

**CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
TUESDAY, MARCH 22, 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 on March 22, 2016 with the meeting starting at 6:04 P.M.

A. CALL TO ORDER

The meeting was called to order by Mayor Steve Green at 6:04 p.m.

B. INTRODUCTION

1. ROLL CALL

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

Hon. Steve Green, Mayor
Hon. Sandra Whitehead, Mayor Pro-Tem
Hon. Kathy Clark, Commissioner
Hon. Rolf Hechler, Commissioner
Hon. Joshua Frankel, Commissioner (joined by telephone)

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

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

2. SILENT MEDITATION

Mayor Green called for fifteen seconds of Silent Meditation.

3. PLEDGE OF ALLEGIANCE

Mayor Green asked Assistant City Manager Slettom to lead the Pledge of Allegiance.

4. APPROVAL OF AGENDA

Mayor Pro-Tem Whitehead requested to remove Item No. I.5 under New Business for the Solid Waste Grant from the agenda.

Mayor Pro-Tem Whitehead moved to approve the amended agenda. Commissioner Hechler seconded the motion. Motion carried unanimously.

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

Mayor Green called for Public Comment, noting those wishing to comment on the GRT Ordinance can wait until that Public Hearing so these comments would be for other matters. He added as they step forward the three minute rule applies, and any material for the Commission was to be left in the black box by the podium.

Sue Crowder addressed the Commission related to

- 1) Asked one question. She has a very good friend named Ken Reidemann and she is tired of the city picking on him. She feels they are harassing him and maybe the Commission will take that into consideration.

Ron Fenn, 316 N. Foch

- 1) Dismayed about Mr. Greens response to the press about the recycling program. He feels it basically said he was a liar about the program. The plastics and other recyclables are a total waste of money. He announced Mr. Green said the program is viable both environmentally and economically, and he asked where the proof is for that statement. He asked what the city uses to substantiate this. He produced documents to show how it is not economically viable and the Commission turns around and makes him look like a fool which he is not. He is tired of the rhetoric and that alone that we are going to have \$20,000 visitors at the Spaceport Visitor's Center.
- 2) And now we have a recycle program that is wasting our money to the tune of a couple hundred thousand dollars (\$200,000) per year.
- 3) We also have a Solar Farm that is equally draining our money which he reported to the PUAB last night. And whether anyone believes it, the documents are there. They can look all of this information up themselves. And if you know how to run a spreadsheet, you can do an analysis to see this city does not need a solar farm. We purchase our Electricity from sustainable Hydro Power and that covers us for any federal regulation. This program is wasting our money to the tune of \$38,000 this year and it will be much more than that next year and every year for the next 25 years. Why we get involved with these crazy programs is because it sounds good but we don't follow through with contracts.

Audon Trujillo, 506 W. Third St.

- 1) Pleased to see the work on the Lee Belle Johnson Center is starting.
- 2) He's concerned there is so much rock going in under the park. He mentioned someone should comment on that. He asked who they consulted to find that would be a good medium for plants. Even Palm Tree's should have a good medium to grow in. He doesn't feel the park should be just for the June celebration, it should be around for our grandkids to enjoy.
- 3) Asked them to start on the evaluation on the City Manager soon and not to wait until the last minute. We could do a better job for not only the City Manager but for all staff which do not currently have annual work plans. It's a time consuming process to start up with, but it's really very necessary to improve the city.

Sophia Peron, Citizen

- 1) It's great to see all of these people come for the Sierra Hospital Hearing. She attended the Sierra County meeting and not a single member was there but her. It's great to see people in the community come to speak up for themselves either one way or the other. She hope it's worth it because her property is not worth a dime. So investing all of this money into the Hospital is a very scary thing. In case you're thinking about it, there are a lot of brochures at the Police Department that tells you how to avoid fraud.
- 2) She said goodbye to Mr. Slettom and have a good life because we are going to pay to fix the hideous gazebo and the stupid handicapped ramp at Ralph Edwards Park. We're going to have to do whatever it takes to fix the Healing Waters Plaza. We're going to have to eliminate the Fire Plug Park or do something with it. The city told her there were no plans for the Fire Plugs where the Old Fire Station is and no money was spent on it. Next, you're going to be redoing the National Guard Armory, the junky old building for \$100,000. Good Luck! She is glad this will be the regime of the Mayor Green that takes us finally down.

Linda DeMarino, Executive Director of MainStreet Truth or Consequences.

- 1) Tomorrow morning at 8:00 a.m. at 410 Main we will have a business breakfast. They are bringing in a lady from OSHA. They have limited seating so prospective business owners can give her a call and can come tomorrow.
- 2) Hot Springs Festival Planning is going on. on May 13, 14, & 15th. It will focus on Healthy Lifestyle, Medicine, and Sustainable Living. They will have music, vendors, presentations, workshops and tours. We are having a hard time keeping it small because people are so excited about it they are coming out of the woodwork to do different things. So that's a really good problem to have.

D. RESPONSE TO PUBLIC COMMENTS

Commissioner Clark responded

- 1) Apologized to Sue she cannot respond but she would love to.
- 2) Response to Mr. Fenn about recycling. She had been listening about him talk about recycling for a while. She has taken it upon herself to do some serious research about it, and he would like to make an offer to him once she has done her research if he would be kind enough to sit down with her and compare notes.
- 3) To Mr. Trujillo she also has a concern about the rocks and trees and tap roots for the planting. She feels it would be a good question to ask our Landscape Architect to see if maybe there might be an issue with that. She thanked him for bringing that up.

E. PRESENTATIONS

1. Presentation to Bill Slettom, CDD/Assistant City Manager

The Mayor and Commission presented an award to Bill for his retirement. The Mayor stated this is a bittersweet moment for staff and the Commission. The one thing he wants

the public to know is after he retires, he will work on some of the projects he has started to help see the city through with on a total 100% volunteer basis. He thanked him and applauded him for that. City Manager Juan Fuentes read the inscription on his award. He has been an excellent right hand man and has done so many projects for our community. He is certainly going to be missed and we really appreciate everything he has done and his support.

Assistant City Manager Slettom thanked the Commission for the opportunity to make a difference in Truth or Consequences. It's been a great experience and we've made some great progress. He truly believes we need to continue to build our infrastructure.

F. CONSENT CALENDAR

1. City Commission Regular Minutes, February 23, 2016
2. Golf Course Advisory Board Minutes, February 3, 2016
3. Golf Course Advisory Board Minutes, February 17, 2016

Commissioner Clark moved to approve the consent calendar. Mayor Pro-Tem Whitehead seconded the motion. Motion carried unanimously.

G. PUBLIC HEARINGS

1. Public Hearing: Final Adoption of Ordinance No. 670 15/16 authorizing the execution and delivery of a Loan Agreement among the Sierra County Joint Powers Commission and dedicating the Pledged Revenue from its 0.1875% Municipal Gross Receipts Tax for the Term of the Loan. Juan Fuentes, City Manager

City Manager Fuentes asked the Hospital CEO Mike Zimmerman to come forward. He has been working closely with all of our entities, as well as, our Legal Counsel and theirs on this proposed ordinance. He asked him to give the public a quick overview as to what is being presented to the Commission and the public.

Mr. Michael Zimmerman, Chief Executive Officer for the Sierra Vista Hospital addressed the Commission. He started by saying the Hospital is owned by a Joint Powers Agreement that consists of Sierra County, the City of Elephant Butte, the City of Truth or Consequences, and the Village of Williamsburg. Each entity has pledged a portion of their GRT Taxes as a result of that. That construction for the County and the Village of Williamsburg has been in place since 1998 and the City of T or C and Elephant Butte started in 2009. What exists now under the current commitment is the .1875% which is not changing. This money is in the Hospital General Fund and they have it to use at their discretion to pay for bandages or construction or whatever. He added that percentage is not going to change relative to the amount pledged by the city. The only difference they are asking for is that .1875% be dedicated to the repayment of the loan for the construction of the new hospital. It's not like it goes into a separate bank account, it all goes into a General Fund. It is a conceptual agreement the partners in the Joint Powers Agreement have committed to continue their ongoing support that we have had for some time now. He reiterated, the reality is, the Hospital has NO debt. There are statements

being made and rumors going around that we are in debt, but there is no debt. He can understand why people would object to this package. It's a large deal and it's requiring a leap of faith that this is what we need to move the city forward. He can't abide when people are just spouting statistics that are wrong or dishonest. We have no debt and every member of the four communities collectively will owe \$3,000. The citizens of the entities will owe nothing. The hospital has pledged to repay this loan. The only thing the entities are pledging is the extent of their GRT payment. For the City of Truth or Consequences, that is roughly \$250,000 per year. If the hospital folded, the only thing the city would be obligated for is the \$250,000 they have already pledged. Let's start from a position of accurate information. We have been successful in recruitment and he explained some of the recruitment they have been doing as far as Doctor's and Medical Staff. They are making every move they can make in order to ensure the long term viability of this organization. He hates to be blunt and a naysayer but since 2010, 63 Rural Hospitals have closed across the country. They closed for two reasons: 1) a lack of political will by entities or public facilities or understanding of how you grow strategically to prevent a problem; or 2) a strategy where they do not grow. We can go back to the way we were two, three, or four years ago, but he guarantees the hospital will die. And his biggest fear is the Town will eventually follow that. Because where you don't have health care, you don't have growth. It's plain and simple. In closing, the reality is the Hospital has no debt, the Citizens will not be obliged for \$3,000 a piece as the rumors would suggest. And we are doing this not to impede the growth of the towns. We structure this so the entities would still have financing capabilities. This doesn't affect their limit. The last comment he would like to make is when he got here two years ago, a lady who he doesn't know and is willing to say "Thank you very much", shortly after he got here and had outline his vision had gone on Facebook and basically tore me apart by saying my Big City thinking and my Big City Private Hospital ideas would ruin our hospital. Since then, we have had a deficiency free State and Federal Clinical Survey with no issues to correct; we've had a Perfect Audit from the State Auditor's Office; and we've returned the hospital to profitability. Yesterday, on the same Facebook Page, the same Young Lady said, the only way we grow is to continue the path the hospital is on. It shows him he is making some progress with some people who really didn't want him to be here when he got here.

Mayor Green started by thanking the unknown Facebook Lady, she nailed the last Facebook posting.

Opponents: Quite a few on the list signed up but either had left or did not wish to speak. The following are those who spoke as opponents:

Audon Trujillo started by saying for the record he signed both sides of the list. Everyone wants a good hospital. His Father died at this hospital. 1) If they have this ability, then why are we doing this. 2) The ability for the Commission to do this, if they already have that authority where does the authority derive from. He asked just to be educated on this. Other than that, he is in favor of a good hospital, but he doesn't want to get stuck with a \$30 million loan in the city.

Mr. Zimmerman said under New Mexico State Law, anytime a Governmental Unit takes out a debt instrument, there has to be a dedicated revenue stream to pay for it. The Hospital has enough cashflow to repay the loan on it's own but this is the additional security for the New Mexico Finance Authority. The second questions response is whatever the debt is, it is not a debt of the city. It's the debt of the Joint Powers Commission. If he owns a share of stock in General Motors that he paid \$100 for, under the law, if General Motors goes bankrupt, he is not personally liable for the debt of General Motors. He is simply liable for the \$100 that he paid to buy their stock. In this particular case the city is not liable for the full amount. He added Commissioner Clark had the information in the document to support this statement. This city is not obligated for the whole loan, they are only obligated for the \$250,000 or whatever the GRT payment is.

Commissioner Clark answered Mr. Trujillo's question first. She read the section for dedication from the 1995 GRT Ordinance which says it should be used for hospital and operational expenses as contemplated by the Hospital Funding Act. She added we needed to change that wording to dedicate the funds for debt payment. She read the part of the Loan Agreement related to that section and the pledged revenues and the responsibility of the governmental unit. She said there is another exhibit that says the same thing in different words.

Karen Reith, 205 Rio Grande Circle in Elephant Butte but she does have a vested interest in this ordinance. When the City of Elephant Butte had the same ordinance for public hearing they had shown overwhelming support in favor of this. Thanks to the Governing Board and JPC Members that attended. They have a number of people here from Elephant Butte and she thanked them for coming to show support. She relocated from Colorado in 2013 returning to her home state of New Mexico after being away for several years. At that time, one of her biggest concerns was finding health care. She explained some of her dealings with medical problems in her family. Her boys have ongoing occupational therapy and physical therapy. She can also say there are many other school aged children in the area who need medical care as well. She cannot say enough how great a hospital can be when the collaboration of surgeons, therapists, and other departments are critical to a holistic plan of care. Building a hospital is good for our citizens, it's good for our community, and its good for our economy. She urged the Commission to pass this ordinance and thanked them.

Ted Kazgrowski from Elephant Butte commented in favor of passing the ordinance. He added he's seen dramatic improvements in the last two years. And took his hat off to Mr. Zimmerman and the staff. He supports the project because we have to get the people off of the freeway. He would appreciate if they would support this initiative. We have to update the hospital to attract new businesses. He's seen dramatic improvement and he hopes it can keep improving this way.

Bruce Swingle, Sierra County Manager. Last week Sierra County passed this ordinance. Experts have looked at this ordinance and we have done our due diligence. It's good for this community and will provide jobs and economic development opportunities that is not currently available. . We don't move forward with this hospital, we will lose residents.

These residents will have no choice but to move closer to health care services. The County asked them to support this ordinance.

Audon Trujillo knows its hard to keep staff here. Truth or Consequences is very livable, he doesn't know why staff at the hospital don't offer some sort of cut rate at the Golf course. The Police Officer's should also get a cut rate at the Golf Course. Let's sweeten the pie and give them something.

Linda DeMarino echoes some of the things the County Manager said. We have so many houses that are empty and some of the responses are because of the lack of adequate medical care. She encouraged the Commission to support this because if we fill up the houses, there are more people to support our business community and the Gross Receipts and its good economic development.

Karen Mogen added she is very much in favor.

Mayor Green thanked everyone for being concerned about your community and for speaking either for or against it. We are a family here in T or C and we are a family

He called for a five minute recess but they decided to proceed with the unfinished business for the action.

H. UNFINISHED BUSINESS

1. Discussion/Action: Final Adoption of Ordinance No. 670 15/16 authorizing the execution and delivery of a Loan Agreement among the Sierra County Joint Powers Commission and dedicating the Pledged Revenue from its 0.1875% Municipal Gross Receipts Tax for the Term of the Loan. Juan Fuentes, City Manager

City Manager Fuentes commended Mr. Zimmerman for a good job in the explanation of the intended purpose of this ordinance and also Commissioner Clark for her response. This is a document and process that is required by the New Mexico Finance Authority and it is not uncommon that when funding is requested, we have to go through this exercise. City Manager Fuentes said all of the entities and legal counsels have done their due diligence and he recommended approval.

Commissioner Clark moved to approve Ordinance No. 670 15/16 authorizing the execution and delivery of a Loan Agreement among the Sierra County Joint Powers Commission and dedicating the Pledged Revenue from its 0.1875% Municipal Gross Receipts Tax for the Term of the Loan. Mayor Pro-Tem Whitehead seconded the motion.

Discussion – Commissioner Clark asked the Mayor to request Mr. Zimmerman to come forward again. One of the questions she had was for the debt. The other issue she had was can the city change this ordinance. She went through some of the information she put together. She added we have one of two choices we either build a new hospital that's

not going to cost us any more money than we've already been putting out or we have no hospital.

Mr. Zimmerman explained the Door to Balloon analogy and secondly, he would be remiss if he didn't recognize the incredible hard work of his staff.

Commissioner Clark added the last thing she wanted to add was she had a question as to whether we have the ability to change the ordinance and the answer is absolutely yes.

Mayor Green thanked Mr. Zimmerman and his staff.

Roll call was taken by the Clerk. Motion carried unanimously.

Mayor Green thanked Commissioner Clark for jumping in and taking care of this so quickly on very short notice.

Mayor Green recessed the meeting at 7:06 p.m. and reconvened at 7:12 p.m.

2. Discussion/Action: Resolution No. 26 15/16 Authorizing the Amendment and Restatement of Section 7 of the Joint Powers Agreement (the "JPA") adopted May 14, 1998 and revised July 15, 2009 (No. 97-059) between and among the County of Sierra, the City of Truth or Consequences, the Village of Williamsburg and the City of Elephant Butte (Collectively, The "Participants") Providing for the dedication of certain Gross Receipts Tax Revenues of the City of Truth or Consequences (the "City") to be Pledged Pursuant to an Ordinance Adopted by the City for the Payment of a loan from the New Mexico Finance Authority (the "Finance Authority") in an amount of up to \$36,329,129. Juan Fuentes, City Manager

City Manager Fuentes said essentially all of the entities made up the language of the loan when it was acquired. The proposed resolution is to amend the JPA to include the language that was changed in the ordinance.

Commissioner Clark moved to approve Resolution No. 26 15/16 Authorizing the Amendment and Restatement of Section 7 of the Joint Powers Agreement (the "JPA") adopted May 14, 1998 and revised July 15, 2009 (No. 97-059) between and among the County of Sierra, the City of Truth or Consequences, the Village of Williamsburg and the City of Elephant Butte (Collectively, The "Participants") Providing for the dedication of certain Gross Receipts Tax Revenues of the City of Truth or Consequences (the "City") to be Pledged Pursuant to an Ordinance Adopted by the City for the Payment of a loan from the New Mexico Finance Authority (the "Finance Authority") in an amount of up to \$36,329,129. Mayor Pro-Tem Whitehead seconded the motion. Roll call was taken by the Clerk. Motion carried unanimously.

Mayor Green said this is worthy of front-page news and he hopes it gets there.

I. NEW BUSINESS

1. Discussion/Action: Review and approval of the FY 2014-2015 Audit. RPC CPAs & Consultants

City Manager Fuentes said we have Michael White who would be giving the review of the 2015 audit.

Mr. Michael White is here to give a high level overview of the audit. The Audit is for the year ending June 30, 2015. They started the late summer and we had our exit meeting the middle of December and it was presented to the state by 15 December which we did. He is the partner in charge of the El Paso office his partner at the time has retired, so he is hearing her place with Bobby Cordova who is the auditor in charge. The findings that were identified were accepted and the responses are already documented. Overall they had a modified opinion which is a qualification over the joint utility accounts receivables and revenues. Financials of the city are presented fairly and in according with accounting standards except for the joint utility accounts due to some glitches in the accounting system and the availability of the information from that system made it difficult to justify that. All of that has been documented and accepted and the city is working on a new system. But at the time of the audit we had to use the old system. There were some findings that did not rise to significant deficiencies and for material weaknesses. Some from us some from prior audits. Again those were discussed in the exit conference excepted with your notes.

The planning and scope and timing were pretty consistent with prior years. Matters when we needed to communicate any significant accounting policies and unusual transactions are in the footnotes of your audit. Nothing was overwhelming everything was explained pretty well yes. We deemed to have the judgments made by management were reasonable and acceptable. For example, you have to make estimations when it comes to allowance for uncollectible accounts, accrued expenses, capital assets, and depreciation. Management judgment on disclosures were clear and consistent. So when you read the financials we feel there clear and understandable. There were problems with the joint utilities systems but hopefully with the new system this will be a finding in the next audit. We noted no misstatements in the normal accounting to GAAP and other words everything looks good everything is flowing well. We didn't have any disagreements with management which is also very good. There were no significant deficiencies. With the expertise they were able to go through it all on their own without bringing in any expertise. Were no doubts that the Institute should be able to continue. The city has informed them of no fraud that should be brought to their attention. Other than the joint utilities, which has been addressed, we show a good audit,

Commissioner Clark moved to approve the FY 2014-2015 Audit. Mayor Pro-Tem Whitehead seconded the motion. Motion carried unanimously.

2. Discussion/Action: Review plans for renewal/update of the Louis Armijo Ball Fields. Greg D'Amour, Recreation Advisory Board Chairman

Mr. D'Amour asked the City Manager to bring up the current ball park area. We are looking at the bottom right ball field for Step 1, adding a field in between the bottom two fields, then the bottom left field, followed by the top left field. They would also like to look into putting a playground for kids. If we go back to the last time we seeded the fields, we had a tournament come to town. We would like to get them back into shape to do it again.

Mayor Green thanked him and the board for their hard work.

City Manager Fuentes thanked Mr. D'Amour and his hard work with the board and in future budgets he would plan to look into finding the funding. He suggested maybe we can find more funding each year to make improvements each year.

Mayor Pro-Tem Whitehead was concerned about interruption in the current games that are played when they start the upgrades. Mr. D'Amour assured them they will make sure they keep all of the participants aware of what's going on.

Mayor Green has two quick questions. 1) will there be any grants available for this project. Mr. D'Amour said he had talked to Linda DeMarino and she said she would keep an eye out for grants.

Mayor Green asked if she would be using hybrid Bermuda grass on the soccer fields. Mr. D'Amour is not familiar with the grass the soccer people are using. Mayor Green suggested should consider reaching out to them. Because if they require Bermuda you could put their needs and our needs together to save a few bucks.

Mayor Green moved to approve to authorize staff as we go into budget hearings to attempt to isolate and locate money for seeding for the softball fields. Mayor Pro-Tem Whitehead seconded the motion. Motion carried unanimously.

3. Discussion/Action: Resolution No. 27 15/16 approving the 2016/2017 Annual Juvenile Adjudication Fund (JAF) Grant Application and naming the City as the Fiscal Agent. Bobbie Sanders, Municipal Judge

Ms. Margaret Clanton presented the item for Judge Sanders. This is an annual grant application and one of the requirements is naming the city of truth or consequences as the fiscal agent. They requested approval of the resolution.

Commissioner Clark moved to approve Resolution No. 27 15/16 approving the 2016/2017 Annual Juvenile Adjudication Fund (JAF) Grant Application and naming the City as the Fiscal Agent. Mayor Pro-Tem Whitehead seconded the motion. Roll call was taken by the Clerk. Motion carried unanimously.

4. Discussion/Action: Fire Protection Fund Application for FY 2017. Paul Tooley, Fire Chief

Fire Chief Paul Tooley presented the annual application for approval. He added the amount of the grant where they were guaranteed the \$154,000 for next year's budget. This year received hundred and \$194,000. We are finding our own truck which is a class A Engine \$423,000 a year. He wants to take \$100,000 set up an apparatus fund. We're working on some other angles including a FEMA grant. We have a goal to build \$300,000 for the next truck. They appreciate the support of the commission.

Mayor Green asked Chief Tooley to present his idea for this fire building that you mentioned when we did the ribbon-cutting. Chief Tooley responded is pretty unique to have it done in this area and of course the fire Academy in Socorro. But it's difficult for us to go down there during the week and they are not open on the weekends. We are looking to help subsidize the burn structure with a fee structure to charge other fire departments in the area to come into the training. This would help with some of the cost we don't have electricity or water in the building.

Commissioner Clark moved to approve Fire Protection Fund Application for FY 2017. Mayor Pro-Tem Whitehead seconded the motion. Motion carried unanimously.

5. Discussion/Action: To approve submission of a Solid Waste Grant Application. Andres Alvarez, Solid Waste Director

This item was removed from the agenda.

6. Discussion/Action: To approve submission of a Recycling and Illegal Dumping (RAID) Grant Application. Andres Alvarez, Solid Waste Director

Solid Waste Director Alvarez notified the Commission we have applied for this grant several times and have been successful. This grant is a 100% reimbursable grant with no cash match. Some pictures were provided in the presentation. They are applying for a new forklift and that will be \$40,000 - \$50,000. They also need a boxed in trailer.

Mayor Green asked if anyone can bid on this so we can keep the dollars here. Solid Waste Director Alvarez responded yes it would be nice if someone local could come forward. If somebody knows of someone have them give me a call

Commissioner Clark moved to approve submission of a Recycling and Illegal Dumping (RAID) Grant Application. Mayor Pro-Tem Whitehead seconded the motion. Motion carried unanimously.

7. Discussion/Action: Approve the Proposed Amendment to the City Attorney Contract for Legal Services. Juan Fuentes, City Manager

City Manager Fuentes added in your packet you have the proposed amendment to the contract. City Attorney Brad Springer is here to answer any questions you have regarding the contract.

City Attorney Springer presented the item and mentioned Commissioner Clark had brought up this issue during the approval of the original contract. It was concerning a bit of confusion between the city's code in section 2.144 in the contract as written. A contract is as any official can seek advice from the city attorney. He took those two provisions and wrote this simple amendment which essentially keeps the manager as the primary contact. And his practice would be to include the manager in the correspondence. And if it looks like it'll be an easy response he could go ahead and respond. This is a simple amendment and clears things up and he appreciates Commissioner Clark's sharp eye to bring this to their attention.

Mayor Green had one observation under the first amendment, number one scope of work, last sentence. He wondered if we should consider changing the "or" to "and". After discussion with the City Attorney it was decided to leave it as is. This was due to the need to get the attorney's opinion for some items including Municipal Court cases without having to wait for Commission approval to do so.

Mayor Pro-Tem Whitehead moved to approve the Proposed Amendment to the City Attorney Contract for Legal Services. Commissioner Clark seconded the motion. Motion carried unanimously.

8. Discussion/Action: Professional Services Agreement for Architect for the Animal Shelter. Bill Slettom, Assistant City Manager and Lee Alirez, Police Chief

Assistant City Manager Slettom said this is his last opportunity to ask them to move forward with a wonderful construction project. We have a proposal from NCA Architects of Albuquerque to prepare the design documents and construction bid documents for the renovations of the building next to the old Armory for an animal shelter. They are proposing full services will come to around \$41,850. This will leave the construction budget of \$375,000. The last legislative capital outlay of \$201,000 and we have \$240,000 from previous capital outlay for this project. City Manager Fuentes clarified, we have used a small amount of the funds to purchase some equipment but the majority is available.

Commissioner Clark was concerned about the price of the services because the building is only 1,200 sq. ft. Assistant City Manager Slettom let them know the reason for this is the amount includes the architectural engineering and mechanical engineering which is important for the care of the animals.

Mayor Green asked if we are required by capital outlay to have engineering done. City Manager Fuentes responded in order for us to use these funds we have to have an architect. They have been able to use the existing structure and it will require significant improvements.

Police Chief Alirez added if we don't put the funding to use by June 2017, we may lose it.

Commissioner Hechler does feel the cost seems to be exorbitant just for the architectural part of it, but if there's a certification that will go along with a project like this, he understands. Police Chief Alirez confirmed and added they will also oversee the entire project.

Commissioner Frankel thanked Bill and the Chief for their work on this and asked about the RFP. Assistant City Manager Slettom responded this contract is being purchased through a small purchase agreement or professional services because it is less than \$60,000.

Commissioner Frankel asked if there were any other proposals received. Assistant City Manager Slettom responded they had worked in the past with NCA on the animal shelter and they did some preliminary space analysis for the animal shelter. It was easier to start with them with the new location.

Mayor Pro-Tem Whitehead moved to approve the Professional Services Agreement for Architect for the Animal Shelter. Commissioner Hechler seconded the motion. Motion carried unanimously.

9. Discussion/Action: Open Meetings Act Resolution No. 28 15/16 to include possible meeting time change and agenda deadline. Renee Cantin, City Clerk

City Clerk Cantin presented the item. The Open Meetings Act resolution is to once a year usually at the beginning of the fiscal year. A couple of Commissioners had commented they were interested in changing the meeting time to 9:00 a.m. so we're bringing them forward for discussion. Second change would be under section 3.a for regular meetings to change the distribution of the agenda to five days prior to the meeting. The current regulation is the agenda must be released no later than 72 hours prior to the meeting. At the last meeting we heard the comments where the commission would like to receive the agenda earlier so we are proposing making a requirement to have the agenda posted on the Thursday prior to a meeting which would give the commission one more entire day to review the agenda packet.

Mayor Pro-Tem Whitehead commented on her thoughts on changing the time of the meetings. When she brought it up she discussed her suggested changing from two meetings a month to one meeting a month and holding the meeting in the morning. At that time it died for the lack of a majority vote. This time she is requesting we continue to hold two meetings a month but to hold those meetings in the morning instead of the evening. Because the commission is fresh in the morning. She feels changing it to 9:00 in the morning would decrease any overtime pay to staff. Most of the staff have put in a full day and then sit here for an additional four or five hours while we have these meetings.

Commissioner Clark was concerned about what kind of impact this would be on staff and if they are paid double time when they are on the clock. City Manager Fuentes responded most staff who show up will earn comp time unless they are salaried. Having a meeting

during the morning would obviously be part of the workday which would make it easier for them. They would have to be here already and can continue through the workday. It would also give us opportunity to process the paperwork in the afternoon after the meeting. He added there are some advantages to moving it to the morning. If it went through the lunch hour they could just take their lunch after the meeting.

The Commission asked for comments from the staff members who were in attendance. Those who were in attendance responded. Most said the morning would be better to not take out of their evening time. Michelle Bean added a lot of their Departments don't always have the manpower to leave during the day. City Manager Fuentes said usually the Department Head would present the item. And if for some reason the Department Head could not attend, it could always be postponed until the next meeting. City Attorney Springer said his personal preference would be in the morning but he's here at the pleasure of the Commission, so it's fine either way.

Some of the concerns discussed were: hold another 9:00 a.m. meeting to try it out; to remember we are here at the pleasure of the citizens and would they be able to attend; do we lose preparation time for the meeting to start it early; and should we make it a Wednesday meeting instead.

It was suggested to move those with time constraints to the front of the agenda. City Clerk Cantin added we do try to move them up front when we can.

More discussion was held about when the deadline would be to submit items to be on the agenda. City Clerk Cantin confirmed the agenda would be distributed on Thursday and that would mean the deadline to submit agenda items is proposed in the Rules & Regulations to be 7 days before a meeting which will be Tuesday at 12:00 p.m.

Mayor Pro-Tem Whitehead moved to approve the Open Meetings Act Resolution No. 28 15/16 to include the time for 9:00 a.m. in the morning on the second and fourth Tuesdays and second recommended and also changing the agenda to be posted five days before the meeting. Commissioner Clark seconded the motion. Commissioner Clark said if we go five days prior to the meeting, would that be in the morning or at night. City Clerk Cantin said we purposely left that time out because sometimes when we are putting that packet together sometimes we run into a problem. We will make every effort to get the agenda out as early as possible.

Additional discussion was held as to when this will go into effect. City Clerk Cantin responded the Deputy Clerk is working on the April Meetings Notice and this change could be published in time for the next meeting which is April 12th. Mayor Green suggested staff produce a document and get it to the newspapers so they can get the word out for the citizens to change their schedules as well.

Roll call was taken by the Clerk. Motion carried unanimously.

10. Discussion/Action: City Commission Rules of Procedure revision. Renee Cantin, City Clerk

City Clerk Cantin started with Rule #2 was approved with the change of meeting time, so we will make that change. Under Rule #9, the corrections include changing the time to post and distribute the agenda to five days before the meeting instead of 72 hours. And it also includes submitting all agenda items by seven days prior to the meeting. Rule 16 on page 5, we are recommending some changes to the order of business including the addition of Response to Public Comments, this is already taking place at the beginning of the meeting. There is an addition after Public Hearings to discuss Ordinances, Resolutions, & Zoning. One of the reasons she is suggesting to add that in there is because when you hold the Public Hearing, they are related to Ordinances and certain zoning issues like variances. A really good flow in an order of business is to go ahead and approve it afterward the public hearing. Sometimes with our agendas it will end up further down away from the public hearing. We also removed the Board & Committees reports, it's not really necessary and their minutes are approved under the consent calendar and if they are requesting any specific action, it can be included under new business. Then we removed the Public comment and Public comment response from the end because it is discussed at the beginning of the meeting.

Commissioner Frankel asked how long it has been since we have had public comment at the end of the meeting. Mayor Green believes it has been at least a year or more. Mayor Pro-Tem Whitehead said we did that when Mayor Mulcahy was on the Commission, so it's been at least two years.

Mayor Pro-Tem Whitehead moved to approve the City Commission Rules of Procedure revision as presented and changing the time from 6:00 p.m. to 9:00 a.m. on the second and fourth Tuesdays, and the agenda items should be turned in by seven days prior to the meeting by noon. Commissioner Hechler seconded the motion. Motion carried unanimously.

11. Discussion/Action: Staff Presentations, Public Forum and Commission Retreat. Juan Fuentes, City Manager and Steve Green, Mayor

City Manager Fuentes addressed the staff presentations. He has asked staff to put together what they do in their departments, some of the projects they have in the works and any future projects that are coming up. We did this several years ago and we want to try in addition to include the budget portion of it. He talked to Finance Director Montgomery to schedule a time where it can be presented to the Commission.

Mayor Green is interested in having a retreat to get to know each other and to come up with some long term plans that are financially doable reasonable, and achievable. Before we go to the retreat, he would like to hear from the public. We serve at their pleasure and we should ask what they think the city priorities should be.

Commissioner Clark feels it's a good idea and they asked City Attorney Springer to look into it. He said agreed to look into it further.

City Manager Fuentes said if the support is there to have this retreat we were looking at the week of April 17th to give the Department Heads time to put together their budgets. When we had it before it was close to six hours to have all departments present their items. He would work on some dates this could work and we have a location in mind that is not too far away so we can focus on the meeting and presentations.

It was suggested to move forward with the staff presentations and public forum to get them scheduled. The retreat can be planned once we get the Attorney's opinion. City Manager Juan Fuentes said in regards to the Public Forum, we would work with staff and the Clerk's Office to put that together. The staff presentations was discussed and will be held in the Commission Chambers due to the need for it to be recorded.

Commissioner Clark moved to approve having staff, City Manager Fuentes prepared a date for staff presentations and public forum and we will discuss retreat until we here from city attorney. Mayor Pro-Tem Whitehead seconded the motion. Motion carried unanimously.

J. REPORTS

1. City Manager

- a.) Addressed why there are rocks in the plaza. The company we hired have determined the soil underneath was very mushy and soaked with hot mineral water. It was determined the concrete would shift if we didn't stabilize the soil underneath. The landscaping company recommended to stabilize the gravel so the concrete doesn't sink. To save money on this, our staff is doing the work. He commended the water and wastewater and Public Works crew who have been working hard out there. They should be completing their work by next week. He asked if Bill wanted to add anything else. Assistant City Manager Slettom said we had a meeting where we discussed putting the trees in planters above the plaza to give them better soil conditions. The Palm Trees will be at ground level because they tend to thrive when their roots are in warm soil.
- b.) Project at Runway 1331 at the Airport. That will be completed by the contractors right away. We were very fortunate to obtain that FAA funding.
- c.) Still waiting on the USDA Wastewater concurrence for that funding and once it's been approved, we will be able to move on that. He recognized the crews that are out there and working hard to maintain that system. But we have been able to work on the funding to make the upgrades for years to come.

2. City Attorney

- a) Only has one report on a pending litigation matter which will be given in Executive Session.

3. City Commission

Mayor Pro-Tem Whitehead

- a) Congratulated Skylar Green who is the 2016 Miss Fiesta/Centennial Queen. She also thanked the Women's Club who have carried out this tradition and for their hard work and keeping this going for the last 64 years. She understands this was their last year, and she hopes we can get someone to take this over if it's true.
- b) Great American Clean Up Day on April 2nd. She read the memo that was sent to employees. It starts at 9:00 a.m. at the Armijo Park.

Commissioner Clark

- a) They received a letter from Destiny at the Swimming pool. The drowning at the Taos Swimming Pool cause them to shut down. She is 100% confident in the Lifeguards that she certifies herself and would not like to have the same thing happen to us.

Commissioner Hechler

- a) On March 10 & 11th he attended a planning session about a wellness center. It was presented by the potential architects for this endeavor. The session was about the possibility of a new pool and wellness center and the activities and services that can touch those of all ages.
- b) Recognized Destiny Mitchell for her professionalism who gave a tour of the pool and what needs to occur. Hopefully down the road the Commission will consider what is needed.

Mayor Green

- a) Talked about Miss Fiesta. He would like Mayor Pro-Tem Whitehead to reach out to the Women's Club to see what their plans are next year so we can maybe reach out to other organizations. It's part of the tradition of our community.
- b) At Miss Fiesta all of the ladies wrote a biography of who they would like to be. And he was so pleased when one of the women wrote Ms. Traci Burnette. He complimented her on that.
- c) Get well to Pat Wood and Joe McDonald.
- d) He would like to see on the Airport Advisory Board, Parks & Recreation Board, Golf Course Advisory Board and other advisory boards to budget about \$5,000 so they could put together an event that reflects what they do. He feels it would empower them to really be part of the community.

K. EXECUTIVE SESSION

- 1. Pending or Threatened Litigation (Hot Springs Land Development) *Pursuant to 10-15-1.H(7)*
- 2. Pending or Threatened Litigation (City vs. Kenneth Reidemann) *Pursuant to 10-15-1.H(7)*

Commissioner Frankel moved to approve going into Executive Session at 9:00 p.m. to discuss Threatened or Pending Litigation (Hot Springs Land Development and Pending and Threatened Litigation (City vs. Kenneth Reidemann) pursuant to 10-15-1.H(7). Commissioner Hechler seconded the motion. Roll call vote was taken by the Clerk. Motion carried unanimously.

Mayor Green stated that the Commission was now in Open Session at 9:36 p.m.

Mayor Green stipulated that only matters pertaining to Threatened or Pending Litigation (Hot Springs Land Development) pursuant to 10-15-1.H(7) was discussed in Executive Session and no vote was taken.

Commissioner Clark moved to approve the stipulation agreement as signed presented. Mayor Pro-Tem Whitehead seconded the motion.

Discussion: Commissioner Clark asked City Manager Fuentes to check on the annexation possibility with the lawyers. Mayor Green requested a Roll Call vote for this item. Motion carried unanimously.

Commissioner Clark moved to approve going back into Executive Session at 9:38 p.m. to discuss Threatened or Pending Litigation (City vs. Kenneth Reidemann) pursuant to 10-15-1.H(7). Commissioner Frankel seconded the motion. Motion carried by a vote of 4-0-1. Mayor Pro-Tem Whitehead recused herself and will not attend for this part of Executive Session.

Mayor Green stated that the Commission was now in Open Session at 10:25 p.m.

Mayor Green stipulated that only matters pertaining to Threatened or Pending Litigation (City vs. Kenneth Reidemann) pursuant to 10-15-1.H(7) was discussed in Executive Session and no action was taken.

Mayor Green moved to approve to authorize staff to continue to move forward and work with Mr. Reidemann on his properties, but to hold him to the ordinances that we are enforcing. Commissioner Hechler seconded the motion. Mayor Green requested a roll call vote for this item. Motion failed by a vote of 2-1-1. Commissioner Frankel voted nay and Commissioner Clark abstained.

Commissioner Frankel asked if we can call to reconsider.

Commissioner Clark moved to reconsider. Commissioner Frankel seconded the motion.

Commissioner Hechler moved to approve we move forward with the properties concerning Mr. Reidemann in a manner that gives him time to clean up but enforces the precedence we have received through the courts.

Mayor Green asked Commissioner Hechler if he can amend his motion to involve staff in this process. Commissioner Hechler added to his motion we would definitely want staff to be dedicated to this process and see it through fruition in the most expedient way possible. City Attorney Springer said we would be moving forward on the Commissions resolution rather than the courts order. Commissioner Hechler changed his motion to include but enforcing the precedence as set by the Commission Resolution.

The final motion was to approve we move forward with the properties concerning Mr. Reidemann in a manner that gives him time to clean up but enforces the precedence as set by the Commission Resolution. We would definitely want staff to be involved in this process and see it through fruition in the most expedient way possible. Commissioner Frankel seconded the motion.

Roll call vote was taken by the Clerk. Motion carried with a vote of 3-0-1. Commissioner Clark abstained.

L. ADJOURNMENT

Mayor Pro-Tem Green moved to adjourn at 10:30 p.m. Commissioner Clark seconded the motion. Motion carried unanimously.

Passed and Approved this 12th day of April, 2016.




Steven Green, Mayor

ATTEST:


Renee L. Cantin, CMC, City Clerk