

**CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
TUESDAY, FEBRUARY 23, 2016**

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 January 12, 2016 with the meeting starting at 6:00 P.M.

A. CALL TO ORDER

Mayor Whitehead called the meeting to order at 6:00 p.m. and requested the Clerk to call the roll.

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
 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.

3. PLEDGE OF ALLEGIANCE

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

4. APPROVAL OF AGENDA

Mayor Pro-Tem Green moved to approve the agenda. Commissioner Clark 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.

Audon Trujillo, 506 W. 3rd Street commented on

- 1) NMSA 3-54-1
- 2) He talked about three IPRA's he asked for information for. One was on the land and property leased or sold to the city.
- 3) Scoring for RFP proposals. There is no score sheet that was submitted by Mr. Taylor. There was only one RFP submitted except you have got to make sure whoever the vendor is, they have met the minimum requirements for the RFP. You have got to document that stuff its good practices.
- 4) Scoring on the Legal Services RFP. There were five factors shown and the Score Sheets show three factors. There was no documentation provided when I asked for it on how it went from five criteria to three criteria. You can't do that in procurement. The selection panel does not have the right to change the criteria in the middle of an evaluation.
- 5) 3-54-1 calls for the city when they lease, sell, or transfer property to have first a written assessment by a certified appraiser. From January 12th you have two properties where this didn't happen. And you also did not publish an ordinance stating you need to be selling this. The law is clear, why do you do this. You are selling one of the properties to Mr. Charles Druce, why. Where was the RFP for that, it just doesn't make any sense.

Bruce Swingle, Sierra County Manager thanked the Commission for all of the cooperation with the County over the last year or year and a half. We have a great relationship and regardless of how the election goes, they want to continue to have a good relationship with T or C and continue to move forward and he thanked the Commission for everything they have done over the last couple of years.

Mark Felosa, 1016 Locust St. he came here to see his friend Jay Rubin receive a plaque but wanted to take this opportunity to publicly thank Commissioner Peterson and Commissioner Richter for their service. Both of these Commissioners have served this community for years. Russ has worked many jobs and worn several hats for the nearly 35 years he has lived in this community and always found time to be part of the community. Likewise, Jeff has always been willing to do whatever this community asked of him. He remembers years ago when their kids were playing basketball in the summer league in Las Cruces for T or C, our Basketball Coach had an emergency and could not be there. He doesn't know what Jeff knew about coaching basketball, but he took over for the coach and coached the game day. In my humble view these two gentlemen's actions stand in star contrast to others actions who typically do nothing but raise hell at meetings, get rested at times complaining about virtually everything this community and this Commission does. He understands we have constitutional rights to talk about virtually everything and anything we want and write letters to the Editor criticizing everything under the sun. But we also have good manners and character that our parents were supposed to teach us to monitor us from needing to complain about everything, every time, every day. He challenges these residents to do something constructive after the election to do three things which most of us contribute our time and talents to. 1) Hospital; 2) Is the Scholarship Night. The most amazing night in this community on the Thursday before the High School Graduation. This

town and the residents give in excess of \$100,000 for kids going on to college and vocational schools; and 3) Sierra County Fair. An opportunity to see hard working kids show their animals and projects in the community. Now grant you, the press isn't there to highlight and publicize your comments, there isn't a crowd there to stir up, these five people aren't sitting or often listening to your silly comments, but you get to do something constructive. Just a thought, this path incidentally, was one that was taken by Commissioner's Peterson and Richter. He encouraged them to consider it.

Carole Wheeler 603 Corbett is here to talk about square dancing. The club is hosting the SW District Meeting and Dance on April 3rd. They have reserved the Civic Center for the meeting that starts at 1:00 p.m. and the dance at 2:00 p.m. Today they received word from the Bureau of Reclamation they will have a special event dance at the Elephant Butte Dam. She added Square Dancers are a fun group of people and they have some banged snf yhr have a good time. They have 70 RSVP's to date and they were hoping for 40. But they love a challenge and they don't often get the opportunity to dance on the Elephant Butte Dam. Secondly, the club is hoping to offer the dancers the option of spending the night in Truth or Consequences. Lat last year she spoke with Mayor Pro-Tem Green about this opportunity and they were trying to get under the Fiddler's tourism money, but for now she is asking for assistance from the Tourism Group to show them a good time while they are here.

Linda DeMarino, MainStreet Truth or Consequences commented on the

- 1) She thanked the Commission for the Lodger's Tax Budget adjustment.
- 2) Membership Drive Event this Saturday at Grapes Gallery from 7:00 – 10:00 p.m. There will be music and food. You can hear about some of the things they have done in the last year.
- 3) They are reviving the Hot Springs Festival May 13-15th. They have changed the concept and have already generated excitement. We've gotten the \$3,000 grant from the state. We like to put lots of Heads in Beds.
- 4) Today we had Will Powell from the NM Mainstreet in Town, he's an Architect. And we have several people from the Arts Board, MainStreet Board, Arts Council. We took a look at the Buckhorn spot where the Art Park is going and he is going to draw us plans as to what that is going to look like.
- 5) Healing Waters Plaza Bricks are still for sale. Monday is the last day. So if you're interested let her know.
- 6) Community Development Director Position, we think it's a very important position and he has been invaluable to us and they encourage the Commission to find a way to make sure that position stays. He has brought so much into town and by not having that position, we would be losing a lot as we move forward.

Ron Fenn, 316 North Foch.

- 1) He expressed sadness that Mayor Pro-Tem Green avoided the debate he set up last Wednesday. He thinks a great deal of information could have been passed to the public.
- 2) Economic Development in this town. We have lots of money we waste in this town. One of the biggest wastes in this town is the Recycle Program. It's a total waste of our money. He provided a flyer which he read aloud. He thinks it's sad that we tell people we are trashing their plastic because it has no value. Yet they put work and effort into and take it to the Recycle bins and then City Workers drag it out of the Recycle bins and throw it into the dump. The Recycle Program is a total waste of

our money. If you have information otherwise, please get them to me. He left the flyers and asked them to be attached to the Recycle bins.

D. RESPONSE TO PUBLIC COMMENTS

Mayor Whitehead thanked everyone who made public comment.

E. PRESENTATIONS

1. Presentation of Plaques to outgoing Commissioner's and Staff

Mayor Whitehead asked the Commission to come out front to present plaques to our Outgoing Commissioners and staff. She said as many of you are aware today is the last official meeting for two of our Commissioners, she sincerely thanked Commissioner Richter and Commissioner Peterson for their service to the community and their dedication. She has enjoyed working with them and on behalf of herself and the City of T or C, we wish both of them well and if they ever want to come back, please do so. She read and presented both plaques.

2. Presentation of a Plaque to Jay Rubin.

Mayor Whitehead read the plaque in appreciation of the service of Jay Rubin who has been the City Attorney since 1989. The Commission presented the award to him. Mr. Rubin stated it was an Honor to serve you, it really was.

Mayor Whitehead announced she does have one more city employee to recognize although he's not in the audience tonight and that is Dave Cook. He has served the City of Truth or Consequences for 23 years and 10 months. She thanked Dave for his service.

F. CONSENT CALENDAR

- 1. City Commission Regular Minutes, January 26, 2016**
- 2. Public Utility Advisory Board Minutes, January 19, 2016**

Mayor Pro-Tem Green moved to approve the Consent Calendar. Commissioner Clark seconded the motion. Motion carried unanimously.

G. NEW BUSINESS

- 1. Discussion/Action: For Publication Ordinance No. 670 15/16 approving amendment to JPA and GRT ordinance dedicating GRT for payment of bonds or loans for hospital purposes. Juan Fuentes, City Manager**

City Manager Fuentes recognized Mike Zimmerman and the Chair of the Hospital Board, Warren Cross. He asked them to step forward in case there are any questions. He continued this is the ordinance we have been talking about that was brought up a few meetings ago to allow the GRT to continue to dedicate to the hospital for the purpose of the repayment of the loan for the new hospital. He said both our Attorney John Appel and the bond counsel have been working to finalize the proposed ordinance. The County has acted on it as well as the City of Elephant Butte and Williamsburg.

Mr. Zimmerman addressed the Commission. The single most common misperception of this project and the funding is that we are asking for additional funds for the JPA and the entities. This is structured in such a way that it will not be asking for additional funds. The phrase he uses is, "If you paid us a dollar last year, we would like you to pay us a dollar next year and continue it through the life of the loan." That GRT funding is about \$240,000 a year and that is one of the larger chunks of the funding mechanism, but the largest part will come from the hospital. We've hear rumors that the hospital fees will go up, and he notified them they don't set the fees, they are set by insurance companies by the Medicare Fee Schedules that are established in Washington D.C. by Congress. All we are asking the Commission for is their continued support which the city has done since 1988.

Commissioner Peterson stated before the meeting he spoke to the administrator and let him know how satisfied he has been with the Hospital. Everything has been going in the right direction. He thanked Mr. Zimmerman and it's good to know things are going well.

Commissioner Richter asked what the term is of the note. Mr. Zimmerman responded it's a 30 year note.

Commissioner Clark clarified it would be dropped when the hospital is paid off. City Manager Juan Fuentes confirmed that is correct. Mr. Zimmerman responded yes that's the way it's structured.

Commissioner Clark said her understanding is the money we have collected have been for operations and if we continue it, it will be going to pay back the loan. Mr. Zimmerman believes the funding was earmarked for General Purposes, they were not earmarked for anything specific. But he confirmed her impression is largely correct. The hospital is now running the operations in the black. And they can revert some of the previous funds into the new facility.

Mayor Pro-Tem Green said it's certainly timely and it's the right things to do. He added it will provide better health care and different services than we have now so people won't have to go down to Las Cruces. This will be a good marketing tool to help build that economic development we have lost. To have something of this quality in our own backyard is a great thing. He appreciates the staff and the Governing Board, as well as, his fellow Commissioners and the JPC with Mr. Zimmerman who has gotten us to this point in the last two years.

Mr. Zimmerman added Tri-State Care Flight was purchased by Air Methods which is the largest company in the country. They announced they will be closing their base here in T or C. Materially it will have no impact on the hospital. We are only transporting 20% of the patients we were over two or three years ago. With the new providers we were able to bring in and the more acute physicians we have now we were able to keep more patients in town, and with the new facility we will be able to keep even more.

Mayor Pro-Tem Green moved to approve for Publication Ordinance No. 670 15/16 approving amendment to JPA and GRT ordinance dedicating GRT for payment of bonds or loans for hospital purposes. Commissioner Peterson seconded the motion.

Motion carried unanimously.

2. Discussion/Action: IFB 15-16-005 Bid Award for Wastewater Treatment Plant Improvements Phase 1. Pat Wood, CPO

Central Purchasing Officer Wood presented the item. Bids were opened on February 11, 2016 at 2 PM. Smith engineering's project number 114127. We received four bids for this project. Low bid was our RMCI, Inc. for \$3,635,325.05. Recommendation by Smith Engineering is to award to RMCI pending USDA concurrence.

Commissioner Clark asked City Manager Fuentes to go through the funding for this.

City Manager Fuentes responded the bulk of the money is coming from the USDA grant/loan we received two years ago, in addition to that, we received colonias funding for phase 2. We have been able to compile all these funding sources for this project. It's important to know the funding we have available sufficient to cover the bid we received at this time. We even have a little for contingency in case something happens.

Commissioner Clark asked what this will do to our debt payment on the loan. City Manager Fuentes responded we already have part of the component of the funding did require a loan. And we are not paying on that yet, and he does not have the schedule at this time. Commissioner Clark asked if that includes the \$900,000 from colonials. City manager Fuentes confirmed.

Commissioner Clark didn't see any contingencies. And knowing what her overruns were from swimming will she is terrified this could go up to \$7 million. Are we confident on this company where there will not be overruns? City Manager Fuentes responded this is phase 1 of the project. He added the total project is close to \$8 million. He is pretty confident this phase 1B within the funding we have available. Then we would go into Phase 2a and 2b. We are currently in the process of applying for additional money for additional phases. In the meeting with the engineers there was no concern this project would go into huge overruns. He reiterated we have additional money for contingencies. All of that will be monitored by USDA as well.

Commissioner Clark said her agenda form has several years of balance sheets and they don't have the liability, they just have the net worth of this company. And one of the things she noticed is from 2013 -2014 the accounts payable doubled up to about \$7 million. That normally is a big alarm clock without seeing what the actual assets and fixed assets are. So she was wondering if that flagged anybody who was looking at this particular RFP/

City Manager Fuentes responded he can tell the Commission, our Engineers feel very comfortable with this firm, they have worked with them before they have done a good job with other communities. We were fortunate they came in at the lowest bid and we have the funding available. We do not get into the specifics of individual companies, that wasn't what we were looking at when they submit bids. Commissioner Clark asked, so we don't look at the financial strength of the company, Central Purchasing Officer Wood said they provided the bonds required.

Mayor Pro-Tem Green said on the last sheet related to Estimated Legal Bond Services Fees and Loan related costs. He was wondering who came up with this documents. They are talking about if you pay Legal Services \$200/hour and they have 225 Hours of Legal Services, and he was wondering if these are not coming from USDA, they are our dollars. In other words, we are going to borrow money for the services.

Central Purchasing Officer Wood responded the Engineers and Assistant City Manager Slettom added USDA was also responsible. He added part of this funding is also paying for bond counsel because a bond is going to be issued for the loan portion to back the loan.

Mayor Pro-Tem Green referred to the Interim Loan interest and who the city is borrowing money from.

Assistant City Manager Slettom said it's actually being borrowed through the bond, through USDA. We have to provide the surety of how we will pay back the loan. The entire package is being funded through USDA, and in the interim we have had to go through RCAC for a loan that covers the bridge fees, the construction documents, and the bidding. When we get to closing the RCAC loan will end and it all gets rolled into the closing for the whole package. We are expecting that will happen in the next couple of months.

Commissioner Peterson thanks the other Commissioners for clarifying his questions. He wanted to make sure there is no need for raising utility rates to pay for it.

City Manager Fuentes said when we initially applied for the funding, they did look at our rates and they recommended raising rates and that has already been done by the previous commission.

Commissioner Peterson asked so we would not be voting to raise the rates. City Manager Juan Fuentes confirmed that is correct.

City Manager Fuentes thank the Commission for their support and commended staff including Assistant City Manager Slettom, Tracie Burnette, and Finance Director Montgomery for their work on this project and recommended approval of the bid award as presented..

Mayor Pro-Tem Green moved to approve the award of IFB 15-16-005 Bid Award for Wastewater Treatment Plant Improvements Phase 1 to RMCI pending USDA/RD concurrence. Commissioner Richter seconded the motion. Motion carried unanimously.

- 3. Discussion/Action: To approve the resumes of the individuals that will be potentially used to perform Resident Project Representative (RPR) services for WWTP Improvements Phase 1 Project. Traci Burnette, W/WW Admin. Asst.**

W/WW Admin. Assistant Burnette notified the Commission before them they have four resume's from Employees of Smith Engineering. In July of 2014 we signed a contract with Smith Engineering Services. Within that contract it included the RPR services during construction. This is more of a formality for USDA/RD concurrence. Per their requirements,

you need to review and approve the resumes of the employees Smith would be using for onsite construction management.

Mayor Pro-Tem Green just had one question and Traci answered it. These are employees of Smith Engineering. Ms. Burnette confirmed, that is correct.

City Manager Fuentes recommended approval.

Mayor Pro-Tem Green moved to approve the resumes of the individuals that will be potentially used to perform Resident Project Representative (RPR) services for WWTP Improvements Phase 1 Project. David Zamora, Richard Gutierrez, Shawn Allen, and Shawn Boggs. Commissioner Richter seconded the motion. Motion carried unanimously.

4. Discussion/Action: Reed Rocket Art Project Redesign. Jeff Barbour, Artist

Mr. Barbour addressed the Commission. He presented photos to the Commission. The question was on the base. We went to a fiberglass base which will allow it to sway in the wind. Building Inspector Travis suggested a wall so the base will be sitting on the top of the wall. One of the drawings shows the configuration which will be bolted securely and the rod system will allow it to sway but not too much when the wind is really hard. You will not have the issue of it bending too far with the counter weights. There will be a covering over the top of it which will be flexible hoses to keep the fiberglass away from any lights. He built this awhile back and it's been swaying in his yard and the movement is quite perfect. It's a safe design and he needs the Commission to approve the redesign.

Commissioner Richter is more worried about when we get the piece in there that the site also complements the piece.

Mr. Barbour said it will be on the corner of the Art Park that will go in there. So the Architect will design everything incorporating it into the project. He will have it built in April, installed in May, and will have it ready by the Centennial in June. Commissioner Richter asked if the park will be finished at that time. Mr. Barbour responded the park will not be finished at that time.

Commissioner Peterson asked what type of liability he foresees.

Mr. Barbour explained how it will be installed and protected. There will be a double bolt system on both sides. Generally kids will not be going down there with saws and will not be able to pull them out of the cement. It would be very hard to break them.

Commissioner Peterson said he imagined every night we could grease the poles.

Commissioner Clark asked if the cost of grease is included. She asked about the cost of the walls. Is that part of this project or is the city incurring the costs.

Mr. Barbour met with Russ and they will get the concrete from Bar 2 as a donation and he will pitch in from what the city is paying him if he needs to.

Commissioner Clark added it's not a lot of money you are being paid for this

Mr. Barbour responded that's for sure. It's part of the joys of being an artist in T or C. He is just happy to be getting this thing up. He is grateful for the opportunity to actually build something like this.

Mayor Pro-Tem Green asked if it will be lit at nighttime. Mr. Barbour responded in the cement wall there is room for sinking lights in the walls to light it up at night. We are a ways away from putting power in there to put lights in the walls. Or he added we could add solar panels. The Engineers can figure all of that out but the opportunity is there to do it. Mayor Pro-Tem Green counted how many. Mr. Barbour responded there will be 14. Mayor Pro-Tem Green asked if that was the same number in the original contract. Mr. Barbour said there were more but they asked what we can for \$7,000. So the original concept is the same and there are less Reeds, but the original concept is still there.

City Manager Fuentes said the Chair of the Public Arts Advisory Board is here and Jagger is here. Assistant City Manager Slettom restated MainStreets participation with this and the state MainStreet Architect William Powell who will provide us with a site plan which we can use to make a more detailed drawing of the overall concept for the Park so we can address the issues of lighting and amenities people would like to see. We are also looking at building a site model and that will all be coming in a couple of months.

City Manager Fuentes recommended approval for the redesign.

Mayor Pro-Tem Green moved to approve the redesign of the project. Commissioner Richter seconded the motion. Motion carried by a vote of 4-0-1. Commissioner Peterson abstained.

5. Discussion/Action: Approve the Law Enforcement Protection Fund (LEPF) Application. Lee Alirez, Police Chief

Police Chief Alirez addressed the Commission stating this is the annual approval contribution given to us by the state, it's used for equipment, training and that nature. He is bringing it to the Commission for approval.

City Manager Fuentes had no comments or questions and recommended approval.

Mayor Pro-Tem Green moved to approve the Law Enforcement Protection Fund (LEPF) Application. Commissioner Peterson seconded the motion. Motion carried unanimously.

6. Discussion/Update: Animal Shelter Project. Lee Alirez, Police Chief

Police Chief Alirez gave his presentation related to the progress over the last eleven months on the Animal Shelter Project. He notified them the current contract with Sierra Veterinarian Service expires on June 30, 2017. They have advised they will not seek renewal for the current services. They currently provide services for the animal shelter and for the entire county. Part of the committee was to review the needs in the community. The committee

was comprised of community stakeholders who have a driving passion in care and humane treatment for all animals. We meet biweekly and it sometimes gets extended if there is not a whole lot of information to pass on. He traveled to Roswell, Artesia, Deming, Las Cruces, and Socorro. In looking at their animal shelters, one of the things that came up is Socorro closely matched the demographics of our community and they closely mirrored what we wanted to do here as far as building the infrastructure on our own for the adoption and transport of animals. So the based on the research she contacted Victoria Murphy who is well respected in the State of New Mexico with 30 years of experience. Director Murphy conducted a site visit here at the location which is now going to be the Lee Tafoya building. In there we had an aluminum structure of 1,360 sq. ft. which she saw and said this would work out great as in Interim Shelter. The building is there and needs some modifications. The concept of modifying an existing structure and creating a point of intake for the short term animal sheltering was proposed to the "Animal Shelter Committee." Unanimously it was agreed this would be an appropriate start, as the foundation for the animal shelter project.

He and Assistant City Manager Bill Slettom have met with Director Murphy, and the City of Socorro and the discussion points of these meetings have included; Monthly cost for sheltering and related services; Transportation of Animals to Socorro on a weekly or semi weekly basis; and Integration into their existing "transport out" infrastructure to non-profits groups. Additional discussion points included the developed a plan for implementing in phases a fully operational Truth or Consequences Police Department Animal Shelter. This plan includes; Utilize an existing structure on the newly acquired property to serve as an intake and short term animal sheltering location; Obtain engineer plans to modify this building to meet industry standards as it pertains to Animal Sheltering; Utilize current Capital Outlay Funding to obtain engineering plans; and Utilize current Capital Outlay Funding to construct / modify existing structure.

He continued with the Purchase of required equipment to facilitate Animal Sheltering. Once completed enter into an M.O.U. Agreement with the City of Socorro for the acceptance, care and services of Animal Sheltering for those animal which have remain in our shelter past seven days. As we become integrated with the City of Socorro Animal Shelter infrastructure, and while awaiting the construction of our Regional Law Enforcement complex on this same site, we will begin implementing additional Animal Sheltering Services in phases until we become fully self-sustaining. In November of 2015 the Humane Society of Southern New Mexico offered for sale, equipment needed for implementation of the 1st phase of developing the Truth or Consequences Police Department Animal Shelter. The cost of this equipment was offered at \$10,100.00. The market value of this equipment if purchased from the manufacturer exceeded \$24,000.00.

On November 13, 2015 the purchase of the listed items was made from the Humane Society of Southern New Mexico for \$10,100.00 from Capital Outlay funding Project 13-L-1783. They included: Kenmore Chest Freezer; Kenmore Refrigerator; Haier Refrigerator; Whirlpool Industrial Washer Machine; Whirlpool Industrial Steam Dryer; Weigh South Scale; and 40 various sized Kennels. All of this equipment is being stored at the Lee Tafoya Building now.

In January of 2016, City Manager Juan Fuentes, Assistant City Manager Bill Slettom, and he met with Robert Calvani, of NCA Architects. A site visit was conducted of the existing structure. We are currently awaiting the final design plans for the modifications of the existing structure to serve as our interim short term animal sheltering facility. He showed a drawing that shows the modifications for the structure.

Chief Alirez added when we started out we had \$250,000 in Capital Outlay with the help of City Manager Juan Fuentes and our County Manager Bruce Swingle, he is proud to say we are sitting on approximately \$420,000 in Capital Outlay for this project, and we are in good shape and on our path to having a fully operational animal shelter in the future.

Mayor Pro-Tem Green asked about the funding. So the City got \$100,000, then we got \$150,000, is the difference between the \$250,000 and the \$420,000 money the county got for capital outlay? Police Chief Alirez responded they did. We received \$101,000 in capital outlay and the County received \$100,000 for the funding.

Mayor Pro-Tem Green said the animals after seven days will be transported to Socorro, on whose dime? Chief Alirez responded on ours. Mayor Pro-Tem Green then asked how many vehicles Animal Control has to drive around town with? Police Chief Alirez said we have two Vehicles but we will be looking at a van to install kennels on the inside for that. Mayor Pro-Tem Green also asked how much we would charge for the service. Chief Alirez said in working with the City of Socorro, currently we are paying \$10,000 a month and based on the same volume of animals we currently have it will be \$3,000 a month. Chief Alirez added there may be additional costs associated where we would be able to make approvals for those. Mayor Pro-Tem Green said right now after seven days, we would transport them. He asked how long Socorro is going to keep them, how long we have to pay for that service, And if it is a no kill shelter. Chief Alirez responded their philosophy is no kill, however, there are dogs and animals for liability purposes cannot be adopted and only for that reason where they may have some social ability issues where they might fight or attack someone. Ideally the perfect animal is one who will socialize with other animals and human beings. But unfortunately we do have some animals who have attacked people who will not be able to be adopted. Part of the agreement gives them the ability to integrate their transport out structure which we will be able to walk right into, without having to recreate the wheel. Socorro will be able to look at what dogs we have at any time. The \$3,000 is a flat fee it's not per storage per animal.

Commissioner Clark said so we are paying \$10,000 a month and it will be changed to \$3,000 once the shelter is in place. Will \$7,000 be enough to run the shelter? Chief Alirez responded that is their goal. We have a community full of people who have a passion for the care of animals and we will utilize every resource we have to help keep those costs down. Commissioner Clark asked if they will be using CAAT and other organizations in town. Chief Alirez responded absolutely. Commissioner Clark added that was one of the hopes she had. Chief Alirez has not approached one single item without taking it to that board and he's developed extremely good relationships with them. They are very much a part of this and will be going forward.

Commissioner Clark asked City Manager Fuentes if it's possible to see a financial kind of business plan for this in the future. City Manager Fuentes responded yes that will be presented, this was just intended as an update to let the Commission know we are in line

for the project. As we move forward we will come back to the Commission, not only for the funds, but for the agreement with Socorro. Commissioner Clark thanked the Chief and there are a lot of Animal Lovers in the community who feel it is very important to take care of the animals.

Police Chief Alirez is very thankful for the community collaboration on this project. We could not have reached this point without their help.

Commissioner Peterson commended him for taking on the needs of the Police Department and filling the need of the community. He asked if it will be necessary for those who may be harmed or injured will they have to put them down. And will in include other animals. Chief Alirez responded that was brought up in one of our meetings. They will deal primarily with dogs and cats, but they do however, they take in a lot of rabbits. We do have other issues that come up including emergency situation. We will put all of our resources to work to keep the cost of running it as low as possible. Commissioner Peterson asked who will be putting the animals down that need to. Chief Alirez said the animal control officers will have the training to do that. We will take care of it in the most humane way available. He would prefer our own officers not do the euthanizing but we will use our resources the best we can and will approach everything in a responsible manner.

Mayor Pro-Tem Green asked City Manager Fuentes about the capital outlay money. Is it strictly for construction or is it for construction and operations. So if they come in under \$420,000, there might be money to pay a part-time employee. City Manager Fuentes responded the money is strictly for planning, design, and constructing the shelter. Typically it is not used for operations. Mayor Pro-Tem Green thanked the City Manager and thanked the Chief for what he is doing!

7. Discussion/Action: Review and selection of Local Government Road Fund (LGRF) Program Project. Don Armijo, Public Works Director

Public Works Director Armijo gave his presentation. It is part of the agenda packet. He added every year we do a couple of blocks. We should be finishing this year with Simpson. The Streets he presented included the following:

- 1) Golf Club Drive, off of Copra
- 2) Veater, from Iron to Arroyo
- 3) Veater, from Hyde to Arroyo
- 4) City Street Dead end to Myrtle
- 5) City Street, Myrtle to Henson
- 6) City Street, Henson to Radium
- 7) Marshal, Platinum to Tin
- 8) Marshal, Tin to Coal
- 9) River Road, Tin to Bottom of the Hill
- 10) West Riverside, Wyona to Daniels
- 11) Kruger, Third to Fifth
- 12) Kruger, Fifth to Sixth
- 13) Kruger, Sixth to Seventh
- 14) East 7th, Kruger to Tingley
- 15) Locust, Sixth to Seventh
- 16) Locust, Sixth to Fifth

17) Locust, Fifth to Fourth

Public Works Director Armijo added these are some of the streets we want to include for this year.

Mayor Whitehead said there are a couple of additional roads. One would be Gold Street from 3rd to the Hospital. And also 8th from Kruger to Tingley, when they grade it's really Rocky. There have been several times she goes on Tingley from 8th Street and she almost high centers her car on that road. Also on Kruger they come so fast everyone is sliding. They are going to take out homes for fences in the future. She would like them to look at doing those in the next couple of years.

Commissioner Peterson said he remembers receiving calls for each of those areas. He commended them for all of the work they have done. He asked if they feel they will be able to do all of those streets with the money you have. Public Works Director Armijo responded no sir, these are the streets we would like to see. We are leaving it up to the Commission to decide which streets we move forward to address. In the past we did one area and did a street, then we did the next area. But now we are letting the Commission decide what areas we take care of.

Commissioner Richter thinks you have a good idea with the stretch of road. He suggested bringing it back to show phases to get one section done so the choices could be narrowed down that way. When originally saw this, he thought was a great agenda item for the next Commission. He remembers dealing with that four years ago. If we can narrow that down in phases of where we can do sections. Some of this is chip seal which is a bandaid. He commented on the Road on Veater. He mentioned he was not sure if we were going to upgrade that water line. It has been dusty for years.

Mayor Pro-Tem Green picked up on something Commissioner Richter has said for four years. Half of our Streets are dirt streets. If you have a home on that road and it gets paved, it would increase your home value. He wondered if the new Commission might want to take this on to self-finance our road program to get them paved. If we update our infrastructure, the residents are the ones who gain. To spend \$60,000 a year to update our roads is ridiculous. Demand is great and the funding is not so great. Flooding, the amount of houses being affected, and dust should be determining factors. The biggest challenge is not which road we choose, the bigger challenge is how to we get 15 miles of roads paved. If we already started something we should continue.

Commissioner Peterson interjected where the complaints come in based on the logic gets everything mixed up.

Public Works Director Armijo said one word of caution is we have until March 15th to act on this to get it in to the state. He added Commissioner Richter brought up a good point on Veater. We don't want to tear it up because they will need to go in and out on that one so it would be a good idea to wait on that one. On the end of city street there is one person who lives on that street. The next stretch is on the end of Marshall going towards the river, eventually it would be nice to go around River Rd and make that a full street. The blocks on Kruger might be a good idea. We didn't want to do more work past Kruger because Dave Cook said they need to do work on those lines. If we got it done up to 7th it would take care

of that housing complex and those who live there. Once again you are only going to do two blocks and the next two blocks. When we did Riverside Dr. every year we did two blocks until we got out to Rodeo Arena Road and that took about four years. Foch Street also took four to five years to complete. Once they get started in an area, it will take four to six years to finish the area.

Commissioner Peterson said when we approve a certain amount of roads to be done, we have to be careful we don't have to tear it up for water or sewer lined.

Public Works Director Armijo said when before they do a project they do work with the Water Dept. to see if there are any upgrades for valve changes they need to do. They are working with them.

Commissioner Clark doesn't like the checkerboard concept. She would like to see a continuous ongoing project. She would like to see this work with the Water Study that was done. The one that shows which are the worst lines in the city. She agrees with Commissioner Richter's comments.

City Manager Fuentes said based on the comments made he asked for Public Works Director Armijo's recommendation.

Public Works Director Armijo responded he would say we should start with Kruger and head to 7th Street. Eventually we could tie in with 8th Street and those blocks there.

City Manager Juan Fuentes said with that he would make a recommendation to proceed with Kruger as recommended by Public Works Director Armijo. This way we could apply for the New Mexico Department of Transportation funds before the deadline.

Mayor Pro-Tem Green asked him to put that project back up on the board. They are looking at #11 Kruger from 3rd to 5th (\$9,900); Kruger from 5th to 6th (\$29,000); and Kruger from 6th to 7th (\$30,000).

Public Works Director Armijo said right about \$51,000 is what the state gives and we do a 25% match. We use every bit of money we get to put in to materials so we get more bang for our buck. Mayor Pro-Tem Green asked Mr. Armijo if the \$51,000 or \$53,000 is including our match. Public Works Director Armijo responded no sir, that's just the state's portion.

Commissioner Clark asked City Manager Fuentes she is still concerned about looking at water lines to do that first. City Manager Fuentes said we would definitely look at the areas Don has identified to make sure there is nothing in the near future. The study has identified which lines are more critical to replace. They will work with Traci, Jesus, and the Water Department to make sure there is nothing in the future that will tear up the road once we proceed forward. Commissioner Clark said those three are

Public Works Director Armijo made a diagram on the dry erase board for the Commission, then Kruger Street was displayed on Google Maps to show the area they are proposing. City Manager Fuentes added we would start by 3rd and go up to 7th.

Public Works Director Armijo directed them through the map.

Mayor Pro-Tem Green wonders if we could vote on this contingent upon Public Works Director Armijo and City Manager Fuentes checking with the Water & Wastewater Departments to make sure there is not anything planned for this area.

Mayor Pro-Tem Green moved to approve authorizing the Public Works Director to move forward with staff on the LGRF project on Kruger Street contingent upon checking with the Water & Wastewater for their plans for improvement. Commissioner Clark seconded the motion. Motion carried by a vote of 4-0-1. Commissioner Richter recused himself because he has family who live on Kruger.

8. Discussion/Action: Award and authorization to staff to proceed forward with the Healing Waters Plaza Project. Juan Fuentes, City Manager

City Manager Fuentes gave an update on the item. In the packet there is a quote they received from Accent Landscape Contractors. This is the company our firm has been working with. It's a contract we are going through CES Program which is a highly recommended contract company that is experienced in these kind of projects. The quote we receive is estimated at \$330,000 plus other fees for a total of about \$336,000. We still have a balance of \$174,766 from the funds we set aside. And we did receive notice of the MainStreet Grant for \$145,000. But even with those funding sources we are still a little bit short between \$11,000 - \$20,000. The goal is to be able to proceed forward with this project. However, we are still working with the state and the New Mexico MainStreet to be sure we will be receiving that grant agreement for the \$145,000. We are still working with the Architect and Engineering Firm because there are items we want to make sure address, such as the Soil on the site. Staff is working with some of the Engineers, and bill to try to keep the costs down and do some of the work ourselves. He recommended to proceed forward with this project as presented in the quote of \$336,377 with the authorization for staff to have the flexibility and find the resources to cover the funding gap. We have identified those funds in the Recreation Fund, not the Recreation fund in the General fund but a separate fund. So we have those funds available. In addition to that we have the funds that have been raised through the brick program, which will be available as well to cover any shortfall. If Commission allows staff to proceed forward with a 10% contingency because as you know there is always the unknown when you move forward with a project. The goal is to have it completed by June for the Centennial Celebration. However, he wants to stress any execution of agreements have to be contingent on making sure we receive all of the funds for this project. So we will be moving cautiously with this project and we will be keeping contact with Architect and the Contractors. Bill is in the audience to answer any questions.

Commissioner Clark said we have a time crunch here and she trusts City Manager Fuentes to make sure we have the budget and the funding lined up. She doesn't see us not going through with it, without having a party with a dirt pile.

Mayor Pro-Tem Green said lets get it on and do it. Commissioner Peterson said this project is too important to be messing around with it, he is for it.

Commissioner Richter said it seems we could do some stuff right away like the solar mediation right away. He asked at what point do we see this thing capitalize. City Manager Fuentes said if the authorization is given tonight staff plans to contact MainStreet and work

in parallel with them to get it done in a timely manner within the budget we have. In the meantime, our staff is already working to try to get some of that done in-house. We are working in two parallel roads to get it done and make sure we have the funding.

Commissioner Richter asked what the time frame is on getting the money. City Manager Fuentes let them know we already received word that we have the funding but we don't have a date as to when the agreements will be sent out. He has been in contact with the Assistant Executive Director of MainStreet, and he does not have the actual date yet. Commissioner Richter responded you getting the ok from MainStreet is not the same as you having the money in hand. City Manager Fuentes said we don't just want a verbal agreement we want to make sure we have a firm commitment. The contract will be with the city, we want to make sure we have the funding in place before we proceed forward. One of the things they will make a determination once they review the audit is if the city will need a fiscal agent or not. That is a requirement for DFA to make that determination.

Mayor Pro-Tem Green said we still have two baited hooks in the pond. One is a state agency expecting turn back money. That will be available at the end of April. The Turner Foundation is in to one of their charitable foundation Mr. Turner owns. We have a call into one of the Chairman to find out what their time frame will be. He thinks this is a sensible way City Manager Juan Fuentes and Assistant City Manager Slettom have chosen to move forward with. He believes for the shortfall, we might have some people retiring that we don't have to fill immediately.

Mayor Pro-Tem Green moved to approve to proceed with the healing Waters Plaza Award and to authorize staff to take financial precautions to make sure funding is available. Commissioner Clark seconded the motion. Motion carried unanimously.

H. REPORTS

1. City Manager

- 1) City Manager Fuentes reported the Capital Outlay projects for Sierra County. Elephant Butte Wastewater Collection Lines (\$200,000); Monticello Water System Construction Project (\$100,000); The Sierra County Animal Shelter (\$100,000) he reiterated the support the county has given us on this project, they also made it one of their priorities and we appreciate that. Other funding on the list includes; Geronimo Springs Museum HVAC System (\$5,000); T or C Animal Shelter Project (\$101,000); and the T or C Feeder Electrical Improvements Project (\$35,000). So the County is in line for \$561,000 of capital outlay if the Governor signs the bill.
- 2) The Colonias Infrastructure Board is meeting on March 9th for Phase 2b of funding for the WWTP Project. We submitted an application for \$2.4 million. Bill and Traci will attend that meeting for the funding. We hope to get this funded so we can move forward with the next phase and will hopefully have the WWTP Project done in five years.

Mayor Pro-Tem Green asked about the \$101,000 and if it came from one person or was it split between Senator Smith and Representative Hamilton. City Manager Juan Fuentes said at this time we don't know who funded the project. Mayor Pro-Tem Green wanted to write his thank you letter.

2. City Attorney

None.

3. City Commission

Commissioner Clark said it's been a real pleasure working with you guys. He likes the sense of humor on that side of the table.

Mayor Pro-Tem Green echoed Commissioner Clark's sentiments. It really has been a joy and a pleasure. Life to him is always about learning and continuing to learn and he has learned a lot from both Commissioner Richter and Commissioner Peterson. And the grace and way you have handled yourself even though we have disagreed in the last four years and one year. But we've always been able to look one another in the eye and shake hands in the beginning of the meeting and at the end. He appreciates all they have done and he's sad they are leaving.

Commissioner Peterson wanted to express his thanks to the Commission and City Manager Fuentes too. As a brand new person after you guys have been working through something for a year or two, and I come aboard and had a whole year to catch up on. And he may accuse somebody or get them in the office and wonder why it's going down the way it is. There is a million ways to do things, and my way may have been different. But I enjoyed watching this Commission with this Manager work the hardest he has ever seen on a Commission. And getting involved no matter how difficult it was. For instance, the Water System and Wastewater. Some of those traits still hang with him so he thanked all of the Commission for being responsible for the citizens of this community. One thing he thought he could deal with again getting back in as Commissioner was some of the wackos that voice opinions and chewing at the Manager or Commission knowing that we are under constraints in running a meeting efficiently and not engaging in a bunch of childish rhetoric. All he knows is not of that caliber any longer. Thank God he was only on the council for a year or you may have some altercations going down if he had to sit through very many more of the nonsensical stuff that comes across. And he commends them in doing such a great job. He admires the Commissioners for running again and he sincerely wishes them the best of luck. He can't see anyone else working as hard for the city.

Commissioner Richter asked who brought the cookies. City Manager Juan Fuentes responded City Clerk Cantin brought them.

Mayor Whitehead thanked all of the Commissioner's for their dedication to the community. But before we leave she has one item left. She had the great privilege and honor to go to Juarez to visit the Pope when he came. She was totally impressed and amazed, it was a bucket list thing for her and she was totally amazed. She showed some slides with pictures of the trip.

I. ADJOURNMENT

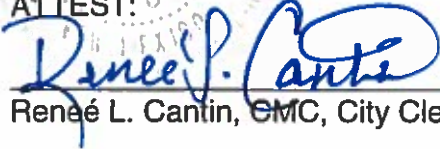
Mayor Pro-Tem Green moved to adjourn at 8:19 p.m. Commissioner Richter seconded the motion. Motion carried unanimously.

CITY COMMISSION FEBRUARY 23, 2016 REGULAR MEETING MINUTES

Passed and Approved this 22nd day of March, 2016.


Steven Green, Mayor



ATTEST:

Renee L. Cantin, CMC, City Clerk