

CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
CITY COMMISSION CHAMBERS, 405 W. 3RD St.
WEDNESDAY, OCTOBER 11th, 2017

A. CALL TO ORDER

The meeting was called to order by Mayor Steve Green at 9:03 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 announced it is truly distressing to see our flag at half-mast more and more with the loss of life in Nevada, in California, and it's just inexplicable sometimes. He asked in our fifteen second of silent mediation to remember those who have lost their lives unplanned for, uncalled for, and unnecessarily and remember those who survived. They are in as much pain as the families who lost their loved ones.

3. PLEDGE OF ALLEGIANCE

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

4. APPROVAL OF AGENDA

Mayor Pro-Tem Whitehead moved to approve the agenda. Commissioner Hechler seconded the motion.

Commissioner Frankel asked if we want to table the minutes of September 27th.

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.

Sarah Frothingham 608 Pine St., addressed the Commission related to:

1) She thanked the Commission for this opportunity to speak. She considers the pool our beacon. Especially after our meditation, with the killings at Sandy Hook, the Pulse in Orlando, Charleston, Las Vegas, the flyovers that are going to be happening, your bird sanctuary you can only get to by water at Elephant Butte Lake. Monticello Canyon and all of this will be gone and we need a beacon of safety, of joy. And she feels that is what the city pool is. She has last year's budget that shows just shy of half a million dollars, that is the city pool budget every year. Her feeling with closing the pool for the \$50,000 that will be saved that we will be able to open the pool this Spring. She thinks it's very important because it is the community, it is our beacon of hope in the devastation going on in this country and around all of us.

Robert Borough, 211 Arrowhead addressed the Commission related to:

1) He wanted to address some issues about T or C that he has and many people he spoke to. Almost every other street you go down, there is a building falling down or junk in the yard. A lot of people are using their residence as junk yards. It's a disgrace to the city and he's embarrassed to ask people to come visit him because of the way it looks. It deters people from coming here and wanting to open up businesses which brings revenue to this town. The first thing you see at the Williamsburg Exit is junk on the right hand side that needs to be cleaned up. They have airplanes, junk cars, and it tells you what kind of a county you're coming into. The people who are in office should be ashamed of themselves. Because a lot of times when you call, they've got excuses. If you need to change laws, let's get them passed and do something.

2) This is a small town, we have less than 8,000 people. It would help to put the powerlines underground. He knows we can't do it all at once. He specifically suggested Date St. and Riverside. He thinks it would save money in the long run and be more pleasing to the eye.

Mary Cavat, 721 Wyona St. addressed the Commission related to:

1) She agrees with every word said by the first speaker about the pool.

2) She wanted to address the dogs. It doesn't seem like there's a penalty for dog owners of the dogs that bite. Some dogs eventually get put down after months of wrangling. She explained her incident that took place on May 11, 2015 walking to a volunteer job at Computer Lab. It was a large pit bull who bit her on the back of her foot. Another pit bull also came and bit her on her face. The owner of the dog admitted this was a mean dog. This was the second time her dog bit someone. It took the city 106 days to put these vicious dogs down. She was told the city paid for confinement of these animals. Section 3-53 says that the owner has to pay the cost of confinement. This was one of the many laws the owner did not follow and the city did not enforce. She was told at the time of the incident, neither dog was licensed and neither dog had rabies shots. Another part of

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penal code 3-53 says that it's the owner's duty to immediately notify Animal Control when their dog bites someone. This owner did not do this. Also the laws states that sterilization is required in cases where a dog is released from the pound. Why wasn't the female dog sterilized after she bit the first person? And if there isn't a law about breeding dogs in close proximity of Libraries and schools, there should be. The owners built a breeding den so they could get more large dangerous dogs to breed.

Gary Woodcock, 312 Marr St. addressed the Commission related to:

1) He and his wife Sandy were walking North of Foch St. on September 26th and a dog at 700 block approached them. They had passed 8th St. when a very angry dog came at them snarling and moving closer. They walked backwards and did not take their eyes off of the dog when a motorist stopped to ask if they were ok. They saw the white Animal Control truck stop on the corner of Foch St. and pointing at the dog and motioned wildly for them to come to their aid. Another motorist stopped and the Animal Control Officer got out with a strap in his hand. The dog owner then came up and at that point Mr. Woodcock went from terrorized to angry. He walked up to hear what the dog owner was sharing with Animal Control. He said he was sorry and had left his window cracked and the dog got out. The Animal Control Officer added the gate was open. Mr. Woodcock and his wife were walking that more to look at a house for sale. It was their third Winter in T or C and they have a T or C address, NM License Plate, and NM Driver's Licenses. They have friends here and are seriously looking at getting involved and making this their community their home. They walk daily and have come upon many angry snarling dogs, often behind very run down fences and it's very unnerving. They have stayed away from areas they now know is serious danger. But now he realizes the danger is everywhere. They have also had other encounters where they were nearly bit in the hand by a dog on a leash on their porch. Enough is enough. He does not feel safe walking here and many other stories including Mary's some with other gruesome details including death. Clearly what we are doing is not working. What can we do to make this community safe for everyone to walk.

Martin Nigel, 721 Wyona addressed the Commission related to:

1) He was riding his bike a few months ago and was attacked by two dogs. The E.R. mentioned these dogs have been a problem for a long time. Last Friday, his wife and sister were in a town in Mexico called Creole with a couple of thousand people and he is walking around and theres dogs loose. So why in an impoverished town with Dog Control Officer's with trucks and skill, why is he not safe. It's an interesting research topic. So thanks for listening.

Ron Fenn addressed the Commission related to:

1) Wants to talk about Item H.3 for the Streets Inventory estimate for \$23 million. Let's see we want to borrow \$23 million dollars to fix our streets. That's totally unrealistic for many many reasons. He just got a copy of the actual spreadsheet of that inventory so he could do a little analysis, which they cannot do with what's in their packet. The first item on that list is sidewalks. The plan calls for \$4,970,000 to fix or repair the streets. Totally ridiculous figure. The current project on Broadway has cost \$53 per linear foot for the sidewalk project. And using that figure, you're looking at a cost of \$13,118,000 for this

247,376 feet of sidewalk in the city. Based on the performance of the Street Department on South Broadway that's an 18 year project just on the sidewalks. What are we going to do with the streets that are much wider than the sidewalks? But we're looking at \$90 million to fix the streets and 45 years to do it in. This is utterly a waste of time and he doesn't understand. Tell the truth to the people, don't tell partial truths. Little snippets that make absolutely no sense. There's a big difference between \$5 million and \$13 million, with 6,000 people to pay for all of this. Give us a break.

D. RESPONSE TO PUBLIC COMMENTS

Commissioner Clark wanted to address the people who have addressed them about the dogs. She is also a bike rider and avoids a specific neighborhood because of the dogs in that area. While riding her bike, she's been chased by dogs who get very close to her wheels, because if she goes down, she gets hurt. She would like to suggest readdressing the city ordinance and the way the city deals with animals in our community and making it stricter so we can actually do something so that never happens again.

Commissioner Hechler wanted to address the gentleman who had problems with dilapidated residences. He asked him to note those and turn it in to the Police Department for Code Enforcement so they can take immediate action. Perhaps that will give them an opportunity to take action on those locations.

Mayor Green will put this on the next agenda for action and trying to make this a welcoming community to live here, this is part of that puzzle. The fine is only \$100 and it's not a mandatory fine. He appreciates them sharing their story and he's horrified and sorry it happened to them.

City Attorney Rubin also wanted to say a few words. We did revise the Animal Control Ordinance a few years ago and they had included tying up their animals, dangerous dogs, and other areas. He added one of the reasons the dog wasn't put down immediately is, they had to mitigate that case and it was a long drawn-out trial. After we had prevailed the owner was fined and then we could take action. It all involved a court case, we had to take care of. One of the things he pointed out is the fines may need to be looked at.

Mayor Green added we will discuss how to do things better on the next agenda on October 25th. Mayor Green responded to Mr. Fenn and how interesting that he presented snippets of truth. He referred to a Senator in Gallup who was here at the Legislative Finance Committee, on Wednesday or Thursday they went to the Spaceport and all of a sudden a Senator from Gallup started raving about the Spaceport Visitor's Center and he was going to hold back every penny of Legislative dollars until a major travesty has been corrected. He was not at the meeting, but it was brought to his attention by a Legislative Official who he does trust. So he took it upon himself to call Senator Munoz and he let him know that he had been in contact with Mr. Fenn, and he must congratulate him because the Senator was leading the bandwagon to get rid of Spaceport America. He found out talking about snippets of truth, when you were talking to the Senator, you forgot to tell him there was a vote by the population of this community. They voted 648 in favor

of keeping that portion of the building as the Spaceport Visitor's Center and 146 wanted to turn back. So he asked when he is doing the best he can talking about our community, please don't talk about snippets of truth.

Mr. Fenn made an unintelligible comment at the podium on this way out of the meeting.

E. PRESENTATIONS

1. Presentation of a Proclamation for National Manufacturing Month in October.

Mayor Green read and presented the proclamation for National Manufacturing Month in October. He encouraged all citizens to and manufacturers to attend the event hosted by MainStreet Truth or Consequences and the Chamber of Commerce at the T or C Brewing Co. on Thursday, October 26th at 3:00 – 7:00 p.m. and any other events.

F. CONSENT CALENDAR

1. City Commission Regular Minutes, September 27, 2017 – Removed from agenda.
2. Accounts Payable, September 2017
3. Authorization to re-invest balance amounts of maturing certificates of deposits for the Emergency Repair Reserve, Waste Water Reserve, Capital Improvement, Capital Improvement Reserve, and Electrical Construction Reserve Accounts.

ITEMS REMOVED FROM THE CONSENT CALENDAR

Mayor Pro-Tem Whitehead moved to approve the Consent Calendar as noted. Commissioner Hechler seconded the motion.

Discussion:

Commissioner Frankel brought up the request from the City Clerk to require more time to review.F.1 City Commission Regular Minutes, September 27, 2017 and requested to remove it from the agenda.

Mayor Pro-Tem Whitehead amended her motion to approve Items F.2 and F.3 the consent calendar. Commissioner Frankel seconded the motion. Motion carried unanimously.

G. ORDINANCES, RESOLUTION, & ZONING

1. Discussion/Action: Resolution No. 09 17/18 declaring nonessential surplus property for the November Auction. Renee Cantin, Clerk-Treasurer

City Clerk Cantin presented the next auction is scheduled for November 11th. We have a couple of vehicles and some computer equipment. It was brought to her attention that we may be able to also do recycling with some of the computer equipment and we will look into that in the future.

Mayor Green added we also have on the bottom item there is a steel shelf cabinet and other steel items and in the future we might take a look at something that we can get money for recycling and put a value on the list. So we can make sure we get the best amount for them.

Mayor Pro-Tem Whitehead moved to approve Resolution No. 09 17/18 declaring nonessential surplus property for the November Auction. Commissioner Frankel seconded the motion. Roll call was taken by the Clerk. Motion carried unanimously.

2. Discussion/Action: Resolution No. 10 17/18 Budget Adjustment. Melissa Torres, Finance Director

Finance Director Torres presented the budget adjustment request. Some of the adjustments include the Impact Fees and CDBG transfers. The detailed list in on the Commission Action Form.

Commissioner Clark is still concerned and unsure about the Impact Fees. She asked if we came to terms on the Impact Fees for the Veterans Home and we are leaving "x" amount of dollars in a suspense account to cover anything that might come up from that issue. Finance Director Torres agreed that is correct, the Commission approved the \$100,000 and \$30,000 was set aside in case of litigation.

Mayor Green asked with the construction of the new Hospital there will be some impact fees also. Will that money be available for infrastructure upgrades? Finance Director Torres responded that is correct we would have to set up an individual account for each of the funds received. And based on the Capital Project list we have, the Commission can approve additional projects to use the monies for. City Manager Fuentes added when we do receive some of those from the hospital, one of the projects we will need to do is get a Project Engineer to help us update the Impact Fee Report. This will help us identify some of the projects we need to use it for and one of those is the Engineering Update Report. Finance Director Torres added one of the recommendations from the Attorney was to update that list.

Mayor Green asked if once the survey is done, it would be more viable to use for grants for infrastructure projects because we will already have analyzed the projects we need and move forward accordingly. Finance Director Torres agreed that's correct and we are defining our projects in this process.

Commissioner Hechler moved to approve Resolution No. 10 17/18 Budget Adjustment. Mayor Green seconded the motion. Roll call was taken by the Clerk. Motion carried unanimously.

3. Discussion/Action: Resolution No. 11 17/18 amending the Finance Policy & Procedures. Melissa Torres, Finance Director

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Finance Director Torres presented the city is requesting the update to the Finance Policy and Procedures to include the COSO which is a process for internal control. This is part of a milestone we are putting into place from the Auditor's recommendation. It will help us build our Internal Controls.

Commissioner Clark referred to page 23. She asked about the checks and if we are putting the Mayor, City Clerk, Deputy Clerk, and Finance Director on the accounts, is this is dual signature that's required on each check. Finance Director Torres agreed.

Commissioner Clark then asked about checks being put on pre-printed check stock without routing numbers and how that ends up being process through the banking system. Finance Director Torres responded our Tyler System is our Account Payable system. We do use a secure pre-printed check stock which have three areas. One is the Clerk's Office, one is Accounts Payable, and the other one is Payroll. It's just blank stock and you cannot take one and just write anything on it. With our system you have to assign it to a payee or vendor that has to be set up in the system. At that time it will issue a check number and routing number. Commissioner Clark said so what she is hearing is it's really tightening things up and that's a good thing. Finance Director Torres agreed that is correct.

Commissioner Clark also asked about accrual on page 80. Basically because we are on a cash basis we have gotten stung for debt issues and where we have the ability to make the debt payments. And the auditors have the accrual to show our debt situation. That's a year and a half after the fact, so if we are in trouble we won't know until we are eighteen months down the road. She asked if there was any other way we can work that cash accounting system. Finance Director Torres responded that is the responsibility of the Finance Department to reconcile on a monthly basis, which is the time we can identify any deficiencies or things that are not taken care of in a timely basis. Then we can make those adjustments. Commissioner Clark asked if we can do that for receivables too? Finance Director Torres confirmed we can.

Mayor Green thanked her for the work put into this and for putting the education of the Department Heads in here, so they know what the guidelines are for running their departments. And reporting problems in a timely fashion, so we don't run into problems a year later. He asked if we can start the budget process earlier. We seem to be the last to get in our budget process and it's a hurry and rush. Finance Director Torres agreed.

Mayor Pro-Tem Whitehead moved to approve Resolution No. 11 17/18 amending the Finance Policy & Procedures. Commissioner Clark seconded the motion. Roll call was taken by the Clerk. Motion carried unanimously.

H. UNFINISHED BUSINESS

1. Discussion/Action: Benefits to the Community for the new Law Enforcement Complex. Steve Green, Mayor

Mayor Green put this on the agenda again because of what happened at Spaceport America where in that particular case Mr. Fenn didn't tell the whole story. For this petition, he doesn't know what he is saying to the people, but first he wants to make a statement. He supports Mr. Fenn's right to question the decision that's been looked at for over three years. If that petition is turned in on Friday it will require an election. This is part of what we are allowed to do because we are a Commission-Manager form of government and you can't do petitions in a Mayor-Council form of Government. Per a statement from our City Attorney, "We therefore, recommend that if the City Clerk receives requests by signers "people who have signed that petition" to have their names removed or withdrawn from a petition, and those requests are received before the petition has been filed, The Clerk's Office should maintain a record of those request dated and signed by the requestor and should then remove those names from consideration when the petition is being reviewed and certified." So if someone wants to do this, before the 30 days they have to get the required signatures, go to the City Clerk's Office. After received the City Clerk has ten days to verify the signatures and the number of signatures that would trigger an election and must be held within 90 days of that. He just wanted to let the citizens know, they do have rights. So if you signed it in error or was pressured, you can try to get your name off. If Mr. Fenn turns in the petition early, then you have another right and that's at the Election. So voting is really incredibly important. It's the way that the will of the Commission is heard through the citizens that they represent. So let's have the best voter turnout we have ever had.

The Mayor continued there is still misinformation out there and he put this item on again because he wants to make sure the voters have all of the facts they need. It took the Commission three years to get to the point where we made that decision. He's not sure how they could make a decision with someone waving a piece of paper in front of them.

Commissioner Clark wanted to reiterate at the last meeting, the Chief and her spent some time working on the finances for this. And we are spending \$125,000 on Animal Control at the Veterinarian's place, and then we had a couple of transfers down to the Deming Department for misdemeanor people, and the mortgage we are paying on the current building. This adds up to about \$151,000. And instead of going out, we will be staying in our Police Department. This payment we are going to make on a new facility is about \$107,000-\$109,000, so are actually putting more money in the Police Department's hands by doing this facility, as opposed to, leaving it as it is.

Commissioner Clark continued, the other question is, what do you do with the building? You sell the building to help pay for the funding on this new complex. The other comment she wanted to make is this Safety Complex will also be the location of the Animal Control and the animals and we would be personally in charge of the animals that come in off the street, and it will be under our control instead of being contracted out. It's something we haven't all discussed much but because of this animal thing right now. It's a real value to have this thing happen, rather than not having it.

City Manager Fuentes wanted to address the question that has been reported in the Herald where they were questioning the cost estimate for the project and what we are seeking for the loan. What we are seeking is the \$2 million dollar loan through part of a GRT that was dedicated to the Police Department. We are trying to make our best effort to be frugal with public finances, and that's why we are not asking for all of money, but we are asking for loans for the majority of it from the New Mexico Finance Authority. In the cost estimate from the Architects, there are some built in additives for things like paved parking spaces, a carport and so forth. We are asking for the flexibility to use a combination of resources to fill the gap through other funding resources. Whether it's through the Chief being frugal with his budget, using part of the sale proceeds from the current building, and also some of the other savings in this fiscal year. A lot of time when you present a project, they want to know how much money you have in your reserves and they tend to offer you to request a loan for a bigger amount. It's our job to make it as close as possible and if we have a little bit of room, we will look at other resources. But he just wanted to address that information that is being reported.

Mayor Green asked City Manager Fuentes about the asbestos in the building and what we are doing about it. City Manager Fuentes reported staff had the Engineers do an assessment of the old panels that are in the building. The cost for removal is under \$20,000 and they plan to have that removed, so there is no perception in the future that there might be something in there. That is the direction, they are going to be proceeding with.

Commissioner Hechler read his comments.

He feels we should talk to service groups and do everything we can to make sure the Law Enforcement Complex becomes a reality. Please join your Commission in support of the Law Enforcement Complex.

Mayor Green would like to reiterate one more time, this is not a new tax. It was ¼ of 1% that was put into place in 2011 for Public Safety. He asked the Chief if \$110,000 comes off the top to pay down this bond, does it leave enough money in your budget for quality Certified Officer's, Patrol, and safety for this city. He knows the Commission would not move forward to do anything that would jeopardize the performance of his department. He asked the Chief if he is comfortable in taking on this responsibility of paying the bond with his budget. Police Chief Alirez responded absolutely 100%. Not only did they look at that, but they looked at what's remaining to increase services in their current budget. They are very confident this will be the correct direction. They have gone over the numbers in many meetings and are comfortable with them. This project was started way before he got here. They are looking at a long range plan and where they are today. This is well within their means to do this.

Mayor Pro-Tem Whitehead asked if this will also include pay raises for our Officer's. Police Chief Alirez said yes, and when he first got here he did a complete SWOT Analysis. He explained the outcome of that analysis. The three things causing attrition and things they can do to transition from a training ground to a career. One of those was pay and they have increased the pay over the last three years by about 70% across the board

which has allowed them to be competitive on a state level. He reported we have no lack of applicants which has allowed us to be selective. In the plan, there still exists more pay review to help with retention. There are agencies who are offering \$15,000 sign on bonuses, and we want them to think of this as a career. It's not just about salary, it's about working conditions, about on-boarding, and setting that picture of where they are going to be at in 5-10 years. They have great people and have a goal of where they want to be with that in a couple of years. It's within their financial abilities to do that. they still have revenue they haven't even touched yet.

2. Discussion/Action: Possible closure for the Pool in the Winter. Juan Fuentes, City Manager and Don Armijo, Public Works Director

City Manager Fuentes presented this item. It was discussed at the last meeting and requested to bring back. Millie McCloud made that recommendation and it helps to have the public initiative and support. We do look at different ways to update facilities. Grants Projects Coordinator Burnette has contacted Pool Pro and the estimate is about \$110,000. They have done an analysis of the savings for a closure for a six month period, and we are looking at between \$60,000-\$70,000. It's getting colder and we need to put the cover up, or if the Commission approves, keep it down, close it, and proceed forward with the plastering.

Public Works Director Armijo first thanked Grants Projects Coordinator Burnette for helping with the quotes. We have been working on this for a long time. But now, if we don't get it done by February the pool won't be able to open. City Manager Fuentes added with that he feels we can make it happen with the savings and some funding from other departments and ending cash balance to get it done and to last for years to come.

Commissioner Frankel asked if the company set any parameters for the time they would need for working with the weather conditions in order for them to do the work during the winter months. Does the product need to be at a certain air temperature while it's setting.

Public Works Director Armijo responded any time you do something with plaster, temperature does have to be taken into account. Grant/Projects Coordinator Burnette has been in contact with Pool Pro and have requested all of that information and they will be giving two different options.

Commissioner Frankel wanted to know we will be able to do the job within the period we set. Grant/Projects Coordinator Burnette is still waiting on the resurfacing information. There is a lot of work that has to be done before the project. Public Works Director Armijo said part of this package is, we will be saving money on the heat and electricity cost while it's closed.

Commissioner Clark asked about dealing with the Health Department. If we close that and she knows that we are going to plaster that, we would start with a brand new permit. Grant/Projects Coordinator Burnette said they did indicate they can get it done in the time frame. Commissioner Clark asked if the state is aware that we are closing it. Grants

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Projects Coordinator Burnette confirmed they are and added it would not pass inspection in February if we don't.

Commissioner Clark also asked a question of Millie McCloud who suggested this option. She asked if she is certain that the other people at the pool are in favor of closing the pool for this period of time. Millie McCloud responded she knows a lot of them are not in favor of it being closed. But to close the pool to be replastered vs. closing the pool forever, their group felt like that's the best way to go to get it done before the cold weather sets in. Mayor Green asked if the group she was referring to was the Friends of the Pool. Ms. McCloud responded no, the Friends of the Pool is against the closing of the pool.

Sarah Frothingham from the Friends of the Pool feels they are for closing the Pool for the Winter, now. They really do need to have the pool. Ms. McCloud said her little group who does the exercise at the Pool does not want the pool to close forever. They want it open and covered in the winter, if it's possible to. And they want it opened again in the spring.

Commissioner Clark said we will have to close the pool anyway to plaster it. She asked if Pool Pro gave them a time frame as far as how long it would have to be closed. Grant/Projects Coordinator Burnette responded a long estimated time frame it would be anywhere from 3-4 weeks to 8-10 weeks, depending on what they find when they get in there. Commissioner Clark added so we are looking at it being closed for this period of time anyway, so why not do it when we can save the money.

Mayor Pro-Tem Whitehead said she is concerned that we are talking about if and when and we don't know for sure. If we close the doors today to save this money, and three or six months down the line we haven't gone anywhere, we will still have the state inspection. They need definite answers and to know what Christy expects and we need time frames. We need to know what money we have and how to get there. If we close for 3 months or 6 months, is City Manager Fuentes going to find the money for this. Are we going out there to steal from Peter to pay Paul. Friends of the Pool and the Aerobics class can give suggestions, but we don't know what we need to do to make it happen. We need definite answers.

City Manager Fuentes responded those definite answers we already have and we know that it needs to be replastered. We also know, the weather is getting colder and it's time to put the cover up, but why do that if we are not going to open the pool. It's a big task when putting the cover up and taking it down. We do know the cost which will be \$110,000 and the savings will be between \$60,000 and \$70,000. There is some final information we need from Pool Pro on their time frame. They met with Christy from the State at the pool and she knows we're working on this and what we need to do. She is working with us and giving us that time to get it done. First they need approval to go forward with a more concrete plan and coordinate with the State and the Finance Department to get this done. He said if we postpone it another two weeks staff cannot move forward on this project.

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Mayor Green asked what is going to happen to the other employees. City Manager Fuentes said first they have some vacancies they are not going to fill right now, and second, they would be assigned other duties at the pool and used to clean the pool up and some can be assigned to other areas who need help to keep them on staff.

Commissioner Clark asked if there would be a difference in resurfacing if the cover was on and it was heated. Public Works Director Armijo will ask Pool Pro on that. But in doing preparations in working with that, they can tarp it and use portable heaters if they need to also. There are other options. Ideally it would be nice to have 72 degree whether, but on the cover, it should last 20-25 years.

Commissioner Hechler added if we do put the cover up, we are defeating the purpose to save money.

Mayor Green asked what is done with the water when it's drained. Public Works Director Armijo said it would go into the sewer system, and then pumped through the wastewater. Once it's chlorinated, we can't use it for Parks or Streets. Mayor Green just wanted to make sure it does not go into the Rio Grande.

Commissioner Frankel added if they approve the closure on Monday, he would like to see the project starting on Tuesday so we can have everything prepared well ahead of time for Pool Pro to come in. Public Works Director Armijo agreed.

Mayor Green said maybe to Commissioner Frankel's point the two groups might be able to help staff do the work and make this a community project. He agrees with people that the pool is important. It's vital that we fix it to get it certified and opened as soon as possible.

Mayor Pro-Tem Whitehead asked when we would be looking at closing the pool. City Manager Fuentes asked if it's time for the pool cover to go up. A member of the public responded it's already closed due to a shortage in staff.

Public Works Director Armijo said right now the pool is open and we were going to put the cover up, but we were waiting for the vote before we put wear and tear on the cover everytime we put it up and take it down. Mayor Green asked if the Commission were to vote to approve that, would the pool stay open until Friday and we could start this process. Is there a time schedule we can let the public know about. Public Works Director Armijo said yeah, that would not be a problem. Once they get the definite answers it won't take much time to get the pool drained and prepped.

Commissioner Hechler said if we close the pool on October 15th, then we would have to open it on April 15th of next year. But if we close on Nov. 1st, we would have to open on May 1st of next year. Would that be too late? City Manager Fuentes responded normally we opened the pool up right before school let out in April. Mayor Green said that's important for the swim team for training also.

Mayor Pro-Tem Whitehead moved to approve to close the pool effective October 15th with the possibility of reopening on April 15th, in hopes all of the resurfacing and reconstruction is done properly. She would also like Public Works Director Armijo and Grants Projects Coordinator Burnette to report on the progress at each meeting about how they are coming along and what needs to happen next, in order to open the pool in six months. Commissioner Frankel seconded the motion.

Commissioner Clark asked in this process, would he ask Pool Pro what this would cost in addition to make it a 25 foot pool to make it a standard sized pool. City Manager Fuentes suggested that first we need to get the cost for the replastering. Mayor Green also suggested that our Clerk's Office send Christie the copy of this meeting minutes that reflect that the city is working on this. City Manager Fuentes asked to address those administrative issues and Traci has been working with them and can notify Christie. He also suggested he give the report on the pool at each meeting during his report to the Commission. Mayor Pro-Tem Whitehead said that's fine as long as they know where we are and what we are doing.

Mayor Pro-Tem Whitehead asked if she should also include that the staff will remain employed.

Mayor Green said MainStreet got an AARP Grant to do sidewalks. He wonders as we move forward, if we should be looking for grants for health and physical safety for Senior Citizens. He also suggested that we reach out to UNM for their guidance. It could give us more money to work on more projects.

Mayor Green called for a vote on the final motion:

Mayor Pro-Tem Whitehead moved to approve to close the pool effective October 15th with the possibility of reopening on April 15th, in hopes all of the resurfacing and reconstruction is done properly. She would also like the City Manager to report on the progress at each meeting about how they are coming along and what needs to happen next, in order to open the pool in six months.

Motion carried unanimously.

3. Discussion/Action: Street Improvements Analysis update. Juan Fuentes, City Manager and Don Armijo, Public Works Director

City Manager Fuentes asked Public Works Director Armijo to provide and analysis of the report he provided.

Public Works Director Armijo presented the item. The report is with them doing the work and the cost of the materials using Hot Mix and putting in a new two inch layer. Streets like this are required to add ADA Compliance with sidewalks on new construction. That portion is also estimated and the hot mix part of it. There might be a cost savings on the base course, but we have to figure out how much it would cost for new base course and asphalt. Some are done with chip seal by Rodeo Arena Road and across the river, and that doesn't require us to meet ADA requirements. If we hire a contractor it would be another 2/3rds more for the cost.

City Manager Fuentes said the analysis shows 24 million dollars which is more than we have at this time. There is always the option of property tax or a G.O. Bond to do this, but we would have to pay down that debt and we already know the payment with the \$30 million Hospital Project, which would be pretty high. One of the opportunities we have now is an application for the Water Trust Board for Water Line Replacements and this is a smaller scale project where if we are going to go in and do a project, we consider the sewer and the water. The application we currently have identifies streets on Marshall, Pershing, 2nd Avenue, and Sierra Vista. So he asked Don to give us at least a cost estimate of what it would take to do the area where we would replace the water lines, and we are looking at a little above \$380,000. If we are successful for the water line, we can use that funding for the water lines. We would also have to find funding for the sewer lines. This would be a good pilot project to include the areas that are already identified for funding for water. Again, it's a smaller scale project than we had hoped, but it's something we could apply for every year. We also use the Local Government Road Fund each year, but that doesn't get us very far. It would be a great pilot project to include all of the infrastructure items for each area.

Commissioner Clark thanked City Manager Fuentes for remember the cart before the horse doesn't do us any good. She would like to see all of the water and sewer lines to be replaced before the road is repaired. And what if we did bury the power lines? Would that be a good way to go. The main thing is instead of just fixing the asphalt and having to tear it up later to replace the water and sewer lines later, we should just do it in the correct order. She is glad that's the mentality we are taking here. She thanked Public Works Director Armijo for putting this together for us.

Mayor Green said to Commissioner Clark's point, where do we get the money from. 1/8th of 1% is set aside for streets only. He presented some cost estimates received from property taxes and if you do the math, we are talking about \$.23 a day per household. We have potholes and streets, and we are in competition with every community in the state. We have some incredible assets other Mayor's would kill for. And yet, we invite people to take a look at us and he finds himself making excuses over and over again. We as a community have got to decide how we are going to get there and keep people happy without having a drain on our citizens. Where is the money going to come from? If we were to look at increasing our local residential property taxes so we could get another \$150,000 to let us start this project, let's do it and see that we can do it. He was told there is federal money for infrastructure for rural America.

Mayor Green is asking his fellow Commissioner's what we can do and it has to be with the acceptance of this community to make this community better as we move forward. The Governor wants big signature projects and they aren't going to give us money for roads. Noone wants to raise taxes, he gets it, but show him another way.

City Manager Fuentes said in regards the numbers he's referring to for Lodger's Tax, the Commission can consider it now or we can look into adding it to the budget or there is a Mill Tax Levy that would take action by the Commission to increase that wouldn't require

a bond. It can be done by simple action of the Commission. Mayor Green asked if there is a time frame until we know when we will know about the funding for the Water Trust Board.

Grant/Projects Coordinator Burnette responded they have a presentation on the 24th of this month for the application and if we are chosen the decision isn't until May. Mayor Green asked if there was a concept that needs to be completed and presented. Ms. Burnette responded probably not because the presentations are due within the next couple of days to get on the agenda. Their presentation is pretty much complete. City Manager Fuentes responded they can work with the Water Trust Board to let them know we will be seeking funding for replacing water lines and sewer lines before the streets.

Commissioner Clark asked if she makes a motion now on the mill levy when is it done through the fiscal year. Mayor Pro-Tem Whitehead said it wouldn't go into effect until next year.

Commissioner Clark suggested we wait until next year to get our ducks in order. Mayor Green believes our municipal tax rate has not been increased for 28 years and a lot has happened in that 28 years. Mayor Pro-Tem Whitehead agreed it's been a long time. Mayor Green added but the infrastructure is washing away at our feet, literally. He asked if he is hearing we want to start a process to look at identifying different funding entities and to start this small all-in-one pilot projects.

Commissioner Clark moved to approve to start a process to look at identifying different funding entities and to start this small all-in-one pilot projects. Mayor Pro-Tem Whitehead seconded the motion. Motion carried unanimously.

4. Discussion/Action: Night Sky Friendly Lighting Program. Kathy Clark, Commissioner

Commissioner Clark gave an overview of the presentation at the last meeting where they were tasked with coming up with verbiage for a letter with Electric Department Director Easley. She read the letter they have compiled. She added if there are no comments, they will go ahead and get this drafted up and make it a permanent part of the Utility Office.

Mayor Green thanked them for putting this in. He feels that clarifies the confusion with the law. Commissioner Clark thanked Tammy Gardner for her assistance also. Mayor Green then asked if the intent was to put this in the Utility Bills or just keep it on records at City Hall? Commissioner Clark understood a note could be put on the Utility Bills if they are interested and part of the discussion was for new customers who get a welcome packet and others who might be interested.

Commissioner Clark moved to approve the letter composed by Commissioner Clark and the Electric Department with respect to the New Mexico Night Sky Protection Act. Mayor Pro-Tem Whitehead seconded the motion. Motion carried unanimously.

The meeting was recessed at 11:03 a.m. and reconvened at 11:13 p.m.

I. NEW BUSINESS

1. Discussion/Action: Request to re-locate SCRDA to the Fire Station at 301 E. 9th St. Paul Tooley, Fire Chief

Fire Chief Tooley He started by letting the Commission know they did not receive the grant for the aerial that they applied for last year. There were 10,000 applications and about \$2.1 Billion that was asked for and they didn't quite make the cut.

Fire Chief Tooley made his presentation which is part of the Agenda Packet. The current SCRDA is on Date St. and has been since 1996 and in 2001 they built a new complex at 310 E. Ninth St. He showed them how SCRDA could move into this facility immediately. One of the main issues of the Date St. building is the electrical and wiring issues that have been a problem for years. As time goes on new technology comes in and more power and electricity is needed. Everything at the Fire Station is bigger than they have now. The Fire Station doesn't even use a fraction of their current building and it's already ready to go. He showed the square footage of the area they can offer for them to use. There are full facilities for both men and women including showers. They can put a hallway to allow them to go directly to the truck bay and will offer more security for them. There is a current automatic generator at the station and it will automatically operate in case of loss of power. This site has a direct line of site to the radio tower on Tank Hill. The idea is with having the facility ready to go, we could even start today or tomorrow without losing service.

Commissioner Hechler wanted to clarify that today this is only one of the options they could have? Fire Chief Tooley said that's correct, this is an option they would like to present as something that's already built.

Commissioner Hechler said he spent some time yesterday with Director Howard and Sheriff Hamilton and asked if there is a possibility to have Director Howard answer some questions. Mayor Green agreed it would be ok as long as they have someone with authority here. Commissioner Hechler thanked them for meeting with him yesterday. He asked what the length of time they can stay where they currently are. Mickey Howard, Executive Director responded they need a new E911 System. They did a tour with DFA and it was determined that it's not feasible to put the upgrades in the building they are in right now. The Electrical System won't hold the upgrades for the hardware upgrades. Commissioner Hechler asked if there is a possibility we might lose the funding for the upgrade if we don't get it done now? Ms. Howard responded they have been needing a newer system for a while. Through DFA, they are all put on a schedule and they are on the schedule for next year. The system they have now is obsolete and they have trouble finding the parts for it. So they have had some failures in the past which are all documented. Her Maintenance Company that works on their 911 System is just piece mealing it together. Everyone has finally come to the conclusion that they may not make

it to the next fiscal year. It would be nice for Sierra County to go ahead and get the planning started for a new system now.

Commissioner Hechler said his concern is this is one of the options, and one of the other options is to ask SCRDA to move into the new Law Enforcement Complex they have anticipated to build in the future. However, he's concerned the Law Enforcement Complex will not be done in the next two years and asked if she feels SCRDA could wait for another two years. Ms. Howard responded personally she doesn't think it will survive in the next couple of years. They've got to do what they've got to do, and that's what they're doing now is just maintaining. They have options, the Fire Department which is actually the faster option with minimal cost where they can move in before the fiscal year. If the SCRDA were to say this is one of the options, she could notify DFA. They will be also paying for new Dispatch Consoles which is \$100,000 for a six station console. They can start getting things set up and installed at the new facility and will be able to flip a switch to change it over. The current system will not survive a move to any other facility.

Commissioner Hechler asked if they have other options they are considering. Ms. Howard responded the board has instructed her to go look at other options and she is building a presentation as well, which will include Mr. Tooley's presentation and some other buildings. She has looked at one in Elephant Butte which was good for the cost, but she feels it's better to keep it located in T or C which is more central. She doesn't want the Officer's to have to go out of town to pick up paperwork. She doesn't want to get 5-10 options, she wants to narrow it down to two or three that are better for the board.

Commissioner Frankel asked the Chief what the benefits would be to have it manned 24 hours a day. Fire Chief Tooley said for right now, it doesn't matter. But down the road there are possibilities for improvements to the ISO Rating.

Mayor Pro-Tem Whitehead asked when the Fire Station was first built, the intent was a Safety Complex? Fire Chief Tooley said at one time it was going to be a complex.

Mayor Pro-Tem Whitehead asked what type of fees does SCRDA pay for the use of the building and what would the city have to charge to be housed at the Fire Department. Ms. Howard said currently she pays all of their utilities and has a separate meter. The County does not charge SCRDA rent for the building they are in. She also mentioned if we were to choose this one, they would want their own meter to themselves.

Fire Chief Tooley responded the Fire Department has "x" amount of dollars they use every year. They could also use the kilowatts the Department has used and have them pay the rest. So there are some other options. Ms. Howard added SCRDA utilities are budgeted every year so she's on her own when it comes to utilities.

Mayor Pro-Tem Whitehead asked how soon this could be ready if SCRDA board wanted to proceed. Fire Chief Tooley said they could start moving equipment in today if they had to because the rooms are all ready to go. Without adding to the building at all, he would say if he had a contractor come in to show them what they wanted, \$20,000-\$25,000 would get everything done for them to move in.

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Commissioner Clark asked Fire Chief Tooley where he was going to get that \$25,000. Fire Chief Tooley responded they would not get that, it would come from the GRT. Commissioner Clark mentioned they have some money in the bank if she remembers correctly. Ms. Howard responded they do have some reserves and they would have to do a loan for a wrap around. She presented to the board that they need new radios. So if they were to move to a new facility they would also have to add those radios. And as far as waxing the floor, they will be required to have static free carpet for the Dispatch Center. She also added the money wouldn't come from the city for the remodeling, the SCRDA Board would be paying for whatever needed to be done.

Commissioner Clark asked if they are not paying rent and are paying their own utilities, what is the benefit of moving it to the Fire Station or the Law Enforcement Complex. Ms. Howard responded it was actually a board decision not to go with the Complex at this time. And she's not saying the Fire Station is the place they will choose, but it's obviously more set for use so the finances for remodeling will be a lot less than the complex was going to be at that time. She understands Commissioner Hechler would like to bring it back to the board for consideration. She does know if it does take two years, she doesn't think the 911 system will hold up that long either, and that's a problem.

Mayor Green heard Ms. Howard say it's a board decision of where they should go. So why are they asking for the Commission support. Fire Chief Tooley said because it's a city building. Mayor Green hear a minimal cost of \$100,000 and a loan for remodeling. Does she foresee the customer's financial contribution to be increased? Ms. Howard cannot give the numbers of how much it's going to cost for the remodeling. If this was approved for an option, then they would go to the contractor to look at the numbers. She feels they probably would go through NMFA and use a portion of the GRT to pay it. She doesn't see a huge increase to the contributions.

Mayor Green asked about 100% funding. Ms. Howard said that is for the E911 funds and they need to go from a four station to a six station Dispatch and they will pay 100% for that and for the furniture. That is what is paid on your cell phone surcharge, it does not come out of SCRDA's pocket.

Commissioner Hechler would hope that Fire Chief Tooley would wait long enough for the City Manager and the Chief to make a presentation to the SCRDA Board to give them time to look into any possibility of including it with the safety complex. He worked as Police Officer and their Dispatch was located in the Police Station. And their ability to work hand in glove for immediate access to information and being able to discuss things right there on site was really important to them. So to him, it's still the best option that we have if it's viable.

Commissioner Clark wondered if Commissioner Hechler is suggesting that we should include that we would like to have them consider both of our buildings including the Fire Department and the Law Enforcement Complex. Commissioner Hechler agreed and thinks that's very important. He just doesn't want to jump the gun and do it too quickly. He want's to make sure we do all of our homework first.

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Ms. Howard said this is one of the options. They need them to vote to show that the city is on board so the SCRDA Board can make a decision.

Commissioner Hechler said speaking for himself, he would be more comfortable if once the board makes the final decision, to have them come back for final approval. Ms. Howard agreed and added it would be all of the entities that would make the decision, not just T or C.

Commissioner Hechler asked City Manager Fuentes if he had any problems with this building being used in this capacity. City Manager Fuentes responded he doesn't have any concerns, it appears that the space is available. His only question from his standpoint would be the finances and making sure the Police Department is not impacted with additional contribution. SCRDA does have significant amount of ending cash balance savings already there. And throughout the budget year, they don't always use all of the money. So his concern would be no additional increases to the Police Department for SCRDA services.

Fire Chief Tooley added he did clear this with the State Fire Marshall's office and they are okay with it as long as it doesn't interfere with the day-to-day operations.

Mayor Pro-Tem Whitehead wanted to comment that we own both buildings and SCRDA is a board that stands alone. So she wants them to understand and have that feeling of confidence. They want the best judgment to be on the SCRDA Board and up and running as soon as possible. She knows where there building is and they don't have room there. She wants them to know that we as the city are backing them as a board. Ms. Howard thanked Mayor Pro-Tem Whitehead.

Mayor Green said the 100% funding form DFA is not site specific? And is that offer time sensitive. Ms. Howard agreed it's not site specific and DFA knows they are looking for another location and the time frame depends on when they move because they won't pay to move that equipment into another building. But they will pay to move the new equipment. SCRDA would have to pay that huge cost to move it to another facility. Mayor Green asked if the Administration Fee for the county, is that credited against their call out fees. He thought we were being billed on the percentage of the number of call outs. Ms. Howard responded they are still charged for the call outs.

Mayor Pro-Tem Whitehead moved to approve authorizing permission for SCRDA to use the Fire Station at 301 E. 9th St. as an option for the SCRDA Board decision and upon their final decision that they bring it back to the City Commission for final approval. Commissioner Frankel seconded the motion.

Commissioner Clark is still back to the Public Safety Complex being an option for them also. She asked if we need to have them make a presentation or just add it to the motion. **Mayor Pro-Tem Whitehead agreed to add the Law Enforcement Complex as an option to the motion.**

Ms. Howard said she would bring it to the SCRDA Board for approval. Commissioner Clark also added she appreciated Commissioner Hechler's comments about how convenient it was having it in the Law Enforcement when he worked there.

Motion carried unanimously.

Mayor Green presented the proclamation that gave the history of the Fire Department.

2. Discussion/Action: Letter of Support for the Coalition against Bigger Trucks.
Steve Green, Mayor

Mayor Green announced this is basically the trucking industry is requesting to increase the weight carrying capacity of the entire rig which takes the weight consideration of the tractor, trailer, and the merchandise. Right now the weight limit is 80,000 pounds. It was defeated in congress in 2015 in a bi-partisan vote. He gave some statistics of the crash rates with some that are up to 97,000. He added some of our concerns are the use of our roads and the cost to fix them. It's a safety issue and a cost issue. They are requesting a letter of support against them.

Commissioner Clark moved to approve a Letter of Support. Mayor Pro-Tem Whitehead seconded the motion. Motion carried unanimously.

3. Discussion/Action: Approval to combine the November meetings and December meetings to hold one meeting each month due to the Holidays.
Renee Cantin, City Clerk

City Clerk Cantin said we did this the last couple of years and the only change she had is we are looking at 2:00 p.m. on November's Meeting.

Mayor Green moved to approve November's meeting to the 15th at 2:00 p.m. and Dec. 13th at 9:00 a.m. Commissioner Clark seconded the motion. Motion carried unanimously.

J. REPORTS

- a. City Manager

None.

- b. City Attorney

None.

- c. City Commission

Mayor Pro-Tem Whitehead asked them to have Code Enforcement looking into the Fire that happened last week at the Cottonwood Trailer Park. It could've been a devastating fire and didn't have to happen. The Motorhome was unoccupied and there were critters

and the fencing is dry wood. She went over there when she got home and they said they had trouble getting to the electrical hookups. This is a situation we don't want to put our Volunteer Fire Department or Residents in.

Police Chief Alirez wanted them to know it was already a property that was already on their radar from the beginning and they are making headway in getting those things addressed.

Commissioner Frankel attended a class last week for Real Estate Brokers and the Wifi service at the Civic Center is inadequate and needs to be taken care of. The bandwidth is not significant to support a group of users. He would like a report on the status of the wifi and how we can get ourselves to a place where we can advertise that availability. City Manager Fuentes responded that is already being addressed and he asked Finance Director Torres to report on that now.

Finance Director Torres responded we have been working on it, but it's very challenging with Windstream and they are looking at different options that we can use in this community. One is going to be TDS, which we are in negotiations with now. It should be cheaper and faster and we will have them review all City Facilities that we have to get everything upgraded at their cost. They should have everything upgraded and running by January. The Civic Center is one of their priorities and will try to have that up within a month. Mayor Green wanted to clarify we are leaving Windstream but they are still in business. It was explained to him that we are just changing services from one company to another.

Mayor Green was at the Farmer's Market last week and heard they canceled last Saturday's event so he asked about it. There was enough rain before it and Colleen had enough insite to know with the Famer's trucks coming in and unloading was not a good thing. It may have been an inconvenience to some people, but she decided to put our city asset, that park, ahead of the need for them. If we don't preserve our city assets, what have we got. He sent a big high five to them for making that effort.

K. EXECUTIVE SESSION

1. Threatened or Pending Litigation (714 Kopra) *Pursuant to 10-15-1(H.7)*
2. Limited Personnel Matters (City Manager Annual Evaluation)
Pursuant to 10-15-1(H.2)

Mayor Pro-Tem Whitehead moved to approve going into executive session at 12:15 p.m. to discuss Threatened or Pending Litigation (714 Kopra) *Pursuant to 10-15-1(H.7); and Limited Personnel Matters (City Manager Annual Evaluation) Pursuant to 10-15-1(H.2)*. **Commissioner Frankel** seconded the motion. Roll call vote was taken by the Clerk-Treasurer. Motion carried unanimously.

Mayor Green reconvened the meeting in open session at 12:22 p.m.

Mayor Pro-Tem Whitehead certified that only matters pertaining to Threatened or Pending Litigation (714 Kopra) Pursuant to 10-15-1(H.7); and Limited Personnel Matters (City Manager Annual Evaluation) Pursuant to 10-15-1(H.2) was discussed in Executive Session and no action was taken.

L. ACTION ON ITEMS DISCUSSED DURING EXECUTIVE SESSION, if any. ADJOURNMENT

Commissioner Clark moved to approve authorizing Mayor Pro-Tem Whitehead to meet with the City Attorney and Building Inspector Travis so she can meet with the owner. Commissioner Frankel seconded the motion. Motion carried unanimously.

M. ADJOURNMENT

The meeting was adjourned at 2:10 p.m.

Passed and Approved this 15th day of November, 2017.



Steven Green, Mayor



ATTEST:


Renee L. Cantin, CMC, City Clerk