

CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
TUESDAY, JULY 12, 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 July 12, 2016 with the meeting starting at 9:00 A.M.

A. CALL TO ORDER

The meeting was called to order by Mayor Steve Green, who presided and Renee Cantin, City Clerk-Treasurer, acted as Secretary of the meeting.

B. INTRODUCTION

1. ROLL CALL

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

Hon. Steve Green, Mayor
Hon. Sandra Whitehead, Mayor Pro-Tem
Hon. Rolf Hechler, Commissioner
Hon. Joshua Frankel, Commissioner

Absent: Hon. Kathy Clark

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 Green read a statement. It saddens him to see a flag at half-mast so often. It saddens him that there are people who won't wait until investigations are concluded and the justice system has a chance to work. It saddens him, that there are those who feel the only way to affect change is to act upon themselves to act in a violent manner. It saddens him that a proud profession is being vilified by the actions of a few. It saddens him, that all of our Police Departments are impacted by the events in Dallas and the loss is felt throughout their ranks and by Citizens all over the country. He hopes and pray that our wonderful and imperfect country that respect, reason, and dialogue will prevail and that we all realize we have an opportunity to work together to affect positive change. He called for fifteen seconds of Silent Meditation and asked us to keep our veterans in our thoughts and prayers.

3. PLEDGE OF ALLEGIANCE

Mayor Green called for Mayor Pro-Tem Whitehead to lead the Pledge of Allegiance.

4. APPROVAL OF AGENDA

Mayor Pro-Tem Whitehead asked to remove Item I for Executive Session from the agenda. Mayor Pro-Tem Whitehead moved to approve the agenda as amended. Commissioner Frankel 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 would get three minutes, may only approach the podium once, and any material for the Commission was to be left in the black box by the podium.

Mr. Randy Ashbaugh addressed the Commission related to:

1) He presented the statutes related to the impact fees. His intentions as expressed in a previous meeting are to get the impact fees money put together, get some studies done, and use them for sewer lines and different things to expand our community. We are going to see some growth and will have between 250-500 new jobs here in another year or two. There is absolutely no place to live in town and very few places to build. He did have Las Lomas last year and did not renew it. He might come back in and see what kind of growth we are having. There are houses at the Lake & the County under construction and there are no houses under construction in the city limits. The Impact Fee is very hard on residents, it's putting modular homes. They are losing \$3,000-\$4,000. That's a lot of furniture to buy to put in new modular homes. He has asked the city to look at that. He would like the city to look at the highlighted areas he gave them. The money that was put in should be in an interest bearing account and it wasn't. The interest earned on the Impact Fees should have been compacted, but if you look at the one statement he put in there, the interest was \$12 on \$300,000 for one month. That's a hell of a return. If he can get 10%-15% of his money, \$300,000 would be \$30,000-\$40,000 a year. All money for the impact fees should be accounted for. The city records have nothing. All they have is three years of bank statements and it's supposed to be audited every year and there's nothing in there. This money needs to go to work or should be refunded.

2) He turned in a complaint on the T or C Raceway and gave pictures. He asked the city to please address it.

Ron Fenn, 316 N. Foch St. addressed the Commission related to:

1) Had questions as to why the city violated another contract by extending the FTS Lease on the Lee Belle Johnson Center. He asked if anyone had actually read the lease made up by the illustrious President of the Rotary Club. It's ridiculous, Item 17 covered exactly what was necessary, when the lease was expired it should have gone to a month to month and FTS is required to pay 150% of the rate which is \$1475 per month for three months. Instead, you folks took an illegal action which was taken by violating 3-54-1 of the statutes. You let this man manipulate you in approving this contract.

2) Healing Waters Plaza is a joke. You can't even look at that with a straight face and say it's wonderful for our community. A three dollar sprinkler in the middle of a bunch of rocks, and a 60 foot long trench urinal that mocks the Madonna Inn Men's Urinal, in their hotel. That is supposed to bring people into our city, this is a joke. We need to fix

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the city and pay attention to what we bring into the city. Speaking of garbage dumps, we are paying six times for our trash what we did 15 years ago.

Linda DeMarino on behalf of MainStreet Truth or Consequences addressed the Commission related to:

1) First she stated it's nice to hear somebody refer to the Healing Waters Plaza as a Diamond, because she certainly thinks it is.

2) We got the grant from USDA for the Business Development Grant they will be working on for the next few months. She went over some of the topics they hope to provide for speakers and workshops including; Business Plan Development; Marketing; Visual Merchandising; Customer Service; Cyber Security; and Using online sales to Supplement your Business. There will also be two more possible things to add to this. They will be creating a flyer and articles for new and prospective business owners. They have some really dynamic speakers, some of them are local if they have any expertise on these topics and some are from Colorado, Chicago, and other parts of New Mexico. They speakers they are bringing in are some she has seen at other conference that are really dynamic and engaging and have something our businesses can benefit from.

2) Just as a reminder if you know of anyone who is a new or prospective business owner, the Business Support Center which is housed at the MainStreet Office at 410 Main Street is open every weekday morning, Monday through Friday. So if there is a business who doesn't have Wi-Fi or printing capacity, feel free to send them over, they would be happy to help.

Randall Lawson, 701 Popular addressed the Commission related to:

1) He wasn't going to say anything but we get Mr. Fenn running his mouth as usual. He feels in some ways he agrees with what he said on the lease if it's not legal. Let's not give the people something to come back on us. Please notice when he says his dirt and trash and crap, he walks straight out the door because he doesn't want to listen to what the rest of us has to say. Personally, everybody in this room knows, this man has nothing but negative attitude and input. We have to start some place and the Healing Waters Plaza was a good start and we can still do what's right and not get people to come back and complain. Personally we are all tired of listening to him.

George Szigeti, 913 Spruce St. addressed the Commission related to:

1) Congratulated the Building Inspector and Code Enforcement for what he has been seeing around town. In the five years he has lived here, he has seen a lot of properties that have been cleaned up and are looking better than it did five years ago. And he can't name one property that looks worse than it did five years ago. He gave his congratulations to Robbie & Ray, they are doing a good job and we are noticing a difference on their efforts.

Audon Trujillo 506 W. Third St addressed the Commission related to:

1) He has an email sent to him by City Clerk Cantin in reference to an IPRA on the issue he brought up last time on the contract where the lease was violated. It gets worse every time he gets something it seems. The email says, "*the Commission approved the attached extension of the lease for the FTS Tours that you prepared, they directed Juan to go to you about the legality of the extension since the request was not*

done 30 days prior to the expiration of the lease." In fact, that was only one of the four or five items he brought up. He feels the Commission ought to know because the items were cleared by the lawyer. The thing here is, apparently the lawyer drafted the lease extension. Now think of this, you have the Purchasing Officer, she didn't draft the lease extension; why not. I imagine she is making \$30-\$50/hour so why aren't you allowing her to do that or the Finance Director who is her supervisor. Why would you go out and have a lawyer draft a lease extension? That's expensive. Look at how your costs for legal services are increasing. This man is supposed to be helping the city with new Personnel Policies and it hasn't happened. The evaluation on his performance hasn't happened. He personally isn't a Happy Camper and you all give us lots of fodder to come up here and I guess it's called ranting but he's trying to improve the city too. He sent them all emails and gets nothing from them other than they will look into it. He doesn't want to rant and rave, and he hasn't said anything about the Healing Waters Plaza really. He's not a real fan of the way it looks or what's been done there. It's not keeping up with the architecture of the area and is a big waste basically. He's glad it's better, but it's not where it should be. We need to leave the Lee Belle Johnson Center for recreation and we're not doing that. You all could click your fingers to do that for us and you choose to sit back and let Juan do what we are doing today. He is saddened by it all too.

D. RESPONSE TO PUBLIC COMMENTS

Mayor Green received the complaint from Mr. Ashbaugh about the tires. He would like him to know our Solid Waste Department is working on cleaning that up and we are addressing it. Things like that don't happen overnight. But we do listen and we do act. There was also something on the last meeting about the paving on Third St. What was not mentioned is Third St., East of Date is not city property. Third St., West of Date St. is city property. Hwy 51 is a State Highway and we do not pave State Highways. That was a NMDOT job, that is number 1. Number 2, the person also eluded to the fact that people were going to bottom out their cars when they cross over from the side streets. What was neglected to be said is that every cross street has a stop sign. So if you come to a stop sign and go up a bit of an incline, I don't see how you are going to bottom out your car. However, if you go over it at 80 mph, you deserve what you get. He just wants to make sure the record shows it was incomplete information. He knows it's been covered in both newspapers and he wanted to clarify our position on that and give them some facts.

E. PRESENTATIONS

a. Presentation of a Certificates of Appreciation

Mayor Green announced he and Mayor Pro-Tem Whitehead attended a dinner with the Turner family and Foundation and they presented certificates to the Turner Foundation, Turner Exhibitions, and the Sierra Grande Lodge & Spa to say thank you for what they have done for our community and for the Healing Waters Plaza.

F. CONSENT CALENDAR

1. City Commission Regular Minutes, June 14, 2016

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2. Accounts Payable for June 2016
3. Appointment of James Hunt to the Governing Board of Sierra Vista Hospital

Mayor Pro-Tem Whitehead moved to approve the consent Calendar including the City Commission Regular Minutes for June 14, 2016; Accounts Payable for June 2016; and the Appointment of James Hunt to the Governing Board of Sierra Vista Hospital. Commissioner Frankel seconded the motion. Mayor Green asked staff to continue advertising for the next opening which is coming up on the Sierra Vista Hospital Governing Board so we can get some applicants for a selection. Motion carried unanimously.

G. NEW BUSINESS

1. Discussion/Action: Accept and approve the Ditch Metering Agreement, Lower Rio Grande Water Master District. Jesus Salayandia, W/WW Director

Water & WW Director Salayandia presented the item. What this involves is allowing the Office of the State Engineer to come and install a mag meter to the pond at Ralph Edwards Park. This would be to install their meter and telemetry system which will get automatic meter readings and send them to their Las Cruces Office. They have been taking the monthly readings and sending them to the State Engineer's Office. So nothing is changed, between what we were doing and what they will be doing. The only thing is they will have a better picture of the water being taken from the river and put into the pond. He would recommend we sign the agreement so we can keep better track of the water diverted from the River to the Pond. The question that arose at the PUAB Meeting was are we going to be charge for pumping water to the pond. We only have 3.65 acre feet that we can actually use there. But it turns out it won't have any effect on how much water we pump from the River. The river is communicating with that pond at 12 feet. We are going to be measuring the water that is being evaporated. They did a study in 1992 and came up with those numbers as far as, how much water is being evaporated. He was told we needed to act on this pretty quick because there are other municipalities who would like to have it done. It would be one less meter he would have to read.

Commissioner Frankel asked what information he did not have available for the PUAB. Water & WW Director Salayandia said it was a question of whether we were going over our water rights, but the information he received from the State Engineers Office said that was not a problem.

Commissioner Hechler moved to accept and approve the Ditch Metering Agreement, with the Office of the State Engineers that would allow them to install meters and measuring devices and to monitor those readings at the river pumps for the Ralph Edwards Pond. Mayor Pro-Tem Whitehead seconded the motion. Motion carried unanimously.

2. Discussion/Action: Memorandum of Understanding with the City of Socorro for Animal Services. Lee Alirez, Police Chief

Police Chief Alirez said this agreement is part of the implementation of the phased plan to move forward with the New Animal Shelter. The current agreement is \$120,000 per year for animal shelter and our local vet. We are very grateful they offer that valuable service to us. However that agreement will come to an end and they no longer wish to renew it. Our Animal Shelter has a tentative schedule of a Grand Opening next January or February. A lot of work has gone into this project and a lot of research throughout the state. One of the things that was very apparent is this is far more global operation than just bringing animals to a shelter and keeping them there and caring for them. It is building an infrastructure that is inclusive to transport out and keeping our mortality rate as low as possible. So we found a community that closely mirrors our community and the concerns in respect to our animal folks here in the community who have such a compassion for the care and welfare of animals. This contract consists of when we bring our animals to our shelter, those who are held beyond 7-10 days, we will have a place where we can transport them to another facility where they can be adopted out. If we try to take this on all in one chunk, we would be setting ourselves up for failure. There is a director there who has many years of experience and is very well known throughout the state. She has been very instrumental in getting us where we were at today along with the Animal Shelter Advisory Committee. The cost would be going from \$10,000 a month to \$3,000 a month to a maximum of \$36,000 a year. He went back and did three years' worth of research to determine how many animals on average we are taking in. And on average it's about 30 animals a month who cannot be reunited with their owners. Right now we have the ability for people to drop off their animals in the middle of the night. We are not going to be doing that anymore so we can gage who we are providing services to. We will be able to piggyback on some of the costs that Socorro currently has. He explained some of the fees which are necessary, such as, euthanasia, disposal, and quarantined animals laboratory fees. If we have a dog that is quarantined right now it costs us \$35 a day and some legal cases go up to 30 days. We like this agreement because it's flexible, its fluid and with a 60 day notice, we can start trimming down those services as we start implementing them here. We can go in and renegotiate when we need to. He could not be where they are without Victoria Murphy from Socorro who has helped tremendously. We will not begin this until we open the doors of the shelter.

Commissioner Hechler asked how long he anticipates this to be in operation. Police Chief Alirez said this MOU has an effective life of four years. The actual goal is to be fully operational in a year and a half. They have a great system and we don't want to recreate the wheel. He also explained the process of an extreme hoarding case and how that would be handled.

Mayor Pro-Tem Whitehead asked if the Advisory Board reviews this also. Police Chief Alirez responded he has the Advisory Board has been part of this every step of the way.

Mayor Green said on the Commission Action Form there is a reference to providing housing and care of animals, "once the animal shelter is fully operational"; but on page 3 of 6 under Section 3, the first line reads this agreement shall be effective by execution

by both parties and Mayor Basker has signed this agreement already. He's not a lawyer but he believes if we sign this it puts the city in play for the \$3,000 right up front for the one time startup cost. Police Chief Alirez said what he is seeking today is approval to enter into it, and once they have the shelter up and operational they will execute the contract. Mayor Green added so then we don't sign at this time, we just agree to the principal of the contract until you say it's operational. Police Chief Alirez confirmed this and said we will sign it 30 days before it's operational.

Mayor Green moved to approve the Memorandum of Understanding with the City of Socorro for Animal Services for the memorandum in principal to be approved but not signed until notified by staff and the Chief. Commissioner Frankel seconded the motion. Motion carried 3-1-0. Mayor Pro-Tem Whitehead voted nay.

H. REPORTS

1. City Manager

He notified them about the USDA Award of the Police Vehicles and the Street Sweeper. That should take about three months to get in. He and Traci are working on the USDA Application for the Wastewater Treatment Plant, Phase 2B. They made some small modifications to include some of our lift stations. We will hopefully be submitting that sometime this week.

Next Tuesday at 9:00 a.m. will be the budget workshop. He and Melissa will be meeting with Department Heads tomorrow morning. And will put the final budget together.

He called Finance Director Torres and Utility Manager Sonya Williams to report on the Utility Billing. Finance Director Torres announced one of the problems with the billing process was the system we used to send the bills out. One of the problems was with having the bills go out in a timely manner and the other one was in regards to bills not being received at all. They experienced this by some of the customers having numerous inquiries and another reason was we recognized that we received between 10-20 returned mails when we sent out using Postal Pros for each billing cycle. She said they immediately looked into solutions they could do in-house. One was doing our billing in-house. Last week she started a new process with having the bills sent out in-house. It was very successful. We were very fortunate that the Financial Team and the City Clerk rallied together to get the first cycle out ourselves. We are looking at getting some additional equipment we will need and we will also need to work on the process to make it less time consuming. To be honest with you, it's not time consuming at all and with the right equipment, it will take half of the time to do it in-house.

Commissioner Hechler asked if she can tell us what the savings may be if we do the work ourselves? Finance Director Torres responded, right now we are spending for 3 Billing Cycles a little over \$2,000. We pretty much have the equipment with the exception of a folding machine and right now we are working with Pitney Bowes on a quote for that. Right now she sees it should be a cost savings of about 80% for the city. Commissioner Hechler asked how long a billing cycle is. Ms. Williams responded it's about 30 days.

Mayor Green congratulated her in taking the bull by the horns and solving a very sticky wicket and he appreciates that. He asked if that \$2000 included postage and service fees.

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Finance Director Torres confirmed it included both and the envelopes also. Mayor Green then asked if she foresees needing more personnel in the Utility Office or are you staffed sufficiently. Finance Director Torres thanked him for his inquiry, but they feel they have sufficient staff to do the billing in-house. Mayor Green said in the past they have used the bills to get information out to the public and the bill he received yesterday didn't have that information. He asked if there is a way to format that to include the information? Finance Director Torres responded definitely, with the Tyler System it's a great system for us, but we are still learning it. Their focus is to set a solid foundation which is ensure they are getting the billing cycles done with the right information out to the customers in a timely manner. Upon the solid foundation, they can continue to build from it, which will include the information on the billing and doing graphs on the billing will all be available. She wanted to ensure the Commission it will be on their radar to make sure they progress in a timely manner.

2. City Commission

Commissioner Hechler asked those who have any comments on the evaluation to get them to him as soon as possible. He would like to move ahead with the second version to get it complete. Then when Commissioner Clark gets back it might be time for this Commission to meet and adopt the process if that's the way we want to go. He would like to get it as close as possible to being done. Mayor Green appreciate his efforts on this and he would also like to get it done instead of waiting until the 11th hour.

Mayor Green congratulated Mark Giardetti who was given the high award of the New Mexico Firefighter of the Year Award and our own Don Armijo who is the newly President of the New Mexico State Fire Fighters Association. Congratulations, you bring honor to yourselves, your family, to us, and to our community.

He reported on a meeting for the Southwestern Area Workforce Development Board and it's made up of the Chief Elected Officials in the Southwest. There were seven Mayors there and three city's there had populations over 10,000. Everyone else was a rural community. If you want to hear of a crying session of: No money, loss of Small Cities Assistance, a potential loss of Hold Harmless, budgetary crunches. As we go into our Budget workshop, we are not alone. We are the same as every other community. One of the things he heard was the City Managers are diligently working on making sure the department heads are not spending every single dollar of your budget because the Manager's and the Directors of Finance don't know what they are going to be facing next year. So they are encouraging that just because a dollar is given doesn't mean you have to spend it. Even though the Commissioners are tasked with the financial oversight of the community, it's not them who come up with the wish lists or tasks, it's the Manager and Finance Director who comes up with the list to bring to the Commission to show what is feasible with what is left to do something with. Or do we want to put it aside to see where we are part of the way through the year. He was glad to see that every small community is faced with the same things and challenges as Truth or Consequences. He said City Manager Juan Fuentes reported at a meeting he attended the state only has 1% of their budget which is \$6 billion. What's wrong with this picture is the same thing as what's wrong with our budget. Too many needs, desires, & wishes and too little money. So he would just caution his fellow Commissioners, we all have certain tasks we would like to see be done, but, if we become so enamored of our own pet project and we task the manager to do something, something else is going to

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suffer. It was not a happy meeting but we were able to look at and hear all of the issues and still plan and move the city forward.

I. EXECUTIVE SESSION

1. Limited Personnel Matters (Utility Billing Employee Grievance) *Pursuant to 10-15-1(H.2)*

Item was removed.

1. ADJOURNMENT

Mayor Pro-Tem Whitehead moved to adjourn at 9:57 a.m. Commissioner Frankel seconded the motion. Motion carried unanimously.

Passed and Approved this 26th day of July, 2016.



Steven Green, Mayor

ATTEST:



Renee L. Cantin, CMC, City Clerk