

CITY COMMISSION MEETING MINUTES  
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO  
CITY COMMISSION CHAMBERS, 405 W. 3<sup>RD</sup> St.  
TUESDAY, APRIL 25, 2017

**A. CALL TO ORDER**

The meeting was called to order by Mayor Steve Green at 9:00 a.m., who presided and Renee Cantin, City Clerk-Treasurer, acted as Secretary of the meeting.

**B. INTRODUCTION**

**1. ROLL CALL**

**Roll Call.**

**Present:** Hon. Steve Green, Hon. Sandra Whitehead, Hon. Rolf Hechler, Hon. Kathy Clark, Hon. Joshua Frankel.

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

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

Mayor Green announced Commissioner Clark contacted him and is very ill and her absence is excused.

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 called for fifteen seconds of Silent Meditation.

**3. PLEDGE OF ALLEGIANCE**

Mayor Green called for Commissioner Hechler to lead the Pledge of Allegiance.

**4. APPROVAL OF AGENDA**

Mayor Pro-Tem Whitehead moved to approve the 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 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.

Carole Wheeler, Sierra Twirlers addressed the Commission related to:

1) Read an excerpt submitted by the Southwest District Treasurer to the State Newsletter which also goes to other states. It read, *"Hello from the Sunny South Central District. We had a great District Dance on 4/22 with 4 squares dancing on the 101 year old Elephant Butte Dam in the morning and then 4 squares dancing at the District Dance in the afternoon. The weather was perfect and there was water behind the dam, a great sight! We were excited to have 16 SW district dancers attend and even more excited to have 17 dancers attend from outside our district. A big THANK YOU to all and to those that came from El Paso, Roswell, Alamogordo, & Albuquerque to make this such a fun day. Silver City took home the traveling banner for the most in district miles driven to attend. The City of Truth or Consequences is really rolling out the Red Carpet every time we dance there. The Mayor, Steve Green, attended the Dam Dance and shared with me how very excited everyone is to have the 2018 State Festival in their town. Plans are underway and there will be many reasons you will not want to miss this one, so save the dates May 19-21, 2018, in T or C. Truth is it will be a great time and the Consequences of not attending will be missing out on all the Fun and Friendship that Square and Round Dancing has to offer. Looking forward to seeing you all in Albuquerque at this year's State Festival. Karen Clements"*.

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

1) It is a pleasure to be back and have his voice heard by the community once again, although, unjustly denied the right to be heard and falsely accused of uttering obscenities, he has messages still to impart.

2) It's come to his attention, it appears the city is operating an Unlicensed business at 301 S. Foch, our Heritage Recreation and Community Center. According to Utility Billing for that address, a City of T or C – Spaceport is operating at that location. Under Inspection of Public Records, the exact request for Registration in Business License, the City responded that documents do not exist regarding my request. The fact is that in July 2015, he was charged under a criminal complaint with violating City of Truth or Consequences Municipal Code, Conducting a Business without a License, Article I, Section 7-32. Misdemeanor. It is his belief that City Manager Fuentes, as responsible agent, is in violation of the same code. In the interest of equal justice to which you all profess in your pledge of allegiance, he must be charged with this same offense and answer in court. While his alleged offense in the interest of returning their rightful property to the people, he believes that Mr. Fuentes' offense is quite the opposite. Keeping the people from gaining that public facility. Why? Other than apparent lack of interest by Spaceport America to invest money into this facility. Either in rent, fair rent payment, or promotion that would lead to wishful GRT which requires over \$250,000 a month in local Spaceport tourist spending. The only other explanation may be the continued fraud of the stowing under cost utilities and other subsidies. The projects that have proven

themselves liabilities instead of assets. Prove him wrong if you can with fact, not B. S. rhetoric which will now be referred to as Green Waste.

Marilyn Pope, Geronimo Springs Museum addressed the Commission related to:

1) Fiesta is coming and museum will be open and has as much information as anybody in town on Fiesta. They will have research books laid out, and probably Sandy can find ancestor's pictured and so on. They will have Donuts and sarsaparilla. This will probably be the last chance to see the Humphries Exhibit or a portion of it. It's basically divided into three portions and this one will come down because they will be having the Recycling Show for the Hot Springs Festival, the weekend after Fiesta. They will have a youth exhibit, Gilbert Garcia, Santa Domingo Jewelry Maker will be there Saturday and Gypsy Love will be there on Saturday. This weekend they will be in Las Cruces with the Railroad Museum, so if anyone has any information or brochures, get them to them before Friday and they will take them with them. After this is all over, they will be able to put up the El Camino Real Display they have. It's a free standing, two sided display so it can't go up in the winter. So it will go up once all the other displays are through. And she congratulated Renee and thanked the Commission.

Carole Wheeler addressed the Commission related to:

1) Dog Park. City Attorney Rubin interrupted he understands it's another issue but he thinks the rules say three minutes per person. She asked if she could hand it to someone to read. Mayor Green said she can put it in the black box and it'll become a part of the official record. City Attorney Rubin asked her to forgive him for stepping in, but he's worried about setting a precedent.

Randall Lawson, Poplar St. addressed the Commission related to:

1) He's up here because he's disappointed and irritated. He's going to try to be as nice as he can be because he was told to. He can kind of understand some of his abuse. Friends of the Pool is the organization he's associated with. Twice a year in October, we put the cover up on the pool and in April we put the cover down. So far for the last two years it has been a struggle getting help to put the cover up and taking it down. This time, emails had been sent out with no response whatsoever. He wants to know who will take responsibility and get this job done. Because the city workers get paid to do this kind of stuff. Not the High School which is a liability if someone gets hurt. He wants to know who will take responsibility and when it will be done. There are people who depend on this pool for their exercise. They asked them to please do what you can and get this cover down so they can get on with their swimming. Thank you.

#### **D. RESPONSE TO PUBLIC COMMENTS**

City Manager Fuentes responded to Mr. Lawson. He does feel that is the responsibility of the city. In the past, they were led to believe there were volunteers to assist in taking down the cover. He will be scheduling a meeting with the Public Works Director and make sure we get city staff to take that cover down.

Mayor Green thanked Marilyn Pope and Sherry Fletcher for reaching out and getting some of the Exhibits from the Camino Real. He appreciates that Carole Wheeler has been promoting T or C so much that will be hosting the 2018 championships here at the Civic Center for the three day event. We know the visitor's will be coming into the community and bringing Heads in Beds.

#### E. PRESENTATIONS

1. Proclamation for Municipal Clerk's Week, May 7<sup>th</sup> – 13<sup>th</sup>, 2017.

Mayor Green read the IIMC Oath of Office and presented the proclamation to the Municipal Clerk's staff including Clerk-Treasurer Cantin, Deputy Clerk Angela Torres, and Clerk Assistant Priscilla Fuentes. He added that these three women are so critical to the operation of our government and he broke tradition and asked everyone to please stand and applaud.

2. Presentation of Certificates of Appreciation for the Water System of the Year Award from the New Mexico Rural Water Association.

City Manager Fuentes started by saying people don't realize how critical their job is. When something happens at 2:00 in the morning, they are out there in the wells, making sure when people wake up in the morning, they can flush their toilets. You are all doing a great job. City Manager Fuentes, the Commission, and PUAB Chair presented the certificates to the Water Department staff including Arnie Castaneda, Ruby Otero-Vallejos, Leo Martinez, Ramon Sanchez, Kyle Blacklock, Justin Armijo, Otto Vienna, Angel David Trevizo, Tim Hanna, Jerry Bonner, Marty Davis, Jesus Navarro, and Jesus Salayandia, Director.

3. Presentation of a document regarding history of the Municipal Golf Course circa 1948 or 1949. LaRena Miller

Ms. LaRena Miller presented the item that was discovered in the home of Mr. Jack D. Mathers. He lived her for 75 years and the same house for the last 73 years. She did a little history research after she found this document. The Golf Course land was purchased in 1946 by L.V. Walls and Buford Mathis as part of a parcel north of 9<sup>th</sup> St.. The land between Ninth St. and Marie St. was developed and the land North of Marie St. was laid out as a Golf Course by an Engineer from Scotland. A few years later a local group used it to form a Country Club. They purchased 70 acres with the stipulations that is was to be used solely for Recreation. They also built a club house. This list was found in the Mather's Estate, mimeographed copy saying, *"Last Sunday afternoon, selection of the members was made by lot to serve as Custodian of the various fairways and courses. Each member of the Board of Director's drew one fairway in green and was appointed as Chairman of that particular group. At the close of the drawing, here is the way the members were assigned:"* After that follows 117 names of the prominent businessmen and Professionals in town in the late 1940's and early 1950's. She added she recognized a lot of the names and she knew a lot of the people. Then it says, *"Please check over the above list, to see which group you have been assigned. Then contact the Chairman*

*and arrange for a convenient date to meet to provide ways and means to take care of your assignment. The cups and the flags for the greens are here, and are in the possession of Fred Montgomery. And some member of your group should go by the Cleveland Cleaners and pick up the cup and flag and put them in the approximate location. This procedure has been suggested so that members could begin immediately to use the courses by next Sunday. The board has authorized the mimeographing of the By-Laws and we hope to have those within your hands in the near future. The board meets every Tuesday noon at the Southern Hotel and you are invited to attend any of these meetings. There is a lot of work still to be done and we would appreciate some help solving the problems that come up every Tuesday. Yours Truly, Glen J. Hilford President"*

Ms. Miller added in the early years, the course was all sand hills. So they had to sweep the fairways and smooth out the greens by hand over the sand so the balls would roll. The Golf Course was sold to the city for the Municipal Golf Course in the early 1950's. She asked Mayor Green and Mayor Pro-Tem Whitehead to come forward, she had this put on acid free paper and preservation glass because it's pretty fragile. She asked Mayor Pro-Tem Whitehead to come forward also because her Father was part of the Golf Course for many years.

#### **F. CONSENT CALENDAR**

1. City Commission Regular Minutes, March 28, 2017 – Removed from agenda to be brought back to another meeting.
2. Airport Advisory Board Minutes, October 4, 2016
3. Public Arts Advisory Board Minutes, January 17, 2017
4. Subrecipient Quarterly Reports
5. Lodger's Tax Quarterly Reports
6. Contract Award RFP: 16-17-006 Architectural Services for Regional Safety Complex

**Commissioner Hechler moved to approve the Consent Calendar and pull the Contract Award RFP 16-17-006 Architectural Services for Regional Safety Complex to be discussed and voted on separately. Mayor Pro-Tem Whitehead seconded the motion. Motion carried unanimously.**

#### **ITEMS REMOVED FROM THE CONSENT CALENDAR**

**F.6 Contract Award RFP: 16-17-006 Architectural Services for Regional Safety Complex**

Commissioner Hechler wanted to comment on something about this grant. The city administers 38 grants and he's worried about taking on additional debt. His concern is if we sign on for additional debt we will go on this journey by ourselves for the next 30 years. With that said it could cost us over \$100,000 a year for the operations of this. He wants to be sure we can handle this addition debt ourselves and our staff can handle the additional responsibility.

## CITY COMMISSION APRIL 25, 2017 REGULAR MEETING MINUTES

Mayor Green asked if there were any other concerns City Manager Fuentes can include in his response to Commissioner Hechler. Mayor Pro-Tem Whitehead feels Commissioner Hechler has addressed her concerns.

City Attorney Rubin interjected that we are specifically talking about Article XI that talks about compensation and Article V that imposes our responsibilities

Mayor Green added the awarding of this contract if the world stopped spinning tomorrow, has not financially obligated the city to anything more than the cost of this contract to design the building. Then as we moved forward the funding we use to build the project will be brought back.

City Manager Fuentes added we've been working on this project since 2012. Originally they wanted to include the Animal Shelter with this and we were fortunate enough to go in with the County who also got a grant for it. Next was the Law Enforcement Project. This project was originally going to include only the Police Department and the South Central Regional Dispatch Authority (SCRDA). We worked towards that goal until SCRDA decided they had other needs and didn't want to partner at this time. But they have identified other partners like the State Police who would be interested in moving there as well. We have always left the door open for other organizations. There is limited space and the primary operations of that space is the Police Department. In regards to the cost, what you have before you is the contract for the architect. The next piece is bringing the financing mechanism forward to the Commission. We will make sur they still have some resources for this building, but unfortunately we don't have any commitment from anyone else. The Police Department still needs to consolidate as opposed to managing two sites. It's not as complicated as other projects we have with the state like CDBG so it can be managed. As many requests as we keep getting, we will just keep getting more. We understand we have quite a bit on our plate but it's just the needs of the community. Loans will be the primary source of funding.

Police Chief Alirez said this has been a huge undergoing. One of the big issues is the budget and where we could make cuts and they have. Last year their baseline budget was \$\$16,000 less than what was budgeted. Through scheduling, and management, and resources they have worked on reducing the budget. State Police were immediately interested. We have done a joint tours of the facility and how we can share construction costs. And it's doable in a sense on how we can afford it. He feels we can meet those obligations if we have to do a loan. He feels it can be the flagship of the community and when they exit the highway they will know where the Law Enforcement will be. If the money fell through and they had to pay the bill, they could.

Commissioner Hechler asked if the Chief can describe the type of assistance the State Police can provide. Police Chief Alirez responded they have a small budget for new facilities. They have other facilities they have gone in on a joint project with, one of which is almost a model of the building the state gave us. They have brought considerations on Technical Camera Systems, Keyless, Entry, Records Management System which

includes Evidence, and Case Tracking which run into hundreds of thousands of dollars. Those are things they can come to the table with. He doesn't know if they want to be a partner or want to rent, but we know we have their full commitment on the project. That's a meeting that will take place once we agree on the design of the building.

Commissioner Hechler asked if any of those things will actually defray the cost of what we are going to get. Or are these just support services, in addition to? Police Chief Alirez responded he cannot answer that directly without having that other information. He is certain we will be getting some equipment and some of those resources discussed. Right now they can't even run license plates and their goal is to acquire as much assistance as possible.

City Manager Fuentes added one of the benefits of this project lends itself to being an Emergency Management Operations Center. Police Chief Alirez responded when he got here, Sierra County did not have an Emergency Operations Center (EOC) and that building will have one. We will have the ability to step in and mitigate as an incident is happening. It's important to have when we have that kind of disaster. He will be reaching out to see what kind of grants are available for an EOC facility.

Mayor Green stated this community has supported SCRDA for millions of dollars. He feels to say they are in and pull out at the eleventh hour is absolutely reprehensible and inexcusable. If you're going to say you will do something then you should do it. Since SCRDA at this time wants to go somewhere else, does that change the design of the facility. Police Chief Alirez responded one of the concerns is they will not be involved in two separate projects. The offer was we contribute over 54% to the SCRDA budget. Although with the new formula for contributions, we are still the largest contributor. He was shocked of the events that led to that. However, calmer minds have prevailed. He has been contacted by a member but he can guarantee they will not be able to support two separate projects. They have a GRT they cannot use for a new facility, but they can use it to refurbish an existing facility. Which makes this a really good project. Sometimes you have to go back and revisit things when they happen, and he truly believes calmer minds will prevail. Because of that a space will be allocated for SCRDA.

City Manager Fuentes confirmed yes, originally the design included them and the project will be scaled down to meet the assessment needs of the participating entities. The goal has always been to have a Regional Complex. Right now the only two we have in mind are the Police Department and the State Police. We can add to the building at a later date. Police Chief Alirez confirmed the plan is to scale down to meet the needs.

Mayor Green reiterated how he can't wrap his head around committing to something and then what he is hearing is that door with SCRDA has not been completely closed.

**Mayor Green moved to approve the Contract Award RFP: 16-17-006 Architectural Services for Regional Safety Complex. Commissioner Frankel seconded the motion. Motion carried unanimously.**

**G. PUBLIC HEARINGS**

- a. Public Hearing: Final Adoption of Ordinance No. 679 16/17 related to the Public Utility Advisory Board. Juan Fuentes, City Manager

Chairman Szigeti wanted to fill them in on the background. When City Manager Fuentes came to them with this, they found the requirement for the Impact Fee Board didn't really line up with the requirements for the Public Utility Advisory Board. It was their opinion that the easiest way to meet the requirements was to add two members to the PUAB for the Impact Fee board. The one concern they had was finding people with those requirements, and he's already talked to one person who said he was interested in serving on that board.

Hearing no other comments, Mayor Green closed the public hearing.

**H. ORDINANCES, RESOLUTION, & ZONING**

1. Discussion/Action: Final Adoption of Ordinance No. 679 16/17 related to the Public Utility Advisory Board. Juan Fuentes, City Manager

**Mayor Pro-Tem Whitehead moved to approve the Final Adoption of Ordinance No. 679 16/17 related to the Public Utility Advisory Board. Commissioner Hechler seconded the motion. Roll call vote was taken by the Clerk. Motion carried unanimously.**

2. Discussion/Action: Ordinance No. 680 16/17 for publication amending Chapter 2, Article IV, Division 6 and 7 related to Boards, Commissions, and Committees. Juan Fuentes, City Manager

City Manager Fuentes presented the item and the need to disband these two boards. This was postponed in part for Section 2 for the Entertainment and Tourism Board due to the approval of the New Tourism Manager position. As stated in the Commission Action Form, we do participate in other tourism entities around the region. Having that avenue to promote Economic Development, there is no need for an Entertainment and Tourism Board.

Commissioner Frankel said he is fine with removing Section 1, but he would like to see the Convention and Entertainment Board be used and filled for the oversight for Tourism. He would also like them to be part of the process for hiring the Tourism Director. He thinks this board is a vital part of maintaining the Convention Center tax of 1%.

Mayor Green said the only thing he sees is having a City Employee report to an Advisory Board would not work. You would lose control and it would be a very bad precedent. He feels it would undermine the chain of command.

City Manager Fuentes said the reason for the new position is to focus more on marketing the city. We have limited resources and we have the Lodger's Tax Advisory Board, the Entertainment & Tourism Board, and the Sierra County Tourism. And then we have the



## CITY COMMISSION APRIL 25, 2017 REGULAR MEETING MINUTES

Tourism Manager to focus on ourselves with the limited resources. We have a lot of different hands on what should be done marketing the city. We talked about how do we best brand the city and promote the city, as opposed to having different boards in place. The Lodger's Tax Advisory Board should be the board this city can work with. Not necessarily to report to, but to work with on managing some of these funds. Too many boards will create a confusion of where we need to be going. And he heard from the Commission as to how we can best use our limited resources to promote and market the city.

Commissioner Hechler asked who would be the Supervisor of this position. City Manager Fuentes responded the office of the City Manager would be in charge of this position. His personal opinion since the City Manager is involved with all of these other entities, then he would suggest that's the way we should go. Because the City Manager would listen to all of those entities and this position to make this work.

Mayor Green added to City Manager Fuentes' point to pull it in. We have County Commissioner Fletcher here and the city has partnered with the County on Tourism and at the eleventh hour they decided to bail and go their own way. And the reason was they felt they should have their own person or entity focus solely on Elephant Butte. It's time that this city that carries the lion's share of the responsibilities, that we have to look out for ourselves to increase our GRT's with more promotion for tourism. We don't want to turn our backs on the County, we want to continue to work with the county. But we need to make a change to improve the quality of life and our dollars. We have to mandate to support this initiative to move forward.

Commissioner Frankel wants to go on record that he is fully in support of this position. He would hate to see all of the marketing of our town fall on the hands of someone who will be paid \$12 an hour. He would like to see the most amount of brain power and the best of our Personnel Assets to be in this position. He would hate to see this board be disbanded before it serves its purpose. So if there's a way to fill this board and have them work in concert with the Tourism Manager, it would be a win, win for the city. It's a much bigger job than one hourly person could handle.

Commissioner Hechler understands Commissioner Frankel's concerns. He doesn't see a problem in having a board to assist the employee but not to be in charge of that position.

Mayor Pro-Tem Whitehead feels if we are going to pull someone in to work in this field, then maybe we should leave the Convention & Entertainment Board in place and maybe we can repeal it later if we need to.

Mayor Green agreed that sounds reasonable. We can also ask that the interview committee consist of people who are more familiar with the position and what's needed. He has always said we need to hire "A" Players at the amount of money we can afford in that pool of money. That whole idea for that 1% was for this position. We can earn more and more down the road once the Tourism increases. It could be a built in incentive position. And it could affect all of the businesses in Tourism. The Commission has never

been involved in interviewing and he's not volunteering. He doesn't think it's the starting salary, it's the starting opportunity.

Commissioner Frankel agrees with the point if they are not worth hiring, let's not just fill the position.

City Manager Fuentes suggested we move forward with repealing section 1 of the ordinance and publish that with removing Section 2. City Attorney Rubin agrees with that. Commissioner Frankel asked if at this time we would look at filling the Entertainment Board. Mayor Green feels we should fill the position first and then the Convention & Entertainment Board. That way they can see what we need and where we need to go.

**Mayor Pro-Tem Whitehead moved to approve Ordinance No. 680 16/17 for publication amending Chapter 2, Article IV, Division 6 & 7 related to Boards, Commissions, and Committees and including only Section 1 for the Industrial & Economic Development Board. Commissioner Frankel seconded the motion. Motion carried unanimously.**

3. Discussion/Action: Ordinance No. 681 for publication amending Section 2-22 of the Code of Ordinances related to Commission Meetings. Renee Cantin, Clerk-Treasurer

Clerk-Treasurer Cantin presented this ordinance where last year we had changed the meetings to 9:00 a.m. and the ordinance for the Code had not been changed. She thanked the City Attorney for catching that, so we are bringing the ordinance to amend the Code before you and changing the wording so the meeting day and time would be pursuant to the Open Meetings Act Resolution adopted annually.

**Mayor Pro-Tem Whitehead moved to approve Ordinance No. 681 for publication amending Section 2-22 of the Code of Ordinances related to Commission Meetings. Commissioner Frankel seconded the motion. Motion carried unanimously.**

4. Discussion/Action: Resolution No. 33 16/17 authorizing and approving submission of a completed application for financial assistance and project approval to the New Mexico Finance Authority (NMFA) for Preliminary Engineering Services for an underground distribution system replacement. Tammy Gardner, Electric Dept. Admin. Assistant

Electric Department Director Easley presented the item which is an NMFA application for a planning grant. We should qualify for 100% funding up to \$50,000. If awarded we would have to come back to the Commission to accept this. They need to replace the Cielo Vista electric underground distribution system. The Cielo Vista district was established in the 1970's. This distribution system has been in service for over 30 years and has exceeded its anticipated design life with minimal maintenance. The distribution system is energized from two separate distribution lines located on the south side of the subdivision. He described the service and distribution system which is underground and

## CITY COMMISSION APRIL 25, 2017 REGULAR MEETING MINUTES

serves 44 residences. The cables, connectors, and transformers are over 30 years old and the system needs to be upgraded. The ten pad mount transformers also need to be replaced. The project scope would include the complete replacement of underground primary cables and transformers along Corona St., Camino Del Cielo, and Camino Del Mesa. He showed a picture of the overview of the area.

Mayor Green said he mentioned underground, does that mean we have to rip up streets, or is that private property? Electric Department Director Easley responded that the underground is 4 ft. inside the customer's property. Mayor Green said if this thing goes forward it would be our dime to replace it and we would return it to the way it was before. Electric Department Director Easley confirmed that is correct.

Mayor Green asked City Manager Fuentes if we would have to get every home owner to sign off on this. City Manager Fuentes responded part of the Preliminary Engineering Report is to determine how to get it done. Electric Department Director Easley is starting to work on what we need to get our system upgraded and he's expressed numerous times about this area and the need to upgrade. The application will get us the money to start working on that plan.

Mayor Green asked about doing it in house. Electric Department Director Easley said with the manpower, it would be better to contract it out.

**Mayor Pro-Tem Whitehead moved to approve Resolution No. 33 16/17 authorizing and approving submission of a completed application for financial assistance and project approval to the New Mexico Finance Authority (NMFA) for Preliminary Engineering Services for an underground distribution system replacement. Commissioner Hechler seconded the motion. Roll call vote was taken by the Clerk. Motion carried unanimously.**

5. Discussion/Action: Resolution No. 34 16/17 Open Meetings Act Resolution revision to change the day of the Commission Meeting. Renee Cantin, Clerk-Treasurer

Clerk-Treasurer Cantin presented the second item related to meetings is the Open Meetings Act. An interest was expressed to possibly change the meeting date so we brought this resolution so the Commission could discuss whether you want to proceed with that. She added the sample attached is listed as Resolution No. 1, but the actual Resolution No. if there is a change would be No. 34.

Mayor Green asked if we want to discuss the change of meeting day at this time. Clerk-Treasurer Cantin confirmed this would be the best time to present that.

Mayor Green said for many reasons he feels it would be in the best interest to change the meeting dates to the second and fourth Wednesdays of every month. He suggests that we start this on May 24<sup>th</sup> which would give the newspapers time to re-juggle their format.

**Mayor Pro-Tem Whitehead moved to approve to change the meetings from the second and fourth Tuesday's to Wednesdays with the first meeting date to be Wednesday with the first meeting to be on May 24<sup>th</sup>, 2017 at 9:00 a.m. Commissioner Frankel seconded the motion. Roll call vote was taken by the Clerk. Motion carried unanimously.**

**I. NEW BUSINESS**

1. Discussion/Action: DFA Quarterly Report. Melissa Torres, Finance Director

Finance Director Torres presented the quarterly report. Right now we are looking at the budget which should not be more than 75% of the budget. One we are looking at is the Capital Projects, we have a lot of those projects that are at a freeze right now with the state. We are still waiting for them to have their special session to unfreeze some of these. The Utilities Office as you can see is growing and next year you will see a more steady view per each quarter. The Cemetery is one we cannot project and the Airport may be due to the sales and the Fuel Farm. Overall our revenue is still 77.75% and our expenditures are at 54.22% which is way below the 75% threshold. General Fund Revenues are at 89.15%. The one area below is our Federal Grants where we will see more revenue coming in on the 4<sup>th</sup> Quarter. She reviewed the Special Revenues including the Lodger's Tax, Convention Center Fee, and Coop Grant and multiple different revenues. The Streets Department has the TAP Grant through NMDOT, the revenue will show on the 4<sup>th</sup> quarter. We are pleased to report we are up \$178,718 in our GRT Revenue due to the Veterans construction. Lodger's Tax Revenue is up \$21,216. We want to ensure our revenues are going up and expenditures are staying within or below the boundaries. General Fund, Electric Services, and Debt Service revenues are up. That goes hand in hand with sending out the bills on a timely basis. All enterprises revenues are going up due to timely billing. Penalties and Red tag fees will show more on the next fiscal year. Overall our trend is staying within the boundaries.

Mayor Green complimented her, he loves visual aids. He knows we are going into budget hearings. But he asked how much debt we are actually dealing with and paying down each year? If we are going to make this city better, it's going to be loans. He asked if there were any other concerns and thanked them and the Department Heads for keeping the city financials solvent.

**Mayor Pro-Tem Whitehead moved to approve DFA Quarterly Report. Commissioner Frankel seconded the motion. Motion carried unanimously.**

2. Discussion/Action: Amending the City Commission Rules of Procedure to change the day of the Commission Meeting. Renee Cantin, Clerk-Treasurer

Clerk-Treasurer Cantin said in light of the request to change the meeting dates and in case there is a need to change them in the future, we are requesting to amend the Rules of Procedure Rule 2 to state: The Regular Meetings shall be held "pursuant to the

Open Meetings Act Resolution adopted annually." It currently says the actual day and time. Mayor Green added we appreciate simplicity.

**Mayor Pro-Tem Whitehead moved to approve amending the City Commission Rules of Procedure to change the day of the Commission Meeting as presented by City Clerk Cantin. Commissioner Hechler seconded the motion. Motion carried unanimously.**

## **J. REPORTS**

### **a. City Manager**

- 1) Budget Workshop for Department Presentations will be on May 3<sup>rd</sup> at 9:00 a.m. It will be in a similar format as last year. They will make the overall presentation and will include the debt.
- 2) He will be working on the return flow issue for the Wastewater System with Jesus and Arnie.
- 3) Received an invitation to participate in a meeting with the City of Socorro about working with them establishing their own Electric System or a coop. He and Bo will be sharing our expertise on that issue with them.
- 4) Moving forward with Fuel Farm project. Phase 1 is almost completed and Phase 2 is the tanks. They received Notice from FAA on the funding for Phase 3 and the state is willing to partner with us for the shortfall and we will finally be done.
- 5) Reminder. JPC meeting tomorrow at 4:00.
- 6) He, Melissa, and Kerin will be attending the DFA Budget Workshop tomorrow. They are making several changes and it will give us a chance to get an update on our grants.
- 7) He met with Rick Lopez who will help with Animal Shelter grants.

Mayor Green said he got the letter from Mayor Basker also. He will stand under the umbrella of him and Bo. He also wanted to visit with him about the Rodeo Arena. He also would like to talk about he is not hearing glowing remarks about our website and the amount of money we have spent to get us where we are. After the Department Head presentations, maybe we could work more on the website and check their pages. He's hearing more and more that we have got to tell the story of T or C and the right information is up there. There is a name for Tourism Director who hasn't been there for five years.

### **b. City Attorney**

**City Attorney Rubin** reported we are taking a very proactive approach to enforce our liens. Once we enforce the codes and work on cleaning up a property, it would result in a cost to the city and we place a lien when this happens. A couple of weeks ago we successfully foreclosed on two liens, and we are working on a few more cases. We also have a number of smaller liens generally resulting from not paying their utility bills, and he is moving forward on those. Mayor Green thanked him, that's a task we have asked staff to do and we appreciate him moving on that.

### **c. City Commission**

**Mayor Pro-Tem Whitehead** congratulated City Clerk Cantin who was named and nominated as Clerk of the Year. She is very proud to say Truth or Consequences has come up in the ranks and thanked her for all of her hard work and for coming to our community and our city. She also thanked the Rotary Club, T or C MainStreet, Frances Luna, the Rotary Club Members, Linda DeMarino, Sazi Marri, and Jordan Gurule. They looked at having the Miss Fiesta and Frances Luna came in and took the bull by the horns, got it up and running and put it together with no problems and she hears it was a very successful contest. So our tradition continues in Truth or Consequences, Sierra County. She congratulated Miss Fiesta Clara Rabineaux, who was also named Miss Congeniality and her court; the First Runner Up Raven Baca; the Second Runner Up Karina Gonzales. She knows they will do good services for our community as the Reigning Court for Miss Fiesta.

**Commissioner Hechler** announced on behalf of Mayor Pro-Tem Whitehead and himself to remember the Spring Clean-up this Saturday which is sponsored by the City of T or C, the City Commission, the Recycling Committee, and the Bountiful Alliance. Please take this opportunity to clean up your property and your spaces and discard those things free. Thanked City Attorney Rubin for being back. It's comforting for him because he appreciates the proactive nature he is taking on. City Attorney Rubin thanked him and added he is really glad to help.

**Commissioner Frankel** he appreciates Carole Wheeler for wearing more than one hat and wanted to read the report from the Dog Park. The report is part of the agenda packet. Some information included the shell for the dog park is in place. Mr. John Hendry donated the fencing. Rules and etiquette signs are paid for and being made.

**Mayor Green** wanted to let the public know that Mayor Pro-Tem Whitehead was also instrumental in working with the Hot Springs Club to get some of their information for Miss Fiesta, and he thanked all of those who were involved and also Belle Garcia who was working on everything with Frances Luna. They put it together in three weeks, it was amazing, Kathy Vickers and Gary Whitehead were the emcees and another Whitehead, Lynn Gallagher was back as one of our judges. It was sharp and tight and the young women were just terrific and engaged. It was a holiday at the church before the event that night so he thinks the attendance was a little bit light. Each woman had the opportunity to answer a question, so they had about 10-15 second to formulate a response. One of the questions was, "If you could do anything, what would you do to make T or C better?" And the answer was Streets and potholes. So as we move forward, this was out of the mouths of babes.

Sunday was Earth Day and the Bountiful Alliance who held a "give and take" or whatever he called it. They had people there in need and it was a good thing. There were four women who came there and we knew they weren't local. They talked to them and said they were having a Girls Weekend from Albuquerque and when asked where they were staying, they said, "At this wonderful Airbnb." No business license, no Lodger's Tax, no Convention Center Fee, no GRT". The Governor Vetoes the Airbnb

CITY COMMISSION APRIL 25, 2017 REGULAR MEETING MINUTES

bill. He requested that we do our investigation with Taos to see how they did it and bring that ordinance forward for approval. It doesn't impact our residents' pockets but it brings money back into the Treasury. It also creates a level playing field. Why should every business that's in the Lodging establishment start off at a 14.5% higher rate before you even give them the room rate. It's not fair, we should have a level playing field and we should support our business community.

**K. ADJOURNMENT**

Mayor Pro-Tem Whitehead moved to adjourn at 11:13 a.m. Commissioner Hechler seconded the motion. Motion carried unanimously.

Passed and Approved this 24<sup>th</sup> day of May, 2017.

  
Steven Green, Mayor

ATTEST:

  
Renee L. Cantin, CMC, City Clerk