

**CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
TUESDAY, NOVEMBER 10, 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 Tuesday, November 10, 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 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 A. 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 and asked us to keep our past present and future veterans in our thoughts and prayers.

3. PLEDGE OF ALLEGIANCE

Mayor Sandra Whitehead called for Commissioner Peterson to lead the Pledge of Allegiance.

4. APPROVAL OF AGENDA

City Attorney Rubin announced the specific properties to be discussed in Executive Session. 1) is the Sun Country Estate, Lot 23; 2) 1310 Nickel Street; and 3) Lot adjacent to 1601 E. 3rd Street.

CITY COMMISSION NOVEMBER 10, 2015 REGULAR MEETING MINUTES

Mayor Pro-Tem Green moved to approve the agenda with moving Item I.5 to be discussed as I.1 and renumber each item after and to add the specified properties for Executive Session. Commissioner Richter seconded the motion.

Commissioner Clark asked to pull number 1 on the consent calendar because she was not available for the July 23rd meeting.

Mayor Pro-Tem Green amended his motion to remove Item 1 from the consent calendar as a stand-alone item for approval. Commissioner Peterson seconded the motion. Motion carried unanimously.

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.

Mr. Audon Trujillo addressed the Commission related to

1) Under tonight's Agenda H, Item 3: an Agenda Item to discuss and take action related to Mainstreet funding \$5,000. He respectfully requested that the Presiding Officer request a vote by Commissioners to recuse fellow Commissioner Steve Green from discussing and voting on this Agenda Item. Commissioner Green is a Board Member of Mainstreet. Any involvement by Commissioner Green on this Agenda item topic violates the Commission's "Appearance of Fairness Doctrine" as specified in Rule 14 of the City Commission Rule of Procedure.

2) Requested the city to seek input from the public on the redesign of the cities website.

3) Related to Item 6 "Discussion: RFP process for critical employees/contract employees of the city" He commented on the following: The recent RFP published by City Manager did not allow Commissioner's to have any input on the scope of work included in the RFP for Legal Services which will be part of the ensuing Contract. The City Commissioners have a vested interest in being well served by the Legal Advisor selected under the Contract. As such they should have had a role in the development and approval of the RFP as well as have a specific role in selection committee for selecting the proposals that come from the RFP. He respectfully suggests that the RFP be cancelled and the RFP process allow for input by the Commissioner's and public as well as allow the Commissioner's having a role in the selection committee. He also respectfully request that the Personnel Policies be changed to formally provide for Commissioner involvement in selecting the City's Legal Advisor, Assistant City Manager in line with their role in selecting the City Manager.

4) Under tonight's Agenda there is a single Executive Session item 1. Acquisition or Disposal of Real Property, Jay just mentioned what they were but, he cautioned the Commission to not violate State Statute 3-54-1 related to the sale lease or transfer of municipal property. Moreover, this Agenda item should have been amplified in the packet we received to alert the public as to what particular property the City is being considered. He made his point in trying to get an agenda item to discuss the scope of work and it was denied by City Mayor and also appealed by the city commissioner's. He is very sad we don't see the value of discussing the scope of work.

CITY COMMISSION NOVEMBER 10, 2015 REGULAR MEETING MINUTES

Ron Pacourek, from T or C. He asked for a point of order in reference to the 664 ordinance for Renewable Energy. When the Public Utility Advisory Board said it was ready to go to the Commissioners for approval, the City Manager said it needed to go to the City Attorney to have it reviewed. That was done and there were some changes made to the ordinance but it was never brought back to the Public Utility Advisory Board, so he doesn't think it should be on the agenda for a hearing because it wasn't approved by the Public Utility Advisory Board. We have rules and regulations and they should be followed.

D. RESPONSE TO PUBLIC COMMENTS

City Manager Fuentes responded to the information on the ordinance. This ordinance was brought to the commission for authorization for publication, the Commission heard the presentation from staff and authorized the publication. Now, it's been published and is coming before you for publication and adoption. We have been following the process for the adoption of the ordinance.

City Attorney Rubin added there is also not a requirement where the Utility Board has to approve. They give advice and some of the advice was actually used in the changes before it was brought to the Commission for publication.

Mayor Pro-Tem Green responded to Mr. Trujillo and his concern on voting on the MainStreet items. He checked with Legal and asked them to check with Santa Fe. He said in the past and will say it again, he is a volunteer on that board, neither he or his wife receive one dime. It actually costs him his own money out of his pocket to support this venture because he feels it's important to the present and the future of the community. He voted for the pool and he's not a swimmer. He voted for money the Golf Course, and he's not a Golfer. He votes for money for the SJOA, yes he's an old person, but he doesn't use their meal site. He doesn't believe when someone (any Commissioner) is not receiving financial gain of any kind for himself or a family member. who is willing to volunteer and serve this community on their own time. Sure they have a vested interest in this community and he will continue to work for it.

Mayor Whitehead thanked everyone for their public comment.

E. PRESENTATIONS

1. Proclamation designating November 28, 2015 as Small Business Saturday.

Mayor Whitehead read the proclamation and urged the residents of our community to support small businesses.

2. Presentation of a Certificate of Appreciation to Angela Torres for serving as the Interim City Clerk

Mayor Whitehead presented the certificate to Ms. Angela Torres for her service as Interim City Clerk.

F. 1. City Commission Special Budget Hearing Minutes, July 23, 2015

Commissioner Peterson moved to approve the City Commission Special Budget Hearing Minutes for July 23, 2015. Mayor Pro-Tem Green seconded the motion. Motion carried with a vote of 4-0-1. Commissioner Clark abstained.

F. CONSENT CALENDAR

1. City Commission Special Budget Hearing Minutes, July 23, 2015 was removed from the Consent Calendar to vote on separately.
2. **Lodger's Tax Board Minutes, July 23, 2015**
3. **Public Utility Advisory Board Minutes, August 17, 2015**
4. **Golf Course Advisory Board Minutes, September 10, 2015**

Commissioner Green moved to approve Items No. F. 2, 3, & 4 on the consent calendar. Commissioner Clark seconded the motion. Motion carried unanimously.

G. PUBLIC HEARINGS

1. **Public Hearing: Final Adoption of Ordinance No. 664 amending the City Code by adding Section 14-48 pertaining to customer generated renewable energy; Bo Easley, Electric Department Director**

Electric Department Director Easley stated his program is available to any city customer, residential or commercial that installs any renewable energy system size for the most recent 12 month average usage and has it interconnected to the cities power grid. He gave an overview of the process this ordinance has followed.

City Attorney Rubin elaborated on the procedure when someone submits their application and there is a denial of the application, the applicant will have the right to appeal it to the City Commission.

Commissioner Clark asked for clarification on what would happen if some people have an extraordinary credit. Is it possible to go in and amend this ordinance at that point? It seems if there was an extraordinary credit, we don't want to carry it year after year. City Attorney Rubin responded you can amend the ordinance anytime you want to. She said it would be an amendment to close out the credit as opposed to carrying it.

Proponents:

George Szigetti is in favor of getting it passed and getting it on the books.

Opponents:

Ron Pecourek presented his opposition to this ordinance. He referred to section 3.b where the city will credit the customer on the next billing cycle. The way it's presented in this sentence, it's an intention to pay. It doesn't say at what rate they are paying it back on that billing period. So there is a question there and Commissioner Clark had asked to explain that at another Commission meeting. That is a red flag, it's not written well enough. In Section 3.E says in the

CITY COMMISSION NOVEMBER 10, 2015 REGULAR MEETING MINUTES

event a customer disconnects from the system with unused kilowatt hours in the bank. It doesn't say anything in Section 3.D anything about banking. So there's a conflict between D & E. He is the one who brought this to the Public Utility Board to get an ordinance well over a year ago and he doesn't understand how we can have these contradicting statements in this document. He is asking them to push it back and have it reorganized and bring it back.

Mayor Whitehead closed this public hearing and moved to the next Public Hearing.

2. Public Hearing: Final Adoption of Ordinance No. 667 amending the Code of Ordinances, Chapter 14, Article III, Section 14-90 thru 14-94, Village of Williamsburg Wastewater Treatment Charges; Jesus Salayandia, W/WW Director, and Traci Burnette, W/WW Adm. Assistant

Water & Wastewater Director Salayandia and Ms. Traci Burnette presented the item. This ordinance amends the municipal code for Wastewater Treatment charges for the Village of Williamsburg. She gave an account of when this ordinance was presented to Commissioner's and the publications.

City Attorney Rubin stated Williamsburg has already approved this.

Mayor Whitehead closed the public hearing.

H. OLD BUSINESS

1. Discussion/Action: Final Adoption of Ordinance No. 664 amending the City Code by adding Section 14-48 pertaining to customer generated renewable energy; Bo Easley, Electric Department Director

Director Easley recommended the Commission to approve the ordinance for final adoption.

City Manager Fuentes recommended approval of Ordinance 664.

Mayor Whitehead asked each Commissioner if they had questions or comments and they did not.

Mayor Pro-Tem Green moved to approve Final Adoption of Ordinance No. 664 amending the City Code by adding Section 14-48 pertaining to customer generated renewable energy. Commissioner Richter seconded the motion.

Commissioner Clark had comments about the concern about the credit term and the credit back to customer would be wholesale or retail. She requested this to be on the record. **Roll call vote was taken by the Clerk. Motion carried unanimously.**

2. Discussion/Action: Final Adoption of Ordinance No. 667 amending the Code of Ordinances, Chapter 14, Article III, Section 14-90 thru 14-94, Village of Williamsburg Wastewater Treatment Charges; Jesus Salayandia, W/WW Director, and Traci Burnette, W/WW Adm. Assistant

Ms. Traci Burnette stated staff recommended approval of the ordinance.

CITY COMMISSION NOVEMBER 10, 2015 REGULAR MEETING MINUTES

City Manager Fuentes recommended approval of Ordinance No. 667.

Mayor Pro-Tem Green asked about the effective date. Ms. Burnette said the billing is on a month to month basis. She believes it would be in effect five days. City Attorney Rubin confirmed.

Mayor Pro-Tem Green moved to approve the Final Adoption of Ordinance No. 667 amending the Code of Ordinances, Chapter 14, Article III, Section 14-90 thru 14-94, Village of Williamsburg Wastewater Treatment Charges. Commissioner Richter seconded the motion. Roll call was taken by the Clerk. Motion carried unanimously.

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

Linda DeMarino addressed the Commission saying this is a continuation of our previous conversation and City Manager Juan Fuentes has a response from Mr. Williams.

City Manager Fuentes stated as we discussed he did meet with Rich Williams the New Mexico MainStreet Director at the Infrastructure conference. For next year they are recommending the city funding level to be at \$35,000. They also recognize sometimes communities cannot offer the funding. He reminded the city to keep them in mind for the \$35,000.

Commissioner Clark thanked City Manager Fuentes for looking into that. That was a big concern of hers that it would have any impact on all of the energy we put into MainStreet and Downtown.

City Manager Fuentes stated there is no action required at this time.

4. Discussion/Update: Improvements and Caretaking of the Parks and Cemeteries; Don Armijo, Public Works Director, and Peter Baca, Parks & Recreation

Don Armijo, Public Works Director, and Peter Baca, Parks & Recreation addressed the Commission on these items and gave an update. They did a walk through to see some of the things that needed improvements. We are looking at getting prices to replace the toilets and working on the skylight. They will be framed and dry walled and the fixtures will be put up.

Commissioner Peterson asked if we can help by making a budget adjustment for another person. Mr. Armijo responded it would help. Mr. Baca responded we clean those parks every day, twice a day. He gave an account of their schedule and how they check the parks.

Commissioner Peterson asked if they are shorthanded because they can't find anyone to hire. Mr. Baca said it's just the two of them and the part-timer. They have 22 areas they have to take care of and they are not small areas. He also stated they are working on the old fire station and putting new irrigation.

CITY COMMISSION NOVEMBER 10, 2015 REGULAR MEETING MINUTES

Mr. Armijo said there is one part-time position and we have not been able to fill it. He doesn't think anyone wants to work part-time. We get a couple of applicants but for one reason or another they can't get in. One of the things they do is they have the Rocket man and he does the main parks downtown and it's a big help to these guys and they work together when they get behind.

Commissioner Peterson understands what they do, he asked if another position would help them do better.

Commissioner Clark said parks includes cemeteries also. Mr. Baca confirmed this.

Mr. Baca responded their schedule for cemeteries is the second and fourth week of every month. The fourth week of October we had three scheduled burials and we open and close them so we didn't maintain the cemetery, but we did it on the first week of November. It takes us that long with those three.

Mr. Armijo said they did a walk through with Peter on the cemetery and the same thing on the park to see the jobs we are doing and what we can improve. We heard something on the trees so we were working on some of them and taking out those who died and planting new trees. We want to make sure when we do it, we do a good job to reflect on the Parks Dept. to make the city look good. They are starting on a priority list of things that need to be done.

Mayor Pro-Tem Green thanked them for realizing how important it is that our citizens have decent bathrooms to use. He asked if they haven't enough in the budget to see if the west bathrooms by the fishing pond at Ralph Edwards Park can be fixed because there is no door handle.

Mr. Baca responded Mr. Fuentes let him know it is all taken care of. They put a dead bolt on the inside and the floor is painted, he is also working on the new molding and the graffiti removal.

Mayor Whitehead also thanked them. She has been to the cemetery and she's seen the improvements. She would like to see grass in the North Area in the cremation section and the flowers and plaques were piled by the trash dumpster. She has had several calls about the flags that were posted there. And thanked them for taking care of the cemetery.

City Manager Fuentes said in the General Fund we are short staffed. We definitely need additional personnel particularly in the Facilities and Parks and will really need it to keep the Healing Waters Park kept up. We can look at it going into next years budget. Once you add salaries and services it's more in the budget and some things can be contracted out. He met with Mr. Stoukey at the Golf Course and they are in need of some work also.

Commissioner Peterson added and as you know all improvements need maintenance to take care of it.

Mayor Whitehead thanked them and let them know their work is appreciated.

I. NEW BUSINESS

1. Discussion/Action: Consolidation of Zelma Stone and Main Street Business Center; Linda DeMarino, MainStreet, & Bill Slettom, CDD/ACM

Community Development Director/Assistant City Manager Slettom addressed the Commission. With the loss of CEDO several years ago and the subsequent conversion of that space to Zelma Stone he thinks this was seen as a vital space for business development. It has become a very underutilized facility. MainStreet was awarded their USDA Rural Development Grant for business development. We see this as an opportunity to revitalize our local economic development activities focused at a well-established organization (MainStreet). Where they could utilize the equipment and furnishings that were in the Zelma Stone. He may have jumped the gun a little bit when he suggested to Linda for the furniture to be moved over to the center before the award ceremony when Terry Brenner was down her on the 27th. He apologized for allowing that before bringing it to the Commission. The opportunity is one we cannot pass up. MainStreet is one of the best economic development driver we have in this community and one of the arms of the State Economic Development Office. Linda will explain the benefits of the business center.

Ms. DeMarino started by saying she wanted to thank the Commission for the Proclamation for Small Business Saturday. They have been working with the Chamber on that promotion. The MainStreet office is going to be used as a business support center. It's going to address the goals of identifying training and providing technical assistance to existing and prospective entrepreneurs through outreach; conducting leadership training through business breakfast training and workshops; and establishing the Business Support Center. Some of the trainings and workshops will take place in their office and they will be utilizing some equipment for that. The Business Support Center will basically have internet and business equipment. They are requesting to take the computers in the old CEDO Building and the chairs and desks to use for potential business owners and to find out about other resources.

Mayor Pro-Tem Green thinks it might be interesting for the Commission to hear the types of grants that will help support businesses downtown.

Ms. DeMarino responded while it is in the MainStreet district, we have identified the entire county as potential people to serve. So we're going to visit with and give surveys to the business owners to see what the needs are like training, human resources, financing, technology, and security etc. And we will be choosing from there what most people are asking for. There are so many businesses operating with no business plan at all or a very outdated one. Getting someone in marketing that is understanding of our demographic will benefit our business owners.

Commissioner Clark asked if she is going to hire someone to do these programs or do this herself. Ms. DeMarino responded no, she will not be doing this. There are some things she can do like social media business breakfast. They will either hire people or choose some with federal funding who will come in to do the training.

Commissioner Clark had another question about the CEDO funding for the property behind the Zelma Iorio building, and who it belongs too actually.

CITY COMMISSION NOVEMBER 10, 2015 REGULAR MEETING MINUTES

Ms. DeMarino talked to Cathy Barrett from USDA and she said they follow that equipment until it depreciates to a certain point. If we were still in that they would have probably reclaimed it, but it reverted to the city.

Commissioner Clark said so it was by default it reverted back to the city.

Commissioner Richter said this Zelma Stone business center that was in the section right what was the space used for now.

City Manager Fuentes responded there is a small space where we may be able to use more space for the seniors. There is currently a space where a gentleman goes in to work on his puzzles. We have another pool table in storage we can put in there. We are even looking at the Workforce Solutions in the downtown area to also use for useful spaces. We are working towards that.

Mayor Pro-Tem Green moved to approve the consolidation of Zelma Stone and MainStreet Business Center as discussed and presented by Linda DeMarino and Bill Slettom. Commissioner Peterson seconded the motion. Motion carried unanimously.

2. Discussion/Action: Alternate Summary Procedure from Advance Building Solutions, LLC for property located at 120 & 140 S. Maple; Robbie Travis, Building Inspector

Mr. Travis gave an overview of the lot split on 120 & 140 Maple. The procedure is included in the code. Staff has reviewed the request and found it in compliance and recommended approval of this alternate summary procedure. Mr. Stoukey is here with Advance Building Solutions to answer any questions you may have. Originally it was four lots and it was combined to two lots with two homes on it. They are asking to split the lots in order to sell one of them.

Commissioner Richter commented back in the 30's or 40's the lots were 25' x 140' and those don't work anymore. The back lines are the old lots and very unfitting. This is an excellent procedure for a remedy to this situation. He feels it would be better suited to be an administrative approval if it meets certain conditions. Because it's such a commonsense solution for an old townsite.

Commissioner Peterson said as long as everything meets he is fine with it.

Mr. Travis added they met with Julie and Dave to make sure the water and sewer was separated. Mr. Stoukey even did redid the sewer lines and fixed the flows. The main had a gas hookup, so we got that lined up. Mr. Travis said our goal in that area is if we need to make a lot split to create an easement we can take care of it the same time.

City Manager Fuentes recommended approval of the alternate summary procedure.

Mayor Pro-Tem Green moved to approve the alternate summary procedure from Advance Building Solutions, LLC for property located at 120 & 140 S. Maple. Commissioner Richter seconded the motion. Motion carried unanimously.

3. Discussion/Action: To change the names on two checking accounts to adequately reflect actual usage; Lori Montgomery, Finance Director

Finance Director Montgomery explained her request for the change. We found two accounts that basically have the same name so she is proposing the first item to be changed from the Solid Waste to the Transfer Station. Those accounts were set up prior to the Transfer Station being in place. The second she is proposing the change the Effluent Account to the Water & Wastewater account.

Commissioner Clark asked if both of those are at Bank of the Southwest. Finance Director Montgomery said we have moved those already.

City Manager Fuentes recommended approval to change the names on the two checking accounts to adequately reflect actual usage.

Mayor Pro-Tem Green moved to approve to change the names on two checking accounts to adequately reflect actual usage. The first account ending in 904 to be changed to the transfer station account and the second account ending in 883 to be changed to Water & Wastewater Impact Fees. Commissioner Richter seconded the motion. Motion carried unanimously.

4. Discussion/Action: Request authorization to move three banking accounts from BBVA Compass to First Savings; Lori Montgomery, Finance Director

Ms. Montgomery stated the Commission did discuss this back in April but no action was taken at that time. These are the final accounts at the Compass Bank which are the Cemetery, the State Library, and the USDA Wastewater Treatment Account. It would allow us to do the transfers online. Now we have to do journal entries and cut a hard check to do transfers

Mayor Pro-Tem Green asked if these are going into a checking account or are we buying CDs. Ms. Montgomery responded these are checking accounts and we routinely put money in and take money out of these accounts.

City Manager Fuentes recommended authorization to move the three banking accounts from Compass to First Savings.

Mayor Pro-Tem Green moved to approve to move three banking accounts from BBVA Compass to First Savings. Commissioner Richter seconded the motion. Motion carried unanimously.

CITY COMMISSION NOVEMBER 10, 2015 REGULAR MEETING MINUTES

5. Discussion/Action: Approve the Golf Course Advisory Board recommendation to appoint the two board vacancies; Juan A. Fuentes, City Manager

City Manager Juan Fuentes asked Mr. Dufour to come forward.

Mr. Dufour said they have two vacancies because of two members who were not always able to attend meetings, so both decided to resign. For the first time we have three applications. He is excited people are taking an interest in our golf course. Linda's application if you looked it over speaks very well and she would bring some other dynamics we need at our Golf Course. William and Leroy would also be good assets.

Commissioner Peterson said he is proud to see the three of them but he and Leroy go back a few decades and he does have a lot to offer.

Mr. Dufour said as far as the recommendation the board struggled with it. Again he said Linda put the great information in her application and the other two didn't have quite enough information.

Mayor Whitehead asked which applicants were in the audience. Mr. Dufour notified them they were not able to reach William White.

Commissioner Richter asked which applicant qualified for the U.S. Open. Mr. Dufour said that was William White who tried to qualify and didn't.

Commissioner Clark said obviously one of the applicants is kind of stand-alone. She said we have the situation on the Sierra County Tourism Advisory Board where we have two people and one position available. We have one who is appointed and the alternate. She hates the idea of throwing somebody out if they have that kind of enthusiasm. She asked about the possibility of one being an alternate.

City Attorney Rubin said it sounds like a great idea but he doesn't think we have that capability under Section 2-211 regarding the creation of the board that talks about the members but not if one doesn't show up.

Commissioner Clark likes changing rules sometimes when it suits your purpose. She doesn't see why we could use William and Leroy, and Ms. Hale stands-alone. She doesn't have a solution in choosing one of the two other than that.

Mr. Dufour said it's very difficult for the board to have alternates who have different points of view. It can be a little confusing for us.

City Attorney Rubin said again it's a great idea but the way it's worded he doesn't see how it's workable.

Commissioner Clark said it doesn't sound like it works like that either but that's the way they ended up doing it. Then we are back to the recommendation of your board.

CITY COMMISSION NOVEMBER 10, 2015 REGULAR MEETING MINUTES

Mayor Pro-Tem Green said Commissioner Clark spoke his mind, he was writing down the work Alternate. He doesn't know the three personally, but if he decided to take up golf, he would like Ms. Hale to be his instructor. The Advisory board knows the golf course, these are three Golfers. He values volunteerism in this town and people who want to step up and serve. We should see if we can fit them in but he will listen to their advice.

Mayor Whitehead would also like to have one as an Alternate. She turned it over to City Manager Juan Fuentes for his comments and recommendation.

City Manager Fuentes also feels Ms. Hale is a great addition to the Golf Course Advisory Board and to the city. He acknowledged Leroy for his help during the tough times at the Golf Course. There has been times were he has been critical and instrumental to the city in providing information on how to proceed forward with Terry. He also reached out to the gentleman from New Mexico State who came down top look at our greens and our grass. He would provide value to the Golf Course and the city in moving forward. When his letter was provided to Les, it was shared with the other members. All three were shared with the Advisory Board. He feels Leroy has been a great asset to the city and would provide great value to the Golf Course.

Commissioner Richter moved to approve Linda Hale and Leroy Burner to the Golf Course Advisory Board. Commissioner Peterson seconded the motion. Motion carried unanimously.

6. Discussion: RFP process for critical employees/contract employees of the City; Kathy Clark, Commissioner

Commissioner Clark spoke about this item and it was brought up at that last meeting when the RFP was put out for Legal Services. She's not certain she would be comfortable having someone choose a lawyer for her. One is our current contract for legal representative and the other on is the City Manager and Police Chief. She doesn't know if policy ever existed where and RFP can be brought to the Commission for us to read it first. She feels those are extremely important positions and it's a conversation piece and she doesn't know if anyone else feels this way

City Manager Fuentes responded the process the staff is currently following is a process a lot of communities follow. It's not an RFP that he created or his predecessors. Usually the Procurement Office along with the Finance Director use a template, they go out and they advertise. There are other services that will be advertised for. The Commission adopted the State Procurement Guidelines which this follows. If it's a policy of the Commission it can be changed. But he wanted to make sure the Commission is aware he is not involved in the process. They handle that.

Ms. Montgomery notified the Commission of the process that was used to prepare the RFP. In particular on this last RFP that went out, they did gather information from other communities to see their scope of work and they found ours was better than all other communities because it had more depth. She included Silver City, Las Cruces, etc. She assured them they take these very seriously. As far as the process goes, Pat is a Certified Procurement Officer. She has to follow

CITY COMMISSION NOVEMBER 10, 2015 REGULAR MEETING MINUTES

state guidelines and the Procurement Code she cannot deviate from. With that being said there is always opportunity for the Commission to have input on the various Scopes of Work. They can address the scope but as far as the rest of the process, we have to make sure Pat follows those guidelines.

Commissioner Clark thanked Mrs. Montgomery for bringing the scope forward. She's not interested in changing the procurement process, but would like to see the scope. Sometimes in those positions it would be nice to know what it is exactly going out there.

Finance Director Montgomery said there is that opportunity, but the problem with it is the timing. You have to follow the guidelines for publication, etc. If you miss one of those deadlines it puts

Pat Wood said she does get with other Procurement Officer's on the scope of work. She did bring Finance Director Montgomery three other samples.

Mayor Pro-Tem Green thanked them for the explanation.

Commissioner Peterson agreed with Kathy. He feels we should have been in on the viewing of the RFP and the process. He feels the Commission should get together and put a procedure together for choosing this position.

City Manager Fuentes asked if you look at the state statute about closed proposals. He read the State Statute 13-1-116 Competitive sealed proposal; disclosure; record - The contents of any proposal shall not be disclosed so as to be available to competing offerors during the negotiation process.

So the RFP when it's put out, they have a selection committee they put together who will evaluate all of the proposals and prepare a recommendation to bring to the City Commission. Unfortunately, this process of evaluating any proposal does not fall under an exception to be held in Executive Session. You can't go into Executive Session to review the proposals or do it in an open meeting because it has to be made public. As Lori brought up, we can look at the review of the Scope of Work, but once the process begins we cannot disclose the proposals. We could definitely reach out to other communities on how they do their selection committee.

Commissioner Peterson feels maybe if they had seen the RFP, we wouldn't be having this discussion. He feels they should be involved in the RFP.

Ms. Pat Wood said the RFP's are on the website.

City Manager Fuentes says what he thinks he is hearing is if the Commission wishes to change our policy and have an RFP, would they include just legal, would it include Engineering, or the Golf Course.

Commissioner Peterson thinks the Commission could be privy to who has applied and their qualifications.

CITY COMMISSION NOVEMBER 10, 2015 REGULAR MEETING MINUTES

Finance Director Montgomery said under the Competitive Sealed Bid Process you cannot.

Commissioner Richter said it keeps you honest.

Commissioner Peterson said that's interesting.

Commissioner Clark clarified that we can be a part of the scope of work. She asked if we can do that as a policy. For example she had found out about this a couple of months ago, and asked if she can call Pat and see if she can take a look at it.

Finance Director Montgomery said before the RFP goes out for publication you have the opportunity to take a look at that. The direction staff would need is where in our daily process do we stop our work? Because what you are asking is to bring those items to the Commission prior to us doing our work. She is busy doing these purchasing things every day.

Commissioner Peterson stated Jay is not an employee.

Finance Director Montgomery responded he is a contractor.

Commissioner Peterson said he has been here forever. City Attorney Rubin responded since 1989.

Mayor Whitehead asked if all of the RFP's are in the same format. Finance Director Montgomery responded there are certain things on the boiler plate that are the same.

Mayor Whitehead said the scope of work for the city attorney would be out there.

Finance Director Montgomery confirmed but the City Manager or the Chief of Police would not.

City Manager Fuentes gave an example of when John Mulcahy was the Mayor he worked with me on some of these things. What he is getting from the comments from Mr. Trujillo is he wants the Commission as a whole to review it and we cannot do it. Right now a Commissioner has the flexibility to come in and review the scope of work for an RFP. When John was the Mayor he went out and found an RFP for the Golf Course. If there's a policy change and it's brought to a public meeting that's different.

Commissioner Peterson said if he had known what this is about he could have searched in the statutes and ordinances. He's glad she brought it up win, lose, or draw, let's get on with it.

Commissioner Clark said just for future process, she didn't know that she could have been part of the process.

Mayor Whitehead did discuss that at the last Municipal League meeting and she can look into that.

J. REPORTS

1. City Manager. None.
2. City Attorney. None.

CITY COMMISSION NOVEMBER 10, 2015 REGULAR MEETING MINUTES

3. City Commission

Commissioner Clark met with City Manager Fuentes and a state health inspector about the pool. The response was they will not be closing our pool in February and they gave suggestions on what we can do to fix it.

Mayor Whitehead reported last Friday we had a ribbon cutting for the Point Blanc Winery at Bedroxx Bowling Alley. She thanked everyone that was there and everyone who helped.

Mayor Pro-Tem Green 1) went to the JPC Meeting and he thanked the two newspapers for their great coverage.

2) On Friday, they met with Secretary Barela from Economic Development Dept. He was talking about the state incentive packages and one of the questions asked was how can local communities be a part of this. He first asked if we have a LEDA Act in place and City Manager Juan Fuentes responded, "yes, we do". The city is in line with the LEDA Act and we will be having a meeting with representative from the Economic Development Department. They will bring other samples.

3) We're in a district with Sierra County, Luna, Grants, Hidalgo, and Dona Ana. He feels we should reach out to Santa Fe and see that Sierra County gets a seat on that board when one is available. Our two representatives come from Las Cruces.

4) Thanked John Henry and Jagger who brought 55 people to T or C for the Car Show.

5) He drove around town and started counting empty buildings and dirty windows and there are 14 on Main Street, Broadway, and Foch. He asked for discussion looking at the possibility of creating an ordinance who is responsible for a building. One gray building on Foch and Broadway. He would like art in every window downtown. December meeting discussion item.

K. EXECUTIVE SESSION

1. Acquisition or Disposal of Real Property pursuant to 10-15-1 (H) (8)

Mayor Pro-Tem Green moved to approve going into Executive Session at 8:00 p.m. to discuss Acquisition or Disposal of Real Property (Sun Country Estates Lot 23; Property at Yucca Heights, Parcel 2343, block 15, Lots 15-20; and 1310 Nickel) pursuant to 10-15-1 (H)(8). Commissioner Richter seconded the motion. Roll call vote was taken by the Clerk. Motion carried unanimously.

Mayor Whitehead stated that the Commission was now in Open Session at 8:26 p.m.

Commissioner Green certified that only matters pertaining to Acquisition or Disposal of Real Property (Sun Country Estates Lot 23; Property at Yucca Heights.3rd St. and 5th St.; and 1310 Nickel) was discussed in Executive Session.

Commissioner Green moved to have staff do the following with the listed properties:

310 Nickel – List with a local realtor

Sun 23 – Complete a Drive by Market Analysis

Parcel 2343 – Get appraised

CITY COMMISSION NOVEMBER 10, 2015 REGULAR MEETING MINUTES

Commissioner Richter seconded the motion. Motion carried unanimously.

2. ADJOURNMENT

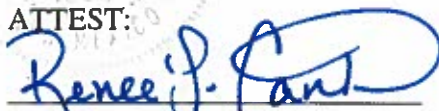
Commissioner Richter moved to adjourn at 8:28 p.m. Commissioner Green seconded the motion. Motion carried unanimously.

PASSED AND APPROVED this 12th day of JANUARY, 2015.


Sandra Whitehead, Mayor



ATTEST:


Renee L. Cantin, CMC, City Clerk