

CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
CITY COMMISSION CHAMBERS, 405 W. 3RD St.
TUESDAY, MAY 9, 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

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

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 lead the Pledge of Allegiance.

4. APPROVAL OF AGENDA

Mayor Pro-Tem Whitehead moved to approve the agenda. 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.

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Susan Curry, Fiesta Vendor addressed the Commission related to:

1) Just wanted to say the City of Truth or Consequences did such an incredible job. This was the 4th year she has been the Vendor Chair and Gloria and Parks were there the entire time and did an incredible job. They kept the place clean, and the garbage cans, and they really had an incredible time. There are no words to say how incredible Gloria was for the event.

Wendy Barnes, Veterans Memorial Park addressed the Commission related to:

1) The Commission just granted Lodger's Tax for the next year and they didn't get as much as last year, which is understandable because they know budget cuts are everywhere. The money they got won't even pay for one of their billboards and they have two they have to pay for every year to bring tourists into T or C. They don't ask for much, it's strictly donations and volunteers. They have \$2,400 which pays for one of the billboards and the other one is \$3,213.60. She said if there was any way they could help them please.

Ron Fenn addressed the Commission related to:

1) 18 years ago he came to the city and enjoyed Fiesta which was held downtown. After a great parade they all went to the Recreation Center for activities and the place was filled with people. This Saturday, he went to the same Recreation Center with a little protest about the loss of that facility by the people of this city, and only three people came into that building between 9-Noon. All three looked at the Spaceport offerings and then signed a petition that it should be returned to the people. This is a terrible waste of the downtown area. Ralph Edwards Park that attracts all of these out of town vendors, is not the same as keeping business in the city and promoting it.

2) Mr. Green, as far as your Airbnb's go, he thinks he needs to look at it a little bit differently. The money that people save by staying at an Airbnb, they undoubtedly spend in other places. So your GRT doesn't get lost which is minimal anyway, at best. And the experience people get from a BnB is far superior to what they get in Hotels and Motels. He's done a lot of traveling and staying in hotels, and he can tell you BnB's are far superior than the community you happen to be in. And you're ridiculing them for avoiding a ridiculous taxation. Especially since you've given away so much of this city for free, and you avoid charging people things the city is actually due: rents, utility costs. You wipe them all out then you cry that you want more GRT. It doesn't fly in the face of logic. He showed a poster he presented that shows why T or C is never going to be part of Spaceport America, no matter how much money you give them.

Linda DeMarino, MainStreet Truth or Consequences addressed the Commission related to:

1) Gave big props to the Fiesta Committee, the parade was great. It was nice to travel with the people who all knew we were going down to the park. They had a lovely time down there. The music was good and for anybody who hovered back around downtown, she's not sure why they did because they were all at the park having a great time.

2) Hot Springs Festival is this weekend. She invited everybody. It starts Friday starting at 4:00 p.m. through Sunday. They will have music, workshops, field trips, yoga, and massage. The Corner Stones for the Hot Springs Festival for the second year are:

Healthy Lifestyle; Alternative Medicine; and Sustainable Living. They have an awesome line up. Their website is: www.hotspringsfestival.com They have various speakers coming into town and one of the Keynote Speakers is Dr. Sunil Pai who wrote Inflammation Nation and another is Chas Perry from Integrative Intentions. The online feedback is that people are having a hard time finding hotel rooms. We think that is a really good problem. They are super excited about it. Please check out the website, and come join them on those days at the Healing Water's Plaza.

Carole Wheeler addressed the Commission related to:

1) The Pet Safe Company is once again offering grants for Dog Parks. Since we now have our Dog Park, we won't be reapplying for the \$25,000 grant. They are also offering \$10,000 grants for park maintenance, and there are 10 grants for \$5,000 for equipment. They were generously donated the main Dog Park cost and the fencing. And another entity donated just shy of \$5,000 for the upgrades and benches and such. So they will be applying for the \$10,000 maintenance grant which does include some money for improvements, but it's mostly for ongoing maintenance for the Dog Park. She just wanted to let them know, they will be getting template letters to sign if you are in agreement with the request. So they are still going, and she thanked the Commission.

Randall Lawson, T or C addressed the Commission related to:

1) Thanked City Manager Fuentes for helping them get the pool up and running.
2) To put a positive light on this weekend, on Friday night they had an event at the Healing Waters Plaza and they had a great turnout, around 200 people. He talked to numerous people from out of town who had a great time and enjoyed our city. He is sure there are things we can do to bring more people in, but all is not bad here. We are like anybody else, we have our problems, and we probably need to work on a lot of them, yes. But all in all, we've got a great place. He is happy to be here and if he wasn't he'd leave. He thanked the Commission and knows it was a great weekend and people really enjoyed themselves.

Marilyn Pope addressed the Commission related to:

1) She worked the museum again this year and after 6 years and they broke all records this year for Fiesta weekend at the museum. They think they talked one couple into moving here, but we couldn't guarantee we would have that much fun every year, but they had been looking at moving here.
2) Thanked the Commission for all they do for the museum and the community. And next year, they have some bigger plans to include downtown a little more.

D. RESPONSE TO PUBLIC COMMENTS

Commissioner Frankel thanked everyone who came together this weekend and all of the volunteers who work throughout the year to put on Fiesta; the paid employees who pulled together and got it done; and those who took the time and came out to attend the event.

E. PRESENTATIONS

1. Proclamation for National Poppy's Month during May 2017.

Mayor Green read the Fact Sheet which is part of the agenda packet. He then read and presented the proclamation to the American Legion Women's Auxiliary Members who were in attendance. They presented a set of the greeting cards which were done by local students.

They presented greeting cards which were made from their poster contest for this year, they will be selling the cards for fundraising.

Mayor Green thanked the Auxiliary for coming and honoring us with their presence.

F. CONSENT CALENDAR

1. City Commission Regular Minutes, March 28, 2017
2. City Commission Regular Minutes, April 11, 2017
3. Accounts Payable, April 2017

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

G. ORDINANCES, RESOLUTION, & ZONING

1. Discussion/Action: Ordinance No. 682 for publication amending the code to allow camping in certain city parks and the Airport. Jay Rubin, City Attorney

City Attorney Rubin stated we currently have Ordinance No. 8-87 in place which prohibits overnight camping on any city land, except for designated events and approved by the City Manager. The thought was we would like to make it more flexible. He presented the suggested changes. It includes overnight camping may be permitted at the city Airport, Rodeo Grounds; or Evelyn Renfro Park provided that the person desiring to do such camping must first obtain prior authorization from the City Manager or his designee.

Mayor Green has a problem with Evelyn Renfro Park. He doesn't think the ownership of Sierra Grande Lodge would like for their patrons to have to look onto a park full of RV's. It also takes away potential business from our brick and mortar establishments. He certainly thinks the Airport might be ok, but downtown that's not the message we want to send.

Commissioner Hechler asked if there was going to be a fee structure for this camping. City Manager Fuentes responded if this request is part of a festival then that's part of the cost we incur. There is no fee structure for camping. He believes for the Hot Springs Festival there was a request from the organizers to have camping at Evelyn Renfro Park. Again that's within the umbrella of the Hot Springs Festival, so there is no additional fee for that. Commissioner Hechler asked if this would cover the fees for those who would potentially camp at the rodeo arena. City Manager Fuentes confirmed that is correct. This includes being permitted at the Rodeo Arena.

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Commissioner Hechler suggested changing the wording in paragraph d. about failing to maintain a clean and sanitary camping area. We had people who would keep trash outside and the wind would blow it away and then clean it up the next day, but the trash is already gone. You would need to maintain that area when you are in the camp. There are also issues of gray water and such to worry about.

Mayor Green mentioned he doesn't see anything about enforcement. He would only like this to be allowed for organizations who are producing an event. He would hate for T or C to become the Wall Street depository of Tent City. We have some inexpensive, safe lodging in the city and an RV Park at Rio Lago that is reasonable.

City Attorney Rubin addressed the issue of enforcement. A violation of any of our ordinances, can be a fine of up to \$500 and can be sentenced up to 90 days in jail.

Mayor Green added that's why he would like it to be only for organizations so someone would be responsible if there was a mess left. City Attorney Rubin said the ordinance leaves it open for us because they would still need approval.

Mayor Pro-Tem Whitehead asked if it would just be for the vendors or for anybody who came. Commissioner Frankel said for the Hot Springs Festival they wanted to give the opportunity to the attendees to camp. He doesn't agree with including Evelyn Renfro Park, but he would like to see Rotary Park be included for use. It would be out of sight from the downtown.

City Attorney Rubin clarified Commissioner Hechler's proposed change to paragraph c. to be "and failed to maintain the area"

City Manager Fuentes asked Mrs. DeMarino to discuss how they would handle it as an organization. She responded they would be responsible to maintain and be responsible for making sure it was clean. She added they went to a Unify Festival last year, which is similar to the Hot Springs Festival, to promote our festival. The question they kept getting over and over was, "Is there camping?" That's why they wanted to make that part of their event. Each of them paid \$95 a day just to get into the event, not including the camping fee. So just because they want to camp doesn't mean they don't have money. Mayor Green asked if the camping was downtown. Mrs. DeMarino said the whole event was offsite. Ms. Sazi Marri responded the camping was right in the middle of the festivities, so it was part of the whole thing. They wanted to do it at Ralph Edwards Park and there weren't very many requests so they figured it would be easier at Evelyn Renfro. She thinks ideally, the Rotary Park or Ralph Edwards is better.

Mayor Green would feel comfortable if we let City Manager Fuentes deal with this event. And he suggested changing Evelyn Renfro Park to Rotary Park for this ordinance.

Mayor Green moved to approve Ordinance No. 682 for publication amending the code to allow camping in certain city parks and the Airport as amended. Commissioner Frankel seconded the motion.

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Discussion was held. City Attorney Rubin is okay with the language Commissioner Hechler proposed if we want to include that. It was confirmed.

City Manager Fuentes asked if we wanted to add this is for special events. It will be amended to include that.

City Attorney Rubin suggested a change in paragraph d. the way it reads is fine but it should say, "it's unlawful for any person that is permitted to camp overnight on city owned land to start any fire, except on permissible area as designated by the city, such as barbeque stands".

Mayor Green reiterated they would like to add, special events; overnight camping at the City Rodeo; the Airport; and Rotary Park; changing c to "and failed to maintain the area"; and d. to "it's unlawful for any person that is permitted to camp overnight on city owned land to start any fire, except on permissible area as designated by the city, such as barbeque stands".

Mayor Green and Commissioner Frankel amended their motion and second to approve the amendments. Motion carried by a vote of 4-0-1. Commissioner Clark abstained.

2. Discussion/Action: Ordinance No. 683 for publication related to short term rentals within the city limits. Renee Cantin, Clerk-Treasurer

City Clerk Cantin gave them an overview of the documents they collected from the Village of Ruidoso and the Town of Taos. She ran some new statistics for Vacation Rentals by Owner (VRBO) which shows 17 listings in T or C; and from what she can tell Airbnb shows 26 listings. They don't have the actual addresses on them, but that was the search for T or C. Most of those are also duplicate listings. She has not run preliminary numbers as to how much additional revenue it might be, but the Lodger's Tax is 5% of their actual sales, and the Convention Center Tax is 1%. She referred to the ordinance from the Town of Taos Tourism Director and she said it works well and she would be willing to help us put it into place. She also talked to Gina Kelley from the Village of Ruidoso which was where City Manager Fuentes attended a class where this was brought up. This is a hot issue in the state and there are a lot of communities interested. We don't have an ordinance prepared, but we are asking to proceed so staff can work with the attorney to prepare it.

Mayor Green stated he is the one who brought this up originally. He thinks it's unfair that our brick and mortar businesses are starting out by being charged the GRT and Lodger's Tax and Convention Center fees. He feels it's great that people have homes they can rent out and use that as an opportunity to pick up a little extra income. But they aren't paying the GRT, Lodger's Tax, or Convention Center Fee, but they are paying a business registration. If you advertise a home, then you are a business, and he doesn't feel it's unreasonable for them to pay the fees. They are directly competing with our brick and mortar businesses. Why shouldn't the city capture this revenue? Everyone should have the opportunity to make a choice. He suggested putting it on the utility bills, because as

Clerk-Treasurer Cantin pointed out, it doesn't give you an address. He thanked Mr. Archuleta for his article last week. He added if this passes, please go into the City Clerk's Office and register your business for the GRT, Lodger's Tax, and Convention Fee.

Clerk-Treasurer Cantin added in the past year, they have had at least three who have come into the office to see what they need to do. So it's not that they aren't willing, we just don't have anything in place.

Mayor Pro-Tem Whitehead moved to approve Ordinance No. 683 for publication related to short term rentals within the city limits. This includes authorizing staff to finalize the ordinance with the city attorney. Commissioner Clark seconded the motion. Motion carried unanimously.

H. NEW BUSINESS

1. Discussion/Action: Lodger's Tax Allocations. Juan Fuentes, City Manager

City Manager Fuentes brought their attention to the summary that was included in the packets. We have approximately \$45,000-\$46,000 in the budget, and they have allocated all of those funds. You have a spreadsheet that details their recommendations. And at this time it's before the Commission for review and consideration, or amendment. Some of the organizations are in the audience as well.

Mayor Green started by saying once again, he's disappointed that even though we appear to be getting completed applications, we have been working on pooling our resources to get the biggest dollar. One organization advertised in the Albuquerque Journal and another one does also. We should pool together with 5 or 6 organizations to see what they can do for us. He would hope the answer would be better than going in for a 1/16th of an ad for one. He read some of the budget request amounts. We cannot do good in working with them if they don't get the right answers. They want to maximize the allocations. He's disappointed that for some organizations it's business as usual.

He asked if anyone has any suggestions. And he added that we could put it off for another meeting. He feels we need to break the pattern so it works for the community and not just for the Non-Profit. It's got to bring people in, so other entities have people to walk into their business.

Commissioner Clark moved to postpone this item for two weeks. Mayor Pro-Tem Whitehead seconded the motion. Motion carried unanimously.

2. Discussion/Action: Appointment to the Governing Board of the Sierra Vista Hospital. Renee Cantin, Clerk-Treasurer

City Clerk Cantin announced the position was advertised the opening on April 12th and April 14th and received one application from the current member Zenith Baker who is willing to serve another term and she is here if they have any questions for her.

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Mayor Green first thanked Ms. Baker for her years of service on the Governing Board. He gave an overview of the dedication of ¼% GRT the city has pledged to help build a new Hospital, and the Joint Powers Commission (JPC) meeting, which is the entities that own the Hospital. With the upcoming budget we are indebted to right now, 42% of \$30 million which is almost \$13 million that our citizens are on the hook for. And with all due respect to Ms. Baker, he personally would feel more comfortable with having someone with a financial strong background during the build out period of this hospital. And after that is over, he would most respectfully request that City Manager Fuentes consider serving as one of the city representatives on the Governing Board. He would ask MainStreet. Baker, if she is so inclined, to keep her request for reappointment active with the City Clerk's Office, and we would revisit this after our new hospital is built. Manager Fuentes came to us as the Finance Director, he attends the meetings anyway, so he's fully qualified to fill the roll protecting our 40% interest.

Mayor Pro-Tem Whitehead asked City Attorney Rubin if there was a conflict because City Manager Juan Fuentes serves as an Ex-officio Member of the JPC.

City Manager Fuentes noted that the County has recently done a similar move in appointing the County Manager to the Governing Board as their member. After the issues were resolved, County Manager Swingle stepped down and they appointed somebody else.

City Attorney Rubin asked if he would perceive any possible instance where the actions concerned with the hospital board would conflict with anything he is doing with the city? City Manager Juan Fuentes responded the only difference they have now in serving as ex-officio members is they don't have a vote and sometimes they don't attend some of those other meetings. As a Governing Board Member there is more access that will be available.

Mayor Green added the JPC appointees must be Elected Officials, and the Governing Board cannot be an Elected Official. An ex-officio gives you no more rights than someone else coming in to attend a meeting. So you can't change or direct policy.

City Attorney Rubin said he guesses it's alright as long as we are on the same page of any action that would be taken would not be in conflict with the City Manager's position, then he doesn't see a problem.

Ms. Zenith Baker addressed the Commission and thanked the Commission. She has served on the Governing Board for over six years and she appreciates it. With their strong belief that you need to have an accounting background, she suggested to make sure the other two people representing the city have an accounting background. This has been a learning experience being a part of this board. They brought the hospital from having to pay cash for a simple aspirin to give a patient, to what it is now with a brand new Emergency Room. But based on the fact that there is conflict in her abilities, she will say thank you very much for letting her serve on this board and representing the city, but she will rescind her application and let them pick who is qualified.

Mayor Green moved to approve appointing City Manager Fuentes as one of the three city representatives to the Governing Board of the Sierra Vista Hospital. Commissioner Hechler seconded the motion.

Commissioner Clark knows he has a full plate and would this be a problem. City Manager Fuentes responded there are some things that he's currently involved in that he will be completed with. Rotary for one, and the Manager's Association. Those two are already at the tail end. He believes this position will begin in July and he already attends the meetings, so this will just be continuation of that attendance and should not be a problem. Commissioner Clark asked if it would be a good idea to have a backup for him, like Ms. Torres. He doesn't believe there is an alternate because there are two other representatives serving on that board.

Motion carried by a vote of 2-2-1. Mayor Pro-Tem Whitehead and Commissioner Frankel voted nay and Commissioner Clark abstained.

Mayor Pro-Tem Whitehead said although City Manager Fuentes has a background in accounting, she feels he is overloaded with a lot of things. She just feels that we need strong, strong representation on the Hospital Board at this time. She is not saying he wouldn't make a good Governing Board member, but she would like to have other applicants where we could choose someone to take the position who would have more time.

Commissioner Clark said she is concerned about putting extra work on him. She asked what if we reached out to people in the community who are retired CPA's or someone with an accounting background. She would like to see us make an effort and find someone and if it's zero, then we're back to putting the Manager on the board.

Mayor Green said we need someone on this board now, not tomorrow, yesterday. He does agree Manager Fuentes has a lot on his plate, however, at the end of the day, the financial well-being of our community falls on our heads, his head, and the Director of Finance's head. This is nothing to do with the job that Ms. Baker has done or could continue to do. If we were not building a hospital, we would not be having this discussion. But it's imperative that we have eyes on those numbers who understand what they are looking at to project and see certain trends whether it's positive or negative. He would like to believe if this would take away or interfere with his performance, but he feels he has enough respect for the Commission to let them know if his plate is too full. We are talking about breaking ground hopefully in the month of May. It's exciting times, we've just got to get it right.

Mayor Pro-Tem Whitehead feels this is why we don't need to make a quick decision and take the time to find someone, not because she doesn't believe he can do the job, but because it would relieve him from having to do the job.

Mayor Green asked this to be published and brought to the next meeting.

3. Discussion/Action: Gardner Learning Center. Juan Fuentes, City Manager

City Manager Fuentes began by saying Representative Rebecca Dow was instrumental in getting the dialogue with Dr. Sheppard. They met with the County Manager to discuss keeping the center open. But he asked Representative Dow to share some of the conversation they had with Dr. Sheppard.

Representative Dow started by saying she hopes this is good news and we can work something out. It's seems pretty simple and just a matter of coming together and looking at our partners, and seeing what we can do. Originally, the Learning Centers were a federal initiative to bring distance learning and increase access to rural areas for education. And the original intention is to be a clearinghouse for multiple organizations including universities like Western. At one point, we had Western, Dona Ana, Eastern, and some Construction Technology Courses, things that were a certificate program. So that's the idea behind the Learning Center. In the most recent years, it's been exclusively identified as a Western New Mexico University Branch. They are no longer able to support this branch as a site, but we talked to them about still using our Gardner Learning Center. It belongs to the city, they've been waiving the utilities, and what they are not willing to do, is to continue paying staff. So there will not be an on-site Director, or a Full-Time Secretary, they will not be paying for IT, or for janitorial services, and whatever utilities and internet they were doing. They are reposting all of the classes they had listed at this site, they are going to leave their equipment, and their IT Equipment, and they're going to repost those classes. They are giving us until around May 10th for any of the face-to-face courses to have 10 students or more. So right now, that's Developmental Math and Developmental English. We are talking about GED Testing also. As long as we have 10 or more students, they will hold their face-to-face classes. They will continue to stream the IT as long as we are the ones locking and unlocking the door. They are also willing to come down and do advisement and registration periodically. We need to figure out what we are willing to do and where are we going to meet them at. Some of the ideas they discussed was looking at partnering with Workforce Solutions and having someone housed at that facility. Can we talk to both Appletree and the School District to qualify for E-Rate and since we have students enrolled for dual credit, can we provide the internet. It's the early stages, but with some commitment from the city, the county, and other partners that will come to the table, it seems doable.

Commissioner Clark thanked her for picking up the ball on this one. Her success rate stands on its own. She was here when it was built and it was like a Tech School in the first place named after Ms. Gardner. Whatever she can do personally, she would certainly offer because she feels it's needed in our community.

Mayor Green echoed Commissioner Clark's kudos.

Mayor Green moved to approve authorizing staff to work with our State Representative and Dr. Sheppard to put together a program in the city building to bring back what you need to make it happen and if there is Commission approval

needed to bring it back quickly. Commissioner Frankel seconded the motion. Motion carried unanimously.

Representative Dow thanked the Mayor and Members of the Commission and if anyone in the public has any ideas and would like to bring them forward, she thinks that's the direction we want to go.

I. REPORTS

a. City Manager

- 1) Final agreements in place for the Animal Shelter Project to move forward. Staff is working with the Architect and contractors to get started pretty soon.
- 2) Rodeo Arena clean up this Friday, in preparation for the Rodeo the following week. Volunteers are welcome.
- 3) The Fiscal Year 2018 Preliminary Budget, he asked the Commission if they would like to have a short workshop, to go over the changes. Or would they like to just cover them in the regular agenda item. Please let him know if they have any preference.
- 4) Final phase of Fuel Farm application is moving forward as well. Again, that will be partly funded by the State, part by the FAA, and the city. That's moving along pretty well.
- 5) Final inspection for Phase 1 today.
- 6) Thanked Susan for commending Gloria Franke, she has done an excellent job since she's been here, we will see a lot of progress in our parks and facilities.

b. City Attorney

None.

c. City Commission

Mayor Pro-Tem Whitehead thanked everyone for their help with the Spring Clean-up. And the Police Department for providing the meal. And thanked everyone for the best Fiesta she has seen in a very long time. She thanked all of the participants, T or C Police Department, the Park was well maintained. The Dance on Saturday night, she thanked Frances Luna, this one outdid them all.

Mayor Green thanked everyone for Fiesta. He thanked Sanitation Director Alvarez, Traci Burnette, and Tino Luna for helping on Earth Day, delivering table and packing up everything. At the Clean Up Day, he reminded everyone we recycle and sell cardboard, metal, aluminum, electronics, that we take in for free. They were unloading television sets, swamp coolers, aluminum cans, and cardboard. It's a waste of money, if we could increase our recycling, we would reduce our trailers loads and do a lot of things with that money. Thanked Rotary for the T-Ball Field at the Louis Armijo Park. There were literally hundreds of cars. He thanked all of the volunteers and sponsors, including Steve Buckley, Matt Feltz, and others. Those kids are our future.

He asked City Attorney Rubin in what he heard from Mr. Fenn where he went into a city building asking people to sign a petition, on our Section 4-313, it reads as follows: *It shall be unlawful to coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of* basically what they are doing. He doesn't know if that is appropriate or not, but the last line on that says it *may be enforced by the appropriate civil action*. He asked if Manager Fuentes is ok with this, to have legal research this and see if that falls underneath this existing code we have.

Commissioner Clark personally thanked Ms. Zenith Baker for the effort she has put on that board. She knows what it's like when you commit to something for six years.

J. EXECUTIVE SESSION

1. Threatened or Pending Litigation (Hot Springs Land Development) Pursuant to 10-15-1(H.7)

Mayor Pro-Tem Whitehead moved to approve going into Executive Session at 10:30 a.m. to discuss Threatened or Pending Litigation (Hot Springs Land Development) Pursuant to 10-15-1(H.7). **Commissioner Clark** 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 11:33 a.m.

Mayor Pro-Tem Whitehead certified 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 action was taken.

K. ACTION ON ITEMS DISCUSSED DURING EXECUTIVE SESSION, if any.

Mayor Pro-Tem Whitehead moved to authorize counsel to take all actions necessary to set aside the courts order of April 21, 2017 and to allow an appeal or other action in an appellate court, as necessary and to open the CD for \$100,000. **Mayor Green** seconded the motion. Motion carried unanimously.

L. ADJOURNMENT

Mayor Pro-Tem Whitehead moved to adjourn at 11:35 a.m. **Mayor Green** seconded the motion. Motion carried unanimously.

Passed and Approved this 14th day of June, 2017.


Steven Green, Mayor

ATTEST:


Renee L. Cantin, CMC, City Clerk