u>2014</u>
Homicide	0	0
Robberies	2	2
Rape	2	3
Burglary	68	95
Felony Larceny	34	37
Motor Vehicle Theft	10	8
Felonious Battery	<u>21</u>	<u>12</u>
	137	157

<u>Selected Crimes:</u>	<u>2013</u>	<u>2014</u>
Burglary – Auto	20	59
DUI	31	20

Chief Mullins explained Captain Morgan would explain those.

Captain James Morgan noted that DWT's were down, because we had the Grants, he then listed some of the Grants to step up and increase enforcement if various Grants.

Traffic Enforcement	71	34
Crashes	158	146

Chief Priscilla Mullins then went into the number for Arrests.

<u>Arrests:</u>	<u>Male</u>	<u>Female</u>	<u>Unknown</u>	<u>TOTAL</u>
2013	324	138	1	463
2014	263	103	0	366

<u>Warrant Service:</u>	<u>2013</u>	<u>2014</u>
	174	184

Citations – Truth or Consequences

<u>Year</u>	<u>Citations T. or C.</u>
2013	1117
2014	1180

Citations – Williamsburg

<u>Year</u>	<u>Citations Williamsburg</u>
2013	76
2014	67

Animal Control Services

<u>Year</u>	<u>Citations in T. or C.</u>	<u>Citations Williamsburg</u>
2013	138	4

Intake Register Count for T. or C.

City of T. or C. 833 calls

Chief Priscilla Mullins gave the numbers for Animal Control:Disposition register how many in disposition in year for City of T. or C.

Adopted:

City of T. or C.

Cat:34

Fowl:1

Other Domestic:1

Dog:67

Rabbit: 0

Other

Bird:1

Cat: 1

Fowl:1

Escaped

Dog:1

Died

Dog: 27

Cat:40

Other: 7

Rabbit:10

Bird: 5

Fowl: 2

Snake: 2

Skunk: 45

Squirrel: 6

RTO

Cat: 7

Dog:149

Rabbit: 1

Ruth. City of T. or C.

Dog:168

Cat: 264

Other: 2

Days in Shelter counted in Disposition Register

(Adopted, TRO, Ruth., Escaped, Died and Other)

City of Truth or Consequences: 10,814

Chief Priscilla Mullins noted the following:
Total Arrests: 46
Felony Arrests:

Chief Priscilla Mullins noted last is the stats for the Detective Division, turning to Detective Lee; she let him give out the stats in case there are any questions.

Detective George Lee noted that from March of 2013, which is about the time he and Detective Harrington started working together; thru about a week ago; he and Detective Harrington have the Total Arrests at 46, Felony Arrests are 33. He stated that a lot of cases they are not the arresting Officer, and there are Officers who go out and get them for us; that's where these stats come from. Total counts charged by him and Detective Harrington were -184. Felony Counts 135, Misdemeanor Counts 50; Sexual Offenses Felony at 46, and Misdemeanor at 5. Property Crimes - Felony 28 and Misdemeanor at 5. Drugs Felony 12 and Misdemeanor at 21. Weapons Charges with 7 Felony and 1 Misdemeanor. Fraud and Forgery we filed 9 Felonies and 0 Misdemeanor. Crimes Against Police Officers are 3 Felonies and 12 Misdemeanor. Crimes Against Children Felonies at 13 Counts, Misdemeanor at 0. Juvenile referrals Felony 7 and Misdemeanor 7, and they wrote and served 17 Search Warrants.

Priscilla Mullins, Chief of Police, noted that was all they had for the end of year report, are there any questions.

Each Commissioner thanked Chief Mullins and her Department.

With no further questions, Chief Mullins went into the awards portion of the presentation.

Chief Mullins noted there are few professions that demand so much, police work is one of those, probably one of most thankless jobs there is. Chief Mullins praised her Department's Staff for their dedication to duty and commitment to serving the citizens of T or C.; she spoke Officers in the Department and of four who were not certified but still committed to upholding these ethics. She spoke of the Officers in the Department and their symbol of Public faith.

Chief Mullins called out to approach for awards; Malissa Cordell, Captain James Morgan. Chief Mullins noted this was harder than she thought. She call for Sargent Michael Apodaca, Sargent Erica Baker and Sargent Andy Lux. Next she called for Detective James Harrington and Detective George Lee. Chief Mullins noted congratulations for Detective George Lee for being named the Best Police Officer in Sierra County for 2014. Chief Mullins called for Patrol Officers to step forward; Justin Blackwell, Larry Bleimehyer, Yoser Bojorquez, Michael Leonard, Theodor Ontiveros, and Anthony Zagorski.

Chief Priscilla Mullins introduced the two Animal Control Officers. She then introduced the newest Members of the Police Department; Maryahell Dellrimble, Officer Jaimey Sweeney and Keith Miller.

Chief Priscilla Mullins called for Sierra County Ministerial Alliance and the Matthew 25 Food Bank, awarding them the Chief's Merit Award for 2014.

Chief Mullins presented a Special Chief's Merit Award to Boy Scouts of America Troop 10, Scot Cameron Kramer, for a personal program he developed to aid homeless individuals here and in Las Cruces.

Chief Priscilla Mullins thanked the Commission and Staff for the support given to her Department. She then introduced the new Police Chief Lee Alirez.

Lee Alirez spoke to the assembly and noted it was an honor and privileged to serve as the New Chief.

BREAK:

Mayor Sandra Whitehead called for a five minute break, to allow those who wished to leave, to do so.

OPEN MEETING

Mayor Sandra Whitehead opened the meeting and noted the next item would be Public Hearings, noting three Public Hearings, she also stated there were signup sheets for anyone who wished to speak during the Hearings.

**PUBLIC HEARING
ORDINANCE #660**

Public Hearing: Proposed Ordinance #660 for Final Adoption, Amended by adding a new Article imposing a convention Center Fee; Jay Rubin, City Attorney.

Jay Rubin, City Attorney, noted that the New Mexico Legislature enacted the Convention center Financing Act. The Act will allow the City of T or C the authority to impose a Convention Center Fee; as long as we enact an Ordinance. Before you for consideration is Section 7-361. He noted the City is authorized by the Act to impose a Convention Center Fee, on the use of any room within a lodging facility within the City of T or C, in the amount of 1%; not to exceed \$2.50 per room for each day. The second is that this is completely different than the Lodgers Tax and will be collected separately. The revenue generated by the Convention Center Fee shall be dedicated as follows; the costs of acquisition of land for and the design construction, equipping, furnishing, landscaping, operation and maintenance of a Convention Center located within the City. Cost of collecting and otherwise administering the Convention Center Fee; provided that administration cost shall not be paid until all required payments on the revenue bonds issued pursuant to the Convention Center Financing Act.

Mayor Sandra Whitehead opened the Public Hearing for Comments; noting that there were no signatures on the sign in sheets.

Manyon Long approached and asked for a clarification as how it applies to a 503C group.

Jay Rubin asked what he meant.

Mayor Sandra Whitehead noted she thought he was speaking of the Civic Center and this is a Lodgers Tax.

Mr. Manyon apologized and went to his seat.

Linda DeMarino, MainStreet, noted she a proponent of this tax, even with the tax we are still lower than everybody else. She stated the Atlanta was 16% total, so we are a lot lower than those.

With no further comments, Mayor Sandra Whitehead closed the Public Hearing at 7:10 P.M.

**PUBLIC HEARING
ORDINANCE #661**

Public Hearing; opened at 7:11 P.M.; **PROPOSED Ordinance #661** for Final Adoption, Amending Section 12-6-18 to the Uniform Traffic Code; Jay Rubin City Attorney

Jay Rubin, City Attorney, opened by explaining this dealt with the 2014 Amendment to the uniform traffic Ordinance (UTO). He explained we already agreed to follow, mandate to adopt. The amendment must be adopted by Ordinance since the UTO has been adopted as an Ordinance. He read part of Section 12-6-18; "Texting While Driving; A person shall not read or view a text message or manually type on a handheld mobile communications device for any purpose while driving a motor vehicle, except to summon medical or emergency help or unless that device is an amateur radio and the driver holds a valid amateur radio operator license issued by the Federal Communications Commission. Attorney Rubin then notes "that's it in a nutshell". He added that later in the text it defines "driving" "handheld device", "text message", and speaks of the provisions punishable by a fine of \$25 for the first violation and \$50 for subsequent violations.

Mayor Sandra Whitehead opened the Public Hearing for Comments; noting that there were no signatures on the sign in sheets.

With no further comments, Mayor Sandra Whitehead closed the Public Hearing at 7:12 P.M.

**PUBLIC HEARING
ORFINANCE #662:**

Public Hearing; **Proposed Ordinance #662** Providing Amending the Code of Ordinance Chapter 14 Article III Section 14-79 Service Charges provided for increase in Sewer Charges Traci Burnette, Administrative Assistant Water/Waste Water.

Ms. Traci Burnette, Administrative Assistant Water/Waste Water, approached, she explained that on February 27th, following a Workshop, the Commission voted to approved publication of the proposed 30% increase of our Sewer Charges. She noted that this is for the USDA obligation to meet the loan, future improvements and help us sustain ourselves, at the Waste Water Treatment Plant. Ms. Burnette then stood for questions.

Mayor Sandra Whitehead opened the Public Hearing for any Comment.

With no further comments, Mayor Sandra Whitehead closed the Public Hearing at 7:14 P.M.

NEW BUSINESS:

Mayor Sandra Whitehead noted we had Hot Springs Women's Club, and we've already taken care of that.

Mayor Sandra Whitehead noted next was Discussion/Action: Alternate Summary Procedure, 655 Post Street; Robbie Travis, City Building Inspector.

Robbie Travis, Building Inspector, approached and explained that he had a updated tax paperwork, and then noted this is at 655 Post, he explained the items we have to meet, it's already a Subdivision, the Staff has noted all requirements, he has already paid the fee. The property owner is requesting to re-plat his properties adjacent to each other from three to two lots. The proposed application is in compliance with the Alternate Summary Procedure in the City Code. Mr. Travis then noted that the owner Tony Brown was here, if there were any questions; and gave a brief summary of the summary plat.

Mayor Sandra Whitehead asked the Commission for questions or comments, no further comments were received.

"Mayor Pro-Tem Steve Green moved to approve the Alternate Summary Procedure at 655 Post Street."

Seconded by Commissioner Kathy Clark.

Mayor Sandra Whitehead called for the vote.

Motion Carried Unanimously.

Mayor Sandra Whitehead noted next is Discussion/Action: Police Department Policies and Procedures; Chief Priscilla Mullins.

Priscilla Mullins, Police Chief, approached, along with Malissa Cordell and Captain James Morgan. Chief Mullins explained that several months ago we set a goal for the Police to receive COALA Certification; she explained that COALA stands for Commission On Accreditation for Law Enforcement Agencies. The first step was to insure that our policies met their standards. She explained that in March of 2014, she started researching other entities and policies, noted forming a group to review board. Chief Mullins noted she use3d Aztec as they are the about the same size as we are. She explained that last month it was completed and passed to City Attorney Jay Rubin, who made some minor adjustments; noting she received it back with his approval on March 3rd.

noting that today they were ready for the Commission.

Commissioner Kathy Clark asked if there were any major changes.

Chief Priscilla Mullins answered that there were minor changes, she noted they carry their own weapons; but other than that we pretty much model it to ours. She noted it's a good policy and it will be a good policy to get Chief Alirez.

Commissioner Jeff Richter noted he read through it and it did not seem there was a lot of useless verbiage in it, and it was a lot of hard work.

Mayor Sandra Whitehead thanked them for their work.

"Mayor Pro-Tem Steve Green moved for approval of the Police Department Policies and Procedures, as presented here by Chief Mullins."

Seconded by Commissioner Jeff Richter and Commissioner Kathy Clark.

With no further discussion, Mayor Whitehead called for the vote.

Motion Carried Unanimously.

Mayor Sandra Whitehead noted next is Discussion/Action: Resolution #29 14/15 CDBG Application; Traci Burnett, Administrative Assistant Water/Waste Water.

Traci Burnette, Administrative Assistant Water/Waste Water, approached and explained that on January 13th, 2015, the Commission identified and approved the project of manhole rehabilitation and replacement, for submission to CDBG, noting that the CDBG Guidelines require a Resolution to submit the application. Ms. Burnette stated the application deadline is March 18th. Ms. Burnette noted staff would request this be approved so we can submit the application, she then stood for questions.

Mayor Pro-Tem Steve Green questioned item number 5, questioning if we were non-rural community; he thought we were a rural community, since we got Colomias status.

Bill Sletton, ACM/CDD, approached and noted that for purposes of CDBG definition, we are non-rural community; stating that CDBG is for Cities and not a rural community.

Commissioner Jeff Richter asked about requirements, specifically PER, we're already doing that system wide, right?

Juan Fuentes, City Manager, answered no, this is a specific project, under these guidelines they do not require a PER analysis. He noted we did one for the wastewater, we're doing the water and electrical. This is different; however

there are other requirements which we have to meet. Noting that does not effect this project.

"Mayor Pro-tem Steve Green moved for approval of Resolution #29 14/15 CDBF Application."

Seconded by Commissioner Kathy Clark.

With no further comments or discussion, Mayor Sandra Whitehead called for a Roll Call Vote.

Hon. Sandra Whitehead responded AYE to a Roll Call Vote.

Hon. Steve Green responded AYE to a Roll Call Vote.

Hon. Jeff Richter responded AYE to a Roll Call Vote.

Hon. Kathy Clark responded AYE to a Roll Call Vote.

Motion Carried Unanimously.

Mayor Sandra Whitehead called for Discussion/Action; Resolution #30 14/15 A Resolution requiring the prompt removal of a nonconforming recreational vehicle; Bill Sletton, ACM/CDD

Bill Sletton, ACM/CDD, and Robbie Travis, Building Inspector, both approached,

And explained this property/situation has been in dispute with the City for over a year. We have had repeated out of Court meetings with the party and we've gone to court several times on it, he's protested, tried taking it to District Court and it comes back to us, and we've had enough. So we are going to exercise our right to remove the property.

Commissioner Kathy Clark asked how much it cost you in legal fees to come to this particular decision.

Bill Sletton, ACM/CDD, answered he would be happy to research that for them.

Commissioner Jeff Richter stated this has been going on for a quite a while, a year, and this property owner has been afforded his due process, and through the Courts and yet this property remains on the property in defiance of the Court.

Bill Sletton, ACM/CDD, noted it was there one hour ago, he had checked.

"Mayor Pro-Tem Steve Green moved for approval of Resolution #30 14/15 A Resolution requiring the prompt removal of a nonconforming recreation vehicle."

Seconded by Commissioner Jeff Richter.

Mayor Sandra Whitehead called for further discussion.

Commissioner Kathy Clark asked what happens if the RV is still there tomorrow, the next day or a month from now, can the City go in and remove it themselves.

Bill Sletton, ACM/CDD, answered if it's still there tomorrow we will start the action to have it moved. Eventually the Police will impound it.

City Attorney Jay Rubin noted he had to recuse himself from this case, what Mr. Appel did is he did this basically how we would proceed with a condemnation case it's similar it provides for a hearing if the property owner wishes to protest.

Robbie Travis, Building Inspector, noted he had up to ten days to come in and protest it, Mr. Travis then explained the Courts have done is everything they can, we've tried and nothing has been done.

City Attorney Jay Rubin noted he has ten days to protest and then it would come before the Commission.

City Manager Juan Fuentes noted item two in the Resolution which notes the requirements. Also this will be posted at the property. To make sure we follow the provisions of the Resolution.

Mayor Sandra Whitehead noted we have a motion and a second; any further discussion?

With no further discussion, Mayor Sandra Whitehead called for a Roll Call Vote.

Hon. Sandra Whitehead responded AYE to a Roll Call Vote.

Hon. Steve Green responded AYE to a Roll Call Vote.

Hon. Jeff Richter responded AYE to a Roll Call Vote.

Hon. Kathy Clark responded AYE to a Roll Call Vote.

Motion Carried Unanimously

Mayor Sandra Whitehead called for the next item; Discussion/Action: Out of State travel, Bill Sletton, ACM/CDD

Bill Sletton, ACM/CDD, approached and explained that as per City Code, commission approval was required for an employee to use out state travel; his intention is to attend the main MainStreet Conference in Atlanta.

With no further comments, Mayor Sandra Whitehead called for a motion.

"Mayor Pro-Tem Steve Green made to motion to approve Out Of State Travel."

Seconded by Commissioner Kathy Clark.

Motion Carried Unanimously.

Mayor Sandra Whitehead called for the next item; for Discussion: Proposed Drought Contingency Plan; Jesus Salayandia and Traci Burnette, Waste Water.

For review only, currently we don't have anything in place, as we move forward with some of our Grants; the requirement is for Drought Contingency plan in case of drought. Ms. Burnette then turned the mic over to Jesus Salayandia.

Mayor Sandra Whitehead asked for questions or comments

Mayor Pro-Tem Steve Green noted he wished to complement staff on their work on this project.

Commissioner Kathy Clark why are we planting grass at our Healing Waters Plaza. One question she asked about was the watering hours in the paperwork change of time.

Ms. Burnette noted that was only when it was severe.

Commissioner Kathy Clark asked about contacting the New Mexico Environment. If our static levels in the wells drop, and the salinity goes up, does that throw the City into any problems. Why aren't we also suggesting letting the State Engineer know. She made several references to surface water and ground water.

Jesus Salayandia, WWTP Director, right now if we get leakage we have to call them. He spoke of average use compared to sever usage. He spoke of being in good shape with our elevated storage if something does happen.

Ms. Burnette answered that she would look at this again; it's a draft.

Commissioner Jeff Richter asked where the conditions came from, are they our numbers. Commissioner Richter asked if we have ever reached the lower levels. Does it say we will drill more in the equation, is that in the plan? He note secure the additional water sources.

Jesus Salayandia noted they pretty much went through it, the reason he put higher percentages, it's because if two of our high producing wells go down, or we have a major leak in a storage tank. Mr. Salayandia noted it has never gone that low. NMED gave us to use effluent water if needed.

Mayor Pro-Tem Steve Green noted items in the discussion by Commissioner Jeff

Richter, so he would like to see us go down that road. As some point he would like to see what we have to do to apply for those credits.

Jesus Salayandia, WWTP, noted we have plenty of water; it's just getting it out of the ground. We have the acre feet, we're not pumping it out, and the water is there if we have a way to it. If we can drill wells and find it, we need more wells; we've got plenty of acre feet, the waters there if we have the capability to get it out of the ground.

OLD BUSINESS:

Mayor Sandra Whitehead noted the next item on the Agenda was Discussion/Action: Proposed Ordinance #660, for Final Adoption, amended by adding a new Article, Imposing a Convention Center Fee; Attorney Jay Rubin.

Jay Rubin, City Attorney, explained that he already gave a summary of the Ordinance during the public hearing portion of the meeting. One thing he left open, for a brief discussion; if you are in favor of the Ordinance, then we need to figure out the effective dated; he suggested April 1, the reason he picked April 1st is that it will give staff a chance to notify the lodging vendors of the Ordinance and send the a copy with the letter, explaining what the Ordinance is all about. Attorney Rubin noted he drafted the Ordinance and attached the letter, noting the Commission packets.

Mayor Pro-Tem Steve Green noted that he would like to suggest if we are going to notify by letter, that it be a registered letter. He suggested having a small workshop on March 24th before the meeting and invite a representative of each recipients, of the to inform them of this, so there is no misunderstanding, so they know how they're going to do this, so they understand to send a separate check, not comingled with the lodgers tax; so we can move forward with everyone understanding the game plan. Mayor Pro-Tem Green noted that this is going to free up some money which is dedicated to the Civic Center, right now, he noted he wished to have a discussion how we fix the outside of Lee Belle Johnson, it is a building that is need of some repair and TLC. Noting that if we are going to go thru the effort of putting this building forth as an Interim Visitor Center, that might be the first thing visitors/tourist see of our community.

Commissioner Kathy Clark noted she agreed with everything Mayor Pro-Tem Green said; from the Lodgers stand point, this is an accounting issue that we're going to have to add on to. She added it would be nice to know the deadline that the City's gonna use, I don't think we've had that discussion yet. I know it's the 25th for regular Lodgers Tax, do we make the deadline with the Lodger Tax or are we going to keep the two separate. She noted she noticed that the letter is dated March 4th, 2015.

Attorney Jay Rubin noted we can change the date, that's just when the letter was drafted.

Mayor Pro-Tem Steve Green moved to approve **Ordinance #660**, for final adoption, Amended by adding a new Article imposing a Convention Center Fee; in compliance with the New Mexico Convention Center Financing Act."

Attorney Jay Rubin asked the Mayor Pro-Tem if he would amend the motion to include effective April 1.

"Mayor Pro-Tem Steve Green asked to amend the motion making the effective date April 1."

Mayor Sandra Whitehead called for further discussion, with no further she called for a Roll Call Vote.

Hon. Sandra Whitehead responded AYE to a Roll Call Vote.

Hon. Steve Green responded AYE to a Roll Call Vote.

Hon. Jeff Richter responded AYE to a Roll Call Vote.

Hon. Kathy Clark responded AYE to a Roll Call Vote.

Motion Carried Unanimously

Mayor Sandra Whitehead called for Discussion/Action: **Ordinance #661**, Traffic Ordinance; Jay Rubin, City Attorney.

Jay Rubin, City Attorney, noted he would just read paragraph A; Section 12-6-18; "Texting While Driving; A person shall not read or view a text message or manually type on a handheld mobile communications device for any purpose while driving a motor vehicle, except to summon medical or emergency help or unless that device is an amateur radio and the driver holds a valid amateur radio operator license issued by the Federal Communications Commission. Attorney Rubin then notes "that's it in a nutshell". He added that later in the text it defines "driving" "handheld device", "text message", and speaks of the provisions punishable by a fine of \$25 for the first violation and \$50 for subsequent violations. Attorney Rubin noted this came from the New Mexico State Legislature and we are obligated to accept this ordinance.

Mayor Sandra Whitehead called for comments or questions.

"Mayor Pro-Tem Steve Green moved for approval of **Ordinance #661** for Final Adoption, Amending by Adding Section 12-6-18 to the Uniform Traffic Ordinance."

Seconded by Commissioner Kathy Clark.

With no further discussion, Mayor Sandra Whitehead called for a Roll Call Vote.

Hon. Sandra Whitehead responded AYE to a Roll Call Vote.

Hon. Steve Green responded AYE to a Roll Call Vote.
Hon. Jeff Richter responded AYE to a Roll Call Vote.
Hon. Kathy Clark responded AYE to a Roll Call Vote.

Motion Carried Unanimously

Mayor Sandra Whitehead called for Discussion/Action: Proposed Ordinance #662 for Final Adoption, Amending chapter 14 Article III Section 14-79 Service charges providing for an increase in Sewer Charges; Traci Burnette, Administrative Assistant Water/Waste Water.

Traci Burnett, Administrative Assistant Water/Waste Water approached. She noted that at this time she would request approval for Proposed Ordinance #662, for Amending the Sewer Charges for the increase of 30% for Final Adoption.

Mayor Pro-Tem Steve Green asked Traci if she will be coming back about an increase in Commercial rates.

Traci Burnette stated Waste Water, Commercial, and Residential are all the same.

With no further discussion, Mayor Sandra Whitehead called for a Roll Call Vote.

"Mayor Pro-Tem Steve Green moved for approval of Ordinance #662."

Seconded by Commissioner Kathy Clark.

With no further discussion, Mayor Sandra Whitehead called for a Roll Call Vote.

Hon. Sandra Whitehead responded AYE to a Roll Call Vote.
Hon. Steve Green responded AYE to a Roll Call Vote.
Hon. Jeff Richter responded AYE to a Roll Call Vote.
Hon. Kathy Clark responded AYE to a Roll Call Vote.

Motion Carried Unanimously

Mayor Sandra Whitehead called for Discussion/Action: Resolution #27 14/15 Amending Civic Center Fees; Judy Harris.

Judy Harris, Clerk, noted that the City Commission had tasked Staff with coming up with regulations or pricing for the Civic Center to match the Senior Center. She noted the exhibit before the Commission; she noted changes made in the fees, noting she would stand for questions.

Commissioner Kathy Clark asked why the old price list was attached.

Ms. Harris answered that it was just attached as a sample of what the fees were to compare.

City Manager Juan Fuentes wanted couple of points clear on what is being adopted here. He mentioned wording on the second page noting that it should be noted that Monday thru Friday, 8:00 A.M. to 3:00 P.M., and is dedicated for Senior use of the Civic Center, with exceptions made by staff. City Manager Fuentes explained that there would be conflicts, and we need to know what the intent of the Commission is. Using the example that if someone wanted to use the facilities for a week, and then we will have to cancel the Senior Events. We need direction from the Commission in this.

Mayor Pro-Tem Steve Green asked about the use of the Civic Center, speaking of those in school for Miss Fiesta that would not be a problem. I think there's going to be a mandate for organizations to know it's not a perfect world.

Judy Harris, Clerk, noted there were problems due to Organizations setting up and needing their items left in place until their event, which makes it hard to hold some Senior Events.

City Manager Juan Fuentes commented that he had spoken to someone holding a party who wanted to set up the night before. He spoke of how the Seniors use the Center during the day, but wanted to make sure before the commit to allowing her to leave items. Noting that Staff is awaiting the Commission decision on how they wish to handle.

Commissioner Kathy Clark noted there may be scheduling problems and maybe there is a way to allow portions done in advance. Noting that it is not 100% set in stone, the process because we all have to give and take. Commissioner Clark finished by saying we cannot afford to lose another event in the Community.

Mayor Pro-Tem Steve Green noted it would take give and take respect, adding and hopefully there won't be people upset. Take a deep breath and say its good for the Community; he spoke of the Women's Club taking him by surprise. He invited the Women's Club to meeting again to resolve the issue.

Mayor Sandra Whitehead noted we could all work together and figure this out, we want to accommodate everyone, but we don't want to lose Ms. Fiesta.

"Mayor Pro-Tem Steve Green made the motion to approve Resolution #27 14/15 Civic Center Fees, knowing that there may be concessions made by Organizations/People. And we encourage the City Clerk's Office to bend over backwards to help them. "

Seconded by Commissioner Kathy Clark.

With no further comments or questions, Mayor Sandra Whitehead called for a Roll Call Vote.

Hon. Sandra Whitehead responded AYE to a Roll Call Vote.

Hon. Steve Green responded AYE to a Roll Call Vote.

Hon. Jeff Richter responded AYE to a Roll Call Vote.

Hon. Kathy Clark responded Aye to a Roll Call Vote.

Motion Carried Unanimously.

REPORTS:

City Manager Juan Fuentes noted he had sent out an email requesting Consensus on a date or a budget workshop meeting with the department heads, it looks like the 17 will be a good date, however I may be late at 6 PM, and I did receive a notice requiring entities to have a certified procurement officer by the end of June. He noted it gives him the opportunity to return in time if we can meet at 6:00 P.M. Public Comments, some clarity on some sort of action to put on the agenda, the city does not have anything legal in writing, in know he is mentioning a name, and we have not had any contact, we have nothing we can present to the Commission and noting for legal. He also wished to remind everyone that the Solar Ribbon Cutting Ceremony would be tomorrow at 2 P.M. at the Solar Farm. He acknowledged Chief Alirez noting that today was his first day, and he wished to give him the opportunity to speak.

Lee Alirez, Police Chief, approached and introduced himself to the Commission; he noted he was very excited to be here. The Chief noted he was born in Roswell in 1962, grew up with his grandmother until she got sick and then at about 17 he went to California and did some mechanics. He decided to go into Law Enforcement. He noted that at about 4 years old he had a deformed leg and thankful to the Carrie Tingley Hospital as he stayed there. He stated he would meet and exceed every expectation. Chief Alirez noted his time in Hatch.

City Attorney Jay Rubin noted the thought it was an excellent presentation by Chief Mullins and wished her a very relaxing retirement, he also welcomed the new Police Chief.

Mayor Pro-Tem Steve Green requested that the City Manager get together with Russ Peterson and update him on some of the projects we are doing. Mayor Pro-Tem Green thanked the other candidates, noting he learned a lot by listening.

City commissioner Kathy Clark asked about letters to the four commissioners and I know that you don't receive it; she noted that she did not respond to somebody. She asked if they should be forwarding these items to you City Manager.

City Manager Juan Fuentes said of course, by all means, just contact him for an

answer. Noting that others have forward those questions to me. Just whatever level you are comfortable with.

Commissioner Jeff Richter wished to speak of illegal dumping that's taking place around town. He noted that our town does not own all the land around us and all of the dumping is not only on City Land; it was on State Land, BLM Land. He thinks if anyone comes on one of those dumps, you can document the dump and get ahold of the proper authority, noting that it may be a trespass. He noted he would contact the office tomorrow and find out where we report these, noting that there is a hotline to report them. Noting we needed the Public help on this, you see them all around; you can tell the new stuff. We don't have to fight this problem all on our own, we have agencies which are mandated to look into this and we may get some action. On another subject, Commissioner Richter spoke about the New Mexico Municipal League flyer, regarding rising from \$25,000 to \$250,000.00, the amount of property the City can lease or sell without going for referendum. Noting it gives us a lot more leeway, like the Airport maybe we should wait and see if it passes.

Mayor Sandra whitehead thanked the applicants, and congratulated Russ Peterson. The Mayor welcomed the New Chief Of Police; Chief Priscilla Mullin on her retirement, and City Staff who have sat with us the whole time, she then named them all.

Mayor Sandra Whitehead called for a motion to adjourn.

"Mayor Pro-Tem Steve Green made the motion for adjournment.

Seconded by Commissioner Kathy Clark.

Motion Carried Unanimously.

PASSED and APPROVED this 14th day of April, 2015; on a motion made by Commissioner Green and seconded by Commissioner Clark.

Sandra Whitehead, Mayor

ATTEST:


Judy M. Harris, City Clerk