

CITY COMMISSION
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
TUESDAY, OCTOBER 27, 2015

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 on October 27, 2015, with the meeting starting at 6:00 P.M.

A. CALL TO ORDER

The meeting was called to order by Mayor Sandra Whitehead, who presided and Angela A. Torres, Deputy City Clerk 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. Sandra Whitehead, Mayor
Hon. Steve Green, Mayor Pro-Tem
Hon. Jeff Richter, Commissioner
Hon. Kathy Clark, Commissioner
Hon. Russ Peterson, Commissioner

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

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

2. SILENT MEDITATION

Mayor Sandra Whitehead called for fifteen seconds of Silent Meditation remembering the victims of our recent shootings, the little girl who was laid to rest this morning and the Officer that is in critical condition and all others who have been involved in gun violence.

3. PLEDGE OF ALLEGIANCE

Mayor Sandra Whitehead called for Chief Alirez to lead the Pledge of Allegiance.

4. APPROVAL OF AGENDA

Mayor Pro-Tem Green moved to approve the agenda he would like to include in his motion to approve the agenda to move under New Business G.5 to before Comments from the Public and for G.7 to be included as G.1 and move everything down accordingly. Commissioner Peterson seconded the motion.

Commissioner Clark has a question for Manager Fuentes and why Numbers E.2 & E.3 are on the Consent Calendar. She asked if it will need to be explained as to why it should be accepted or not accepted. City Manager Fuentes responded he could certainly provide more information on both items if the commission would like him to.

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Mayor Whitehead called for the vote on the item, Motion carried unanimously.

G.5 Presentation: Certificates from BBQ on Broadway issued to T or C Police Department, Sierra County Sherriff's Department, and New Mexico State Police Department; Lee Alirez, Police Chief

Mayor Pro-Tem Green stated last week he opened his mailbox and there were numerous gift certificates with a note to please distribute these. He read the note in the mailbox which read: *"Dear officer or staff member, it is not often that an Officer of the Law is thanked for their services to the local community. We as a local resident would like to give you this token of our appreciation for your services to the community of Truth or Consequences and the surrounding areas. Please enjoy with great respect, Thank you. Sincerely, A Local Resident"*

Mayor Pro-Tem Green asked the Commissioner's to join them to hand out these certificates to the Police Department and County Sheriff Department.

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

Mayor Sandra Whitehead 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.

Randall Lawson 701 Poplar commented on the pool. He feels we have a nice pool and it's time to get the maintenance we need done. The bond money you are counting on has already been designated for other projects for the school system.

William Lacy 1925 W 9TH Street moved to T or C six months ago and traveled almost 2,000 miles for two reasons, 1) it had to have a pool and 2) it had to have a V.A. for him. His wife is the Water Rat. Since they moved here, she has increased the body count by three or four; she had 30 people in her class yesterday; and we now have 20 kids taking swimming lessons; and hopefully that will grow. We are doing everything we can to improve the pool, and we are just volunteers. He and Randall have done a lot of work out there and other people helped. He feels he can fix that pool and the small pool for less than \$10,000. He named some of the things that need to be fixed. He explained the pool is not in that bad of shape.

Johnathan Bunt, Simpson Street he received a notice he has been overcharged on utilities. He would like them to do something about it.

Shane Neeley, Sierra Co. swim team member said he is a Student Council Member at Sierra Elementary. His family, friends, and he needs the pool because he likes to swim and it gives them something to do. Now that we have a pool cover, he and his brother qualified for the Games of America because they can practice swimming every day at the pool.

Wendy Evanson, 704 Maple wanted to say thank you to the commission for opening it. She has been there a long time and she appreciates the people who donate their time at the pool. What you are providing makes it possible for some people to live here. Our state ranks 49 out of 50. If we have something working, we should do everything we can to help it. We have people swimming from 3 months to 90 years old.

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Millie McLeod, Maple St. read a letter from Wendy Tremain and Mike Esclar about their disappointment in the pool being on the chopping block again. She feels it would be three or four years before they ever build on, we need to maintain the one we have.

City Manager Fuentes introduced newly appointed City Clerk Renee Cantin to the Commission and the public. City Clerk Cantin gave a brief overview of her qualification and experience and stated she looks forward to serving the community of Truth or Consequences. She also invited the commission, staff, and citizens to stop by to visit with her and she's thrilled to be a part of this community.

D. RESPONSE TO PUBLIC COMMENTS

Mayor Pro-Tem Green Welcomed Mr. and Mrs. Lacy and Mr. Randall to Truth or Consequences and hoped it was worth the 2,000 mile drive. Talking about the pool, he agrees with everything he has heard. City Government tries to be very wise with the expense of our dollars and you can never measure the return on your investment on the quality of life. You can never quantify the investment in our youth and give them some hope and some dreams to better themselves. What you can quantify, is if we let it go south we will lose populations. It is incumbent on the city to be fiscally responsible for your dollars as we can and for you to try to partner with the city on fundraisers to help ease a little bit of that pain. That may help us get through the trials and tribulations we are facing. He thanked them for their passion.

Mayor Whitehead thanked them for the public comments and they do take them into great consideration.

E. CONSENT CALENDAR

- 1. Sub Recipient 1st Quarterly Reports**
- 2. Las Cruces/Socorro Market Billboard Display Contract Renewal for Newman Outdoor Advertising (removed for discussion)**
- 3. New Mexico Tourism Department Cooperative Marketing Grant Agreement; Juan Fuentes, City Manager (removed for discussion)**
- 4. Recreation Advisory Board Minutes, June 1, 2015**
- 5. Recreation Advisory Board Minutes, August 17, 2015**
- 6. Recreation Advisory Board Minutes, September 14, 2015**

Mayor Pro-Tem Green moved to approve Items No. 1, 4, 5, & 6 on the Consent Calendar. Commissioner Clark seconded. Motion carried unanimously.

Removed from Consent:

[E.2] Las Cruces/Socorro Market Billboard Display Contract Renewal for Newman.

City Manager Fuentes explained in the packet are two contracts one is for a billboard located right outside of Las Cruces and the other is located in the Socorro area. This is the renewal of the annual contract and is part of the advertising program that we submit to the state for reimbursement. The start date is November 2nd and it ends on October 30th of each year. Commissioner Clark thanked City Manager Fuentes for clarifying that.

City Attorney Rubin wanted to clarify whether the one in Socorro is located North or South bound. The Mayor stated it was South and City Attorney Rubin said that document says I-25 North. City

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Manager Fuentes stated the billboard is actually heading South Bound. The one in Las Cruces is North Bound.

Mayor Pro-Tem Green suggested as we get closer to renewal next year if we can do a little more research on possibly using some other billboards.

Mayor Whitehead asked if we can do both items at the same time. City Attorney Rubin clarified the commission can do both agreements at the same time.

Mayor Pro-Tem Green moved to approve the Las Cruces/Socorro Market Billboard Display Contract Renewal for Newman for the North bound billboard in Las Cruces, and the South bound billboard in Socorro. Commissioner Clark seconded. Motion carried unanimously.

[E.3] New Mexico Tourism Department Cooperative Marketing Grant Agreement; Juan Fuentes, City Manager

City Manager Fuentes stated this is the contract for the New Mexico True Campaign and the New Mexico Co-op. The State has awarded the city and the partners \$40,000. The partners are Sierra County Tourism Advisory Board, Geronimo Trail Scenic Byway, Elephant Butte Chamber of Commerce, MainStreet T or C, and the Department to promote Sierra County. This is an agreement that has been provided by the state that provides the marketing money, it's a matched grant so we have to spend \$80,000 to get \$40,000 back. It is in our budget, all of the members are complying with the New Mexico True guidelines.

Commissioner Clark asked City Manager Fuentes to list partners on the agreement so people know it's not just Truth or Consequences. City Manager Fuentes stated the partners we collaborated with are listed under the scope of work. The other comment Commissioner Clark wanted to make is it might not be a bad idea to try to time the contract with the fiscal year of the marketing grant by extending the contract with Joanie Griffin in February to the end of June. City Manager Fuentes agreed that's an excellent point, he will share the comments with the County Manager, Bruce Wendell and work towards that goal.

Mayor Pro-Tem Green moved to approve the agreement No. 16-418-3002-1009 with the New Mexico Tourism Department Cooperative Marketing Grant Agreement between the aforementioned departments and the City of Truth or Consequences. Commissioner Peterson seconded the motion. Motion carried unanimously.

F. OLD BUSINESS

1. Discussion/Action: Letter of Support for a Grant to Continue Senior Services in Sierra County; Joe McClintock, SJOA Executive Director

Mr. Joe McClintock addressed the Commission, at the last meeting he brought a letter of commitment he needed to fund the grant proposal for the next four years. The Commission had the attorney review the letter and he's here to discuss it.

City Attorney Rubin said ordinarily he would never recommend to the city that we make a commitment with the outstanding work and rescind it later on. This is a different issue and he understands they need to have the commitment to submit the proposed budget. The letter of support contains a sentence

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that he articulates in his letter which he will read if the commitment is not able to be met. The sentence was included for the reason of the situation with the credit or credit card. Mr. McClintock responded the state understands at some point in time, the municipality could have a budget shortfall of catastrophic means and the city would have to back out. To simply back out would mean a letter on letterhead stating we cannot meet the obligation. City Attorney Rubin agreed they were making a representation that is was being met and that was what we needed to hear. From a legal standpoint, there is something called the Abatement Act where one commission binds the hands of another commission, but this situation doesn't appear there are any penalties later on, if you decide that is what you need to do. It's up to the commission. Mr. McClintock reminded them this a proposed budget. Commissioner Clark asked for City Attorney Rubin's letter to be included verbatim in the minutes. City Attorney Rubin said the letter in your packet is dated October 19th and the most recent one was dated October 27th. He put that in writing so they could have the written opinion. Commissioner Clark stated as long as we are absolutely certain we can back out of this in June, she is ok with this. City Attorney Rubin said he is certainly comfortable with this.

The verbatim letter as requested states:

"Dear Mr. Fuentes,

As you are aware, this matter was postponed from the October 13, 2015 Agenda to investigate the ramifications of the City signing such a Commitment.

I spoke to Mr. McClintock, and he advised that he contacted the office of Carla Van Gundy of the New Mexico Area Agency on Aging (AAA). The SJOA intends to submit an RFP to the AAA by October 30, 2015. The RFP must include SJOA's proposed budget, which would include its anticipated funding.

The Commitment includes the statement, "If for any reason this Commitment is not able to be met, the City of Truth or Consequences will submit a letter of justification." So, if the City later decides it cannot fulfill its commitment, we have been assured that this statement would allow the City to reduce or revoke its commitment. Apparently, this scenario has occurred with other municipalities who were able to reduce or revoke its commitment.

*Very Sincerely,
/s/ City Attorney Rubin"*

Mr. McClintock stated he tried to cover that in the cover letter and he would like that on the record too. Commissioner Clark asked what Ms. Van Gundy's response was. Mr. McClintock asked her about that phrase last year and her response was their legal department came up with the form, and to get a change it would have to go back to the legal department and would take from six to eight months to get the change made. It's not something anyone can just change. He will work on getting this changed for the next time this item comes back.

Original letter from Joe McClintock dated October 1, 2015 was included in the October 13, 2015 Agenda packet.

Mayor Pro-Tem Green said some of the communities that pulled back their commitments, how did that impact the grant they were given over a four year period? Mr. McClintock responded we are all in this position where the senior programs are growing. Sierra County has the highest senior population per capita in the entire state, three times the national average of the senior population. When you see your

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program growing exponentially like that, they worry about future funding. If they are not going to get increased funding by the Federal Government, they want to see how the SJOA is going to survive. They want us to have a sustainability plan that has local support in case it grows faster than the Federal Government can fund it. Part of our grant process talks about fundraising, but local support is very important. We need stability in this program.

City Manager Fuentes recommended approval.

Mayor Pro-Tem Green moved to approve the letter of support by the city and the commitment of the \$45,000 with the understanding it can be rescinded at a later date. Commissioner Peterson seconded. Motion carried unanimously.

2. Discussion/Action: Free Fall Cleanup Day; Andy Alvarez, Sanitation Director

Sanitation Director Alvarez addressed the commission. He is here to request a Free Fall Clean Up for the residents of the City of T or C. and to waive fees for disposal of items residents haul in. These will not be waived for Commercial Haulers. The event will take place on Saturday, December 5th, 2015 the hours will be between 9:00 a.m. and 4:00 p.m. This will be for the residents to bring in Tree Limbs, tires, household waste, metals like refrigerators and ovens. This will be a good opportunity to clean up the town a little more.

Commissioner Clark thanked Mr. Alvarez and Mayor Whitehead for putting this together, she feels it's a great idea and she hopes we can continue doing this twice a year.

Mayor Pro-Tem Green noticed he requested help from recycling committee. Mr. Alvarez confirmed he needs the assistance of the recycling crew. Mayor Pro-Tem Green said they would need some vests for safety, and he is not sure if this is legal, but a lot of people do not have a truck or car and we do have a list of businesses who will come and pick up tree limbs and take them out there. We might want to put a list on the utility bills and post it on the city website, and he believes City Hall has a list of licensed businesses who will come and pick up the items if you put them on the curbside. They don't all work for free, but they might have the opportunity to do something they could not otherwise.

Mayor Whitehead thanked Mr. Alvarez and hopes this will be a great thing to help us clean up the community. She hopes everyone will participate on that day, and she hopes the weather will be beautiful. We can all get out there on our yards and our garages and whatever we need to get cleaned and get it to the transfer station free of charge.

City Manager Fuentes echoed some of the initiative for bringing this forward and staffs coordination and Lori Montgomery, Finance Director who has assisted with the PSA's and Notices to the Public. With that, his recommendation is for approval for the Free Clean Up Campaign for Saturday, December 5th and to include waiving the fees for the clean up on that day.

Mayor Pro-Tem Green moved to approve the Free Clean Up Campaign for Saturday, December 5th and to include waiving the fees for the clean up on that day. Mayor Pro-Tem Green added he hopes it's the first of many more. Mayor Whitehead seconded the motion. Motion carried unanimously.

G. NEW BUSINESS

(7.) Discussion/Action: Approval of the new job position and description of Meter Reader/Apprentice Lineman; Bo Easley, Electric Department Director

Electric Department Director Bo Easley addressed the Commission. He read the new job description for the Meter Reader/Apprentice Lineman position. He feels it would be a good position with the Main Meter Reader, it will take some of the load off of him and deal with some of the problems like getting in the locked gates.

Commissioner Peterson said it sounds like a good idea to him.

Commissioner Clark said this is the second new job we have put into the Electric Department and does he believe the Electric Department has been operated shorthanded for a long period of time and that this would solve some of the issues we've been addressing recently. Director Easley confirmed he does believe it will.

Mayor Pro-Tem Green said he mentioned classroom training and what will happen when that person attends training. Director Easley said the main meter reader will still be reading meters and this person will help read meters and will also learn to work on the line crew.

City Manager Fuentes thanked Bo for taking the initiative and for what he is doing in that department.

Mayor Pro-Tem Green moved to approve the new position and description of Meter Reader/Apprentice Lineman in the Electrical Department. Commissioner Peterson seconded the motion. Motion carried unanimously.

1. Discussion/Update: FEMA Flood Map Project; David Owsley, Larkin Group

Mr. Owsley addressed the Commission. He dropped off two copies of a draft of the report on this project he has been reviewing. He's asked Robbie to review. He requested to get together once it's reviewed to decide the comments and get the report published and forms filled out to submit to FEMA if they choose to do so.

Mr. Owsley talked about some of the things they have found. There are quite a few changes that have been made over the years that affect the findings in this study. First the Marie Street Bridge has been constructed and causes ponding on the Golf Course. This detention pond reduces the heat flows in the Marie Street Arroyo that parallels Date Street to Broadway. Another thing that occurred sometime in the past is they apparently constructed the culvert next to the park that that now outlets at the entrance to Ralph Edwards Park. When they did this they moved the arroyo to the West apparently because the old insurance rate map shows that arroyo crossing Date Street to the North and wandering off to the east. They never did a detailed study on this arroyo, but the approximate study they did rounded out to the Rio Grande Floodplain and as a result the floodplain they had shown on their insurance rate map actually touches the housing authority property. The Housing Authority contacted us to do an eLOMA to have that changed. Unfortunately, when we submitted it we learned you cannot use the eLOMA format to change a floodplain from the FIRM map. If the FIRM map is incorrect you have to do a LOMR. He showed the area where the culvert moved the arroyo far enough to the west where the arroyo is outside of the original floodplain.

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On the second one, we call the McElroy channel, all of the floodplain below I-25 should have been removed. We show part of it being removed below I-25, but with the extension of 6th Street no water can pass this way so the rest of the floodplain will be removed just north of Broadway. He feels we can make a good case for that. The 6th Street extension to Morgan Street is quite a high field and does not have water passing through it. Secondly, with the Morgan Street project, they constructed a channel that carries the water coming under the interstate over into the Morgan Street main system and now into the Morgan Street pond. The next thing that was done was the very large detention pond at Morgan Street that contains the 100 year storm. In a 100 year storm that pond should capture all the flood water from above it and release it through the 30 inch pipe that enters the culvert just North of Broadway on the West side of Morgan Street. On Morgan Street we have green areas where the floodplain will be removed. There is a large area in the lower part that is eliminated because the detention reduces the peak flow sufficiently, so the flow will stay within the channel. He showed the Valverde Channel in Williamsburg, this study was commissioned originally by the City of Truth or Consequences and the County Flood Commission. It actually starts at Cook Street and goes south of Broadway. This floodplain hits the Rio Grande Floodplain and as far as we know, we don't have a reason to challenge it. It does result in removing a couple of substantial pieces of property in the Valverde Avenue area, mostly east of Valverde.

Basically we got rid of quite a bit of the floodplain, we still have some left because of the effect of the Rio Grande if the lake ever fills again. Fortunately, it's working on it. That's what our results will show. If we can get the reviews done, we will put forth our very best effort and get this project done for you.

Commissioner Richter said this is about what he thought would be removed. When you borrow money from a Federal Institution in a Flood Zone, you have to buy flood insurance and it is expensive. It's a minimum of \$1,000.00 when you have a singlewide trailer on a lot. There are places along Pershing Street on the Mesa in areas considered high and dry who are having to buy flood insurance and it's a burden on homeowners. If FEMA approves this it will help those people around Marie Street enormously. The other areas West of Bullocks around the feed store in that area. The next will cover around the Fair Barn and over there. FEMA is a powerful agency, almost as powerful as the IRS. They can make requirements like this and most of the flood insurance programs all over the U.S. have been shown to be erroneous. He feels this is going to save a lot of people money and he wants to mention, Barry Ragsdale when he was the Sierra County Flood Manager, he was the one who got this started.

Commissioner Peterson stated this looks like a preventer from falling sleep all we have to do is review this in a couple of weeks.

Commissioner Clark asked if it will cost us \$33,414 and is it in our program for budget or where is this money coming from. City Manager Fuentes responded as Commissioner Richter pointed out, this was a project that was started several years ago. And part of that funding was coming out of that office Barry was overseeing. Commissioner Clark wanted to be sure this isn't our money.

City Manager Fuentes stated this item was only for Discussion and Update once the plan has been reviewed and completed staff will proceed in submitting it to FEMA for their review.

2. Discussion/Action: Authorization to serve as the Fiscal Agent for the Sierra County Juvenile Justice Advisory Council, Rebecca Dow, Appletree CEO/Board Chair

Ms. Rebecca Dow, Boys & Girls Club of Sierra County/Sierra Co. JJAC Board Chair, addressed the Commission with the summary of what the Juvenile Justice Advisory Committee's purpose is. Perhaps Commissioner Peterson is a little bit familiar. It's funding from the State General Fund, targeted to Rural Communities, to help them implement prevention and intervention programs and diversion programs to reduce the number of youth that are placed in detention. There are 20 counties participating right now. Typically the counties are the head of the District Attorney's office, and as you may know we have one of the largest District Judiciary Area's in the nation. We are who is targeted by this fund, so when the Boys & Girls Club opened in 2008, and we found there are funds to prevent youth from being in detention programs we started asking what was going on with this. And by nature of us being a rural community, there isn't the manpower within law enforcement or JPO who would typically take time to form this committee. The Legislation mandates the make up as Representatives from the District Attorney, Law Enforcement, Defense Attorney's, Children's Court, and Judges. The makeup of the committee is mandated. So the Boys & Girls Club stepped in 18 months ago and said "hey can we just facilitate this council and the required meetings and paperwork together to bring these funds to Sierra County. " It's about \$100,000 annually and it's reoccurring funds. It's taken us awhile to get that together, but we have our By-Laws and everything is formed and it's time to apply for funding for Sierra County. It requires a fiscal sponsor, there's 7% set aside for providing the sponsorship. It comes with one person being a member of the council. Juan has attended some of the meetings and we've been in discussion and there probably will be a designee. Through the strategic plan we are looking at this tunnel. Prevention services will be a majority of the services that will be provided. When it's necessary and the programs do not work, the last thing we want is community supervision or secure confinement. Prevention services and Intermediate Interventions like diversion programs, Teen Court, Evidence Based Programs, Parenting Classes, and Life Skills cost around \$500-\$1000 per year. Whereas once a youth enters detention, they have to have secure confinement which is around \$9,300 per year. The saddest part about that is most youth in this system are repeat offenders and those who are in jail almost always had been in the juvenile system. So prevention is where the efforts are here. They are targeting rural communities and we would like to apply.

Commissioner Clark mentioned the statistics they presented on kids in foster care is just terrifying and just breaks your heart. And she wanted to say thank you to Ms. Dow, you've done an awful lot for this community and you don't stop! Your focus is so brilliant because it's on children.

Ms. Dow thanked them for that she feels it's important to focus on children.

Commissioner Peterson said it's a great program and he's glad to see who's part of running it. It would all depend on the people and who has the time for the commitment as the fiscal agent.

Commissioner Richter said the statistics of the children in the packet places us right in there leading the pack with all of the bad things with the children. He's glad we are taking the initiative.

Mayor Pro-Tem Green said thank you.

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City Manager Fuentes said in the past the city has served as fiscal agent for one county wide program, for many years the city was the fiscal agent for the DWI program until they opted to go with the county. Certainly we have the capacity to be the fiscal agent. And he thinks it's a worthy program and he recommends the approval and authorization for approval in being the fiscal agent. This will be the first step and other documents will be forthcoming to the Commission if it's awarded, such as grant agreements, fiscal agreements, etc.

Mayor Pro-Tem Green moved to approve the Authorization for the City of Truth or Consequences to serve as the Fiscal Agent for the Sierra County Juvenile Justice Advisory Council. Commissioner Clark seconded the motion. Motion carried unanimously.

Ms. Dow thanked the Commission and thanked them for the hard work they do.

3. Discussion: City Arena Improvements; Joshua Boyd, Agricultural Agent/County Director

Joshua Boyd, Agricultural Agent/County Director. He would like to continue with some programs his predecessor started on and expand upon those. We have the second largest 4-H Rodeo in the state of New Mexico. He believes we need to make improvements to our city arena to host those families coming in and for better care of their animals they are spending \$20,000-\$30,000 for and are hauling in to our city/county facilities. He has some outlines of brief things he's gone over at the arena that need to be approved. Some sanctioned associations said they would be glad to host a sanctioned event here in T or C which would bring more economic development if we've met these standards. He comes today to ask for the blessing of the Commission and maybe some financial assistance and some labor in the future. He is willing to get with his 4-H groups to get them to assist with some community service. He is trying to teach them citizenship, leadership and responsibilities through our 4-H program. We can start hosting nationally sanctioned shows. Those shows vary from Western events, to English events to Therapeutic Riding events. Being a proponent of having to go through a very tremendous accident and going through therapeutic riding it is such a healing process. It would be a valuable asset if we can bring that in and look a future growth with the Therapeutic Riding club. He's here today to look at the improvements and helping me with approving the city grounds to hold these events. He's not asking for any direct money tonight. He believes there is a grant in place and he will look into that and where the funds are located to make use of them at this time. As he rounds up the requests we are looking at about \$25,000. He believes there are grants we can get to make these improvements. He is here to ask for the Commission's blessing and to bring it back maybe one other time about funding possibilities.

Mayor Pro-Tem Green welcomed Mr. Boyd. Commissioner Richter started talking about this unused arena we had that was left. Francis Luna and her organization made a presentation and put in their own sweat equity to make improvements to start using the facility. This is huge, we don't have to reinvent the wheel. He asked City Manager Fuentes to look into Lodger's Tax to be used for this facility. He thinks it's an asset and let's make it work for the kids and the whole community. He looks forward to a presentation in the future.

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Commissioner Clark feels it's brilliant, she feels it's another asset that if it's kept up and maintained properly then it gets utilized. The benefit cost exceeds what it will take to get it where it needs to be. She would definitely encourage him to look at Lodger's Tax and grants. The 4-H Club has helped her tremendously in the past.

Commissioner Richter said somewhere in the past, in the 90's, there were two or three High School Rodeo's and they would fill up the parking area to the west. These are highly competitive and Mom and Dad would spend a lot of money for these kids to win. It's not just about a rodeo, it's about winning. He thinks we should not only get the 4-H Rodeo but the High School rodeo going and that would be a marketing thing if we can get a commitment from them if we make the improvements. The city also has to make the commitment to maintain it if we support the improvements.

Commissioner Peterson said he has some large shoes to fill, we have had some great extension agents. He is pleased to meet Mr. Boyd and thanked him.

Mayor Whitehead also wanted to thank him for his efforts and welcome aboard.

Mr. Boyd also mentioned he is looking at building an Ag Use Center to the west of the existing fairgrounds, and he already has a donation to be disbursed at his call for \$25,000. He's working on the acreage on the west side area. This Center will have a hoop house community garden for better nutrition programs. The animal facilities on the grounds are going to be to target the urban kids that may not have that opportunity.

4. Discussion/Action: Request for \$5,000 of Lodger's Tax Marketing funds to be moved to the Sub Recipient Contract in order to meet the NM MainStreet required funding; Linda DeMarino, MainStreet Coordinator

Ms. De Marino said the New Mexico MainStreet has a list of the contributions expected by each community depending on the size of it. Earlier this year we submitted a request for \$35,000 which was in alignment with the requirement. She wasn't aware of the City Commission meeting otherwise she would have been here to explain why they were asking for \$5,000 more. They get \$7,900 in Lodger's tax for marketing and \$30,000 for operations. Her request is to take \$5,000 out of the marketing budget and move it into their sub recipient so they meet the required funds.

Commissioner Richter would like to ask Mr. Fuentes to do a review of this process including where the money came from and where it's going and can we move lodger's tax from one purpose.

City Manager Fuentes responded the request to move the lodger's tax marketing money, as you all may recall, the Resolution No. 29 12/13, we set aside a certain amount of money that is allocated to the different organization for their different marketing programs. Those funds were about \$46,000 divided up and that's dedicated by the resolution and that's the money Linda is referring to, to allocate some of that money over. He shared this information with the Mayor and Jay that money was specifically allocated for marketing. In regards to the MainStreet request, today he had an opportunity to talk to Rich Williams and Eduardo after a meeting about the allocated amount that is

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suggested or recommended of the \$35,000. One of the things they recognize, just like any other community, there are limitations. He shared with them, not only did we allocate the \$30,000 but we also allocated the marketing money. There are other services we provide that are in-kind. They did mention at least for this year, it can be provided to them for this year because we are meeting that requirement. In the future, that could be something we could do for clarification for MainStreet. His recommendation is since we have allocated this money specifically for marketing and it is in the resolution, his concern is if we start moving it out of the marketing umbrella, other organizations have come to see it as marketing and it might raise questions of whether we are following the spirit of the resolution. He shared that with our city attorney and he will leave it with him to comment on that. In his opinion, we can certainly work with the State MainStreet to make sure the organization is in compliance and he will see them at the Infrastructure Conference and will get further clarification from them.

City Attorney Rubin stated City Manager Fuentes outlined it and it's a discretionary decision by the Commission.

Commissioner Richter said his thought on it is we allocated so much for each recipient and that's what we decided on and what the rules are. We are either going to follow our rules or we are not going to follow our rules. He asked Ms. DeMarino why they have a shortfall.

Ms. DeMarino said that is what New Mexico MainStreet said is the minimum contribution from a community that's our size. When we turned in our budget, Manager Fuentes mentioned giving us the marketing money and I responded that can't be used for what we need it for. So we discussed this all back when you decided the amount.

Commissioner Richter said well we can pretty well fund it up front. We would have to continually withdraw it from the marketing funds, we need to have the subrecipient report in by the 15th of the month. If you all want to change the rules, you've got to change them for everybody.

Commissioner Peterson said he will support whatever the board's stance is.

Mayor Pro-Tem Green said his main concern is the document showing 2015 certification and accreditation standing is the small community \$5,000 to \$10,000, expected local government contribution is \$35,000. My concern is that we've got an application for \$150,000 of Economic Development MainStreet money to help us with the Healing Waters Plaza. If we don't increase this contribution another \$5,000 is that going to un state certify us because we're not following their law? And if that's the case then we're not able to apply for capital outlay because you have to be a state certified community to apply for it. That's his major concern. He just wants to make sure Rich Williams doesn't take a look at this and says we are not a contender any longer.

Commissioner Clark agreed with Mayor Pro-Tem Green but the question she has is did this \$35,000 come up before we went into budget hearings last year. How did we miss this?

Ms. DeMarino stated she requested \$35,000 and she wasn't aware they were voting on the budget on that day or she would have been here. It was a conversation she had with

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City Manager Fuentes and Assistant City Manager Slettom. We had been going on this conversation back and forth about what money would be given and I mentioned for New Mexico MainStreet it has to be for operations. She explained the problem was it was all crunch time. The application was due very close to budget time. I mentioned this would not satisfy New Mexico MainStreet. She was told this is what we have now and we will address it in the future.

Commissioner Clark suggested to City Manager Fuentes to see if Rich would accept what we have in our budget right now since we overstepped this one and make certain we are not going to lose any standing with the state main street and make sure we don't overlook this again. She asked Ms. DeMarino if they indicated that should she not get this other \$5,000 there is going to be a problem.

Ms. DeMarino said as far as the grant she doesn't know.

Commissioner Clark is trying to think if we put this off and let City Manager Fuentes do his dance, then we haven't voted for or against so we don't lose our standing with MainStreet. We could ask for more clarification from Rich.

Ms. DeMarino said he was aware of this and they would be flexible this year. Commissioner Clark asked to let Manager Fuentes do his dance.

City Manager Fuentes stated he thinks they understand the situation and they also understand the commitments and funding requests from other organizations. With other communities and other MainStreet's, when local communities can't provide the level of funding, they also look towards the MainStreet and how they intend to get to that funding level. Whether it's fundraising or other activities. He can certainly get some further clarification from Rich and Eduardo when he meets with them later this week. Lori will be at the conference as well so he can bring her into the conversation. We definitely don't want to compromise the application. He doesn't think it will and they know the small communities have smaller budgets and how they have to allocate it. That's why he mentioned to me they are flexible and can work with us so we can move forward with more clarification from their position.

Commissioner Clark said the only other comment she would make and she thinks this is rather unfair, is that a small community is determined to be 5,000-15,000 people and that's a \$35,000 request and then you've got 15,000-50,000 which is far larger than we are and it's only \$5,000 more. To her that's an unfair portion of requested dollar.

Ms. DeMarino every year they get a list where you can see what the communities are actually getting. They also ask questions like "Is this budget higher or lower than last year?" It's a really big gap between the lowest and the highest.

Commissioner Clark feels it's amazing we even have a Director now because it collapsed in the last 90's because we didn't have it. She does feel it's a good idea to let City Manager Fuentes make that conversation for us.

Mayor Pro-Tem Green moved to put the Lodger's tax marketing funds back to Manager Fuentes to get clarification as to the additional \$5,000 requested and bring

back to next meeting. Commissioner Clark seconded the motion. Motion carried unanimously.

5. [Moved to first item on the agenda.] **Presentation: Certificates from BBQ on Broadway issued to T or C Police Department, Sierra County Sherriff's Department, and New Mexico State Police Department; Lee Alirez, Police Chief**

6. **Discussion/Action: To enhance the Local Economic Development Act so it can work as an investment to bring or retain businesses; Steve Green, Mayor Pro-Tem**

Mayor Pro-Tem Green apologized to the Acting City Clerk Angela Torres because of his handwriting, he said the actual item was to enhance the Local Economic Development Act so it can work as an inducement to bring or retain businesses. Just to start the conversation amongst the Commissioner's. If a site location manager or CEO meets with the Chamber, a City Commissioner, Mayor or Manager Fuentes, and say they want to build a plant and employ 100 people and by the way they are looking at Socorro or Deming but we really love this community. What can you do for us, what is in your tool kit? Right now we have built two empty homes. One is called LEDA Local Economic Development Act and the other is called the MRA Metropolitan Redevelopment Act which is in MainStreets downtown Master Plan. So we have two homes that have nothing in them and he thinks we all hopefully agree with the following statement, "Private Enterprise moves a lot quicker than government does". Private Enterprise will not sit around for months and months for us to pass ordinances and resolutions. We have tools in our toolkit right now that are not being used such as city land, impact fees, the utilities the city owns, get the county to the table on their portion of taxes. What he would like to do is get a workshop going and it's not going to happen the first time we meet. He would like to see a representative from city staff or two; the Commission; the Chamber of Commerce; MainStreet; Bankers; Real Estate people; the County; Christine Logan from NMEDD said she would be interested in attending to work with us so we are not in violation with the Anti-donation clause; Steve Duran from the Workforce Investment Act; A developer; or a field worker. We need to put together a think tank and start now so when things are ready to happen we will be ready for prime time and don't have to say I'll get back to you. And when that happens we all know the laws and rules and permitting to act in a timely manner.

Commissioner Clark said she had this discussion with a County Commissioner and that Commissioner had an almost identical view. If you don't have an enticement package so to speak and you can't say well here's a piece of land we can put utilities on, offer hookups, and this and that. When she was on the CO board we kept saying where is the package we can offer them? There was one in the past that ended up in Roswell and now has 50 employees because we missed it and did not have an incentive package at that time. One Commissioner wanted to charge them to come to the city. Her feeling is this is so important to show what we can do for a business if they come to the city.

Commissioner Peterson said first of all it's a most worthwhile project. Over the years some have been feeble but there have been a group of private people who have donated quite a bit of money. We had the land on this side of the Veterans Center where the shutter factory was going to go, and the coordination of this council with the go-getters just never really happened and we've got to do something.

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Commissioner Richter said this is about how you fund your city and increase quality of life. He stated the impact fees are terrible here, you can't even come in and start a business because of them. Next you need tax abatement, the GRT is 8% and the highest in the state, why would they come here to pay a higher tax when they can go somewhere else. The City of Albuquerque has been very successful with economic development and different packages to entice businesses. They've done very well. We've driven out more businesses over the years than we've brought in. This is the most business unfriendly town in the county and it's like we don't want any. That's what drives the economy and what fights poverty. Private Enterprise availability and money that allows people to move to the middle class. This is one of the most important things we can do if we can do this by March.

Mayor Whitehead added it's a brilliant idea to Mayor Pro-Tem Green.

Mayor Pro-Tem Green volunteered to not represent this commission but someone has got to do something. He would look for someone to work with him, if that be the will of the Commission. He would like to take the reins and see how far he can go with his fellow Commissioners and staff. If someone would make a motion, he would also encourage his fellow Commissioners to send an email with who they think should be at that table. The public will be invited and he asked Manager Fuentes that we meet in a round table setting with no power plays.

Commissioner Clark thought we should get a hand full of people from maybe the city, county and put together a variety of options and with those options, then expand that as a presentation to the rest of the Commission and the County for their input after you've got something to sink their teeth into.

Mayor Pro-Tem Green said if we start slow and it's manageable and controllable, we can sink our teeth into it and the research is done. The MRA is only for the MainStreet District and the LEDA is for the entire town. At the end of the day it's this commission that can put the tools in that box. No other organization can give up our land, waive impact fees, reduce electric fees.

Commissioner Clark moved to put into Mayor Pro-Tem Green's hands the idea to research putting a task force together and for him to choose at his discretion to put together the members of that task force and report it back to City Manager Fuentes to make sure there are no quorum issues. Mayor Whitehead seconded.

Mayor Pro-Tem Green asked the commission to send him names for the first initial group to do the work. He stated it's not about him it's about us. He will be keeping the emails through Linda Sparks to keep everyone informed.

Motion carried unanimously.

7. Discussion/Action: Extension of Legal Services Contract ; Jay Rubin, City Attorney

City Attorney Rubin said his current contract expires October 31 and with the current RFP he anticipates it will come for a vote sometime in November. He is requesting to extend the current contract to the end of November.

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Commissioner Peterson said in the packet it said the same conditions as the prior, and some of us don't know what the conditions are.

City Attorney Rubin said he is required to be here and he handles the legal services he's been doing, he handles draft court cases.

Commissioner Clark asked why we are only extending it for one month. City Attorney Rubin responded the RFP is already out there and he anticipates will be come for a vote in November.

City Manager Fuentes said his recommendation is to approve the extension of the contract with City Attorney Rubin.

Mayor Pro-Tem Green moved to approve the extension of the Legal Services contract to the end of November. Commissioner Clark seconded the motion. Motion carried unanimously.

H. REPORTS

1. City Manager

- a. Update related to the second meeting in November was changed to November 23rd. They discussed having the meeting in the morning instead. It was agreed to have it at 9:00 a.m. City Manager also discussed moving the second meeting in December. It will be discussed at a future meeting. Referring to the city arena, we will eventually have a presentation by the Departments in the General Fund. We set aside funding for one time Capital Improvement projects. The City Arena is part of that. He would like to set aside time for either a workshop or make it part of a Regular Meeting and he would like input from the Commission. We can do that in December if you like so he can give direction to staff to prepare their justification and presentation for individual projects.

2. City Attorney – No report

3. City Commission

- a. Commissioner Clark had a meeting with the MainStreet this morning and it was an update on what they are coming up with and how we fit into that project. Most of their commentary was positive about our community. She is confident Rich Williams will work with us.
- b. Mayor Pro-Tem Green 1) commended the Chief for his presentation at the SCCOG on the Police Department app and it was very well received. 2) He also mentioned Senator Smith noted there is 32 million dollars of state colonias money that has not been awarded and not a dime has been spent. The Governor is also looking at capital outlay. He also reported on the cost of oil and other items that will be brought up at the next session. We need to plant the seeds with our Legislators before January; 3) He commented on the Emergency Room and the new State of the Art Facility, he complimented Michael Zimmerman, the CEO; 4) Attended the USDA and gave MainStreet a certificate of obligation, and also received the keys to the new street sweeper. 5) Farmers market was held this weekend, a lady complained about the West bathroom at the Ralph Edwards Park. There were no locks on the doors and in that bathroom there is not even a stall. The other bathrooms near the basketball courts have dividers. We need to


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- fix up the bathrooms for our guests. If we can't take care of the small things, we will never be able to take care of the big things and that's what we are judged on.
- c. Mayor Whitehead – Vista Memory Gardens Cemetery, she attended a funeral in a section that was not very attractive. There's no grass or flowers, there is trash and the graves are dismantled and disrupted. She found a whole stockpile of the treasures and trinkets and pictures. She was approached by a long time member of the community. She knows it's a place for dead people but it should look nice. We need to look at getting our parks to come in and explain what the process is. City Manager Fuentes apologized to the commission and the public who experienced those conditions and stated there is no excuse to have those facilities in those conditions. They will be addressed.

I. ADJOURNMENT

Mayor Pro-Tem Green moved to adjourn. Mayor Whitehead seconded. The meeting was adjourned at 8:23 p.m.

PASSED AND APPROVED this 23rd day of November, 2015.


Sandy Whitehead, Mayor



ATTEST:


Renee L. Cantin, CMC, City Clerk