

CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
CITY COMMISSION CHAMBERS, 405 W. 3RD St.
WEDNESDAY, NOVEMBER 15TH, 2017

A. CALL TO ORDER

The meeting was called to order by Mayor Pro-Tem Whitehead 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 (Absent)
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

Mayor Pro-Tem Whitehead noted for the record Mayor Green is absent and is excused.

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

2. SILENT MEDITATION

Mayor Pro-Tem Whitehead called for fifteen seconds of Silent Meditation and asked us to keep in our thoughts and prayers all of the tragedy in the last few months with another shooting in California and one in Texas and a previous Mayor Milton Testin who passed away and his family.

3. PLEDGE OF ALLEGIANCE

Mayor Pro-Tem Whitehead led the Pledge of Allegiance.

4. APPROVAL OF AGENDA

Commissioner Clark moved to approve the agenda. Commissioner Frankel seconded the motion. Motion carried unanimously.

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

Mayor Pro-Tem Whitehead 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.

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

1) Disheartened on last Wednesday's meeting when an item was moved for the transfer of funds from the streets department to the swimming pool. This was done without public comment and wasn't designated on the agenda for this meeting. Moving it made him think about why it can be moved. Most of the money in that budget is from the Local Road Fund money. That money is designated for road repair and not what anybody wants to use it for. We are talking about imposing a property tax for street repair, but take the money from the street department and put it into the swimming pool. There's nothing wrong with the pool, but it should've come from closing the Golf Course for six months. From the money we wouldn't have to allocate to them for a hand full of golfers to fix the pool. You've taken away from the citizens who are neither swimmers or golfers, and their recreation center for zero money. And now you have taken street funds which he believes will turn out to be a misuse of state funding. Standby.

D. RESPONSE TO PUBLIC COMMENTS

City Manager Fuentes wanted to respond to Mr. Fenn's inaccurate comments regarding the transfer. The transfer was funds from our General Fund budget, to the Street Department. So in essence, it's not State Road Fund dedicated money, it's not Local Government Road Fund money, it's general fund money. It was transferred for a specific project and will be diverted in the meantime for the pool project. He reiterated Mr. Fenn is incorrect calling it a Road Fund or State Funds. He just wanted to clarify that for the record.

Commissioner Hechler asked City Manager Fuentes where the money for the savings at the pool are going to. City Manager Fuentes responded those funds are staying within the same department and is going to be used to offset some of the additional costs.

E. PRESENTATIONS

1. Presentation of a Proclamation for Small Business Saturday on Saturday November 25, 2017. Steve Green, Mayor

Mayor Pro-Tem Whitehead presented the Small Business Saturday proclamation.

2. Presentation on Code Enforcement Progress. Lee Alirez, Police Chief and Ray Chavez, Code Enforcement

Police Chief Alirez made the presentation. He presented a new Vision, Mission, and Value statements for Code Enforcement. So far in 2017 1,012 Code Enforcement cases

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have been opened. Many have been resolved very quickly. Usually on Monday morning he gets calls about a paper they received from Ray Chavez. They want to make sure they comply. You will notice when you drive around town, you can see the difference in cleaned up properties. One of the big problems was the Black Range and the owner came down three times to help take care of that. They are using all of their resources in contacting business owners. Now we are getting some nice phone calls thanking them for cleaning up neighbor's yard and they are noticing the difference. Police Chief Alirez publicly thanked Ray Chavez for doing an outstanding job and have exceeded his expectations for Code Enforcement since July.

Commissioner Clark thinks Mr. Chavez looks great in a uniform. She has notice what a difference it's made, she also thanked the Chief for taking on Code Enforcement to help get it done. Police Chief Alirez said finding that true key that motivates someone is the key. Staff enjoys his personality, he's cordial and professional, and looks great.

Ray Chavez wanted to say Robbie had a big hand in this, he can't do anything without seeing him at least twice a day. Police Chief Alirez said it's truly been a teamwork venture and his working closely with them.

Mayor Pro-Tem Whitehead said a couple of weeks ago, she talked about the Cottonwood Trailer Park because of the fire. She would like an update on that because she hasn't seen anything new happening there. Mr. Chavez said he has a court date on December 3rd for that. Police Chief Alirez added they have been aggressively pursuing that.

Police Chief Alirez introduced some of the Officer's in attendance Joffre Bloomquist, Officer Alfadiva Peru, Sabrina Day, Sergio Maldonado, and Officer Marin in the back who is becoming one of the city favorites. He has a couple more who couldn't come this morning. But he is fully staffed, they have become a career now instead of a career pitstop. He thanked all of them.

Commissioner Hechler said he understands due process. He asked for clarification on the process when they enforce violations. Can the Code Enforcement Officer immediately write a ticket or do they have to go through the full process. There is some perception that it takes a long time to get some things done. When you write a letter and get some response, how is that handled. Police Chief Alirez responded they do have the ability to issue a citation or a summons to get them into court right away. One of the enemies is you here, well we've always done it this way. But if it never worked anyway, why were we doing it that way. They met with Judge Sanders and not only are they looking at addressing Code Enforcement issues, but other city ordinances as well. Whether it is animals or noise. There are some things that do occur when we would wait two weeks and that's no longer the case. He gave an example of a case where they went out of town to find the owner to help get these issues cleaned up. Not one size fits all when it comes to this. They are going to work with everybody to get things fixed,

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Commissioner Hechler asked some of the things that get thrown back at them are the issues with the city property. Police Chief Alirez responded we had this problem recently with the Solar Farm. They may have more than one party that's responsible for that whether its flood control or other issues. They start making phone calls or meet with Don Armijo to get those wheels rolling to take care of it. They take an aggressive stance on that to get the ball rolling. They are also working on something they can do to utilized people who may have to do community service on some of these issues.

Commissioner Hechler said one final concern he has is the alleys and he hopes they are being as aggressive on those. Mr. Chavez said the alleys and easements are highlighted in the letters to the property owners.

Police Chief Alirez wanted to say when they talked about moving Code to the PD, he got some marching orders in where they needed to go. He was given an expectation of where he needed to go. And it wouldn't have done so great without the buy-in from Mr. Chavez.

F. CONSENT CALENDAR

1. City Commission Regular Minutes, October 11, 2017
2. City Commission Regular Minutes, October 25, 2017
3. City Commission Special Meeting Minutes, November 8, 2017
4. Golf Course Advisory Board Minutes, August 2, 2017
5. Accounts Payable, October 2017

Commissioner Frankel moved to approve the consent calendar as noted. Commissioner Hechler seconded the motion. Motion carried unanimously.

G. PUBLIC HEARINGS

1. Public Hearing: Final Adoption of Ordinance No. 690 adding Section 2-210 providing a procedure for the recusal of City Board Members. Jaime Rubin, City Attorney

City Attorney Rubin said before you is the Ordinance 690 providing a procedure for the recusal of City Board Members. A few months ago, the Commission revised the procedures in relation to recusals during a meeting. This ordinance extends that to all other boards. He read the two main paragraphs of the ordinance.

Mayor Pro-Tem Whitehead asked for comments from the Commission or staff or from the public. There being none, she proceeded with the next public hearing.

2. Public Hearing: Notice of Intent to Submit application to NMFA Colonias Infrastructure Board for Cook Street Water Treatment Facility Improvements. Arnie Castaneda, W/WW Supervisor

Mr. Castaneda said the city will be applying for approximately \$1.5 million for the Cook Street Water Treatment Facility.

Mayor Pro-Tem Whitehead asked for comments from the Commission or staff.

Mayor Pro-Tem Whitehead closed the Public Hearings.

H. ORDINANCES, RESOLUTION, & ZONING

1. Discussion/Action: Final Adoption of Ordinance No. 690 adding Section 2-210 providing a procedure for the recusal of City Board Members. Jaime Rubin, City Attorney

Commissioner Clark moved to approve Final Adoption of Ordinance No. 690 adding Section 2-210 providing a procedure for the recusal of City Board Members. Commissioner Hechler seconded the motion. Roll call vote was taken by the Clerk-Treasurer. Motion carried unanimously.

2. Discussion/Action: Resolution No. 14 17/18 calling for a Regular Municipal Election for March 6, 2018. Renee Cantin, Clerk-Treasurer

Clerk-Treasurer Cantin said this Resolution will be calling for the Regular Municipal Election. The Resolution has to be passed between 112-84 days prior to the election and the next meeting would be one day too late for that. Upon researching the current Commission terms the following positions will be on the ballot: Position I, for a four year term; and Position III for a four year term. She submitted the tentative calendar that meshes both the Regular & Special Elections together and she is waiting for confirmation of some of the dates from the County Clerk for the certification of voting machines. She called their attention to the important date for the Regular Election coming up which will be Candidate Filing Day on January 9, 2018 from 8:00 a.m. – 5:00 p.m. at the Clerk's Office. Once the calendar is finalized, she will distribute it to the media and to anyone who needs a copy of it.

Commissioner Clark asked for clarification for Absentee Voting and why certification of voting machines is done three days later. Clerk-Treasurer Cantin responded Absentee Voting by mail is not done by machines, they will need them for early voting which starts on January 3rd.

Commissioner Frankel moved to approve Resolution No. 14 17/18 calling for a Regular Municipal Election for March 6, 2018. Mayor Pro-Tem Whitehead seconded the motion. Roll call vote was taken by the Clerk-Treasurer. Motion carried unanimously.

3. Discussion/Action: Resolution No. 15 17/18 authorizing and approving submission of a completed application for financial assistance and project approval to the New Mexico Finance Authority for the Colonias Infrastructure Fund for Improvements to the Cook Street Water Treatment Facility. Arnie Castaneda, W/WW Supervisor

Mayor Pro-Tem Whitehead asked if there was any further discussion.

Commissioner Clark moved to approve Resolution No. 15 17/18 authorizing and approving submission of a completed application for financial assistance and project approval to the New Mexico Finance Authority for the Colonias Infrastructure Fund for Improvements to the Cook Street Water Treatment Facility. Commissioner Frankel seconded the motion. Roll call vote was taken by the Clerk-Treasurer. Motion carried unanimously.

4. Discussion/Action: Resolution No. 16 17/18 Budget Adjustment. Melissa Torres, Finance Director

Finance Director Torres said they are respectfully requesting approval of the budget adjustment. She wanted to note, DFA has some requirements and although it may show three times, we are just tracing the path as required. Transfers included \$12,000 for the purchase of the building at the Airport; the \$60,000 from Police Department GRT, for the Animal Shelter. The other expense for this is from the Capital Appropriations we received. There are some expenses that have to be taken out of pocket and that's where its taken care of.

Commissioner Hechler moved to approve Resolution No. 16 17/18 Budget Adjustment. Commissioner Clark seconded the motion. Roll call vote was taken by the Clerk-Treasurer. Motion carried unanimously.

I. REPORTS

a. City Manager

- 1) Noted tomorrow he and a couple of other staff members will be attending the Budget Workshop from DFA in Albuquerque.
- 2) He will also be attending the mediation that will be discussed in Executive Session briefly.
- 3) He asked Building Inspector Travis to introduce our new GIS Planner Susanna Diller. She comes from UNM and has a Bachelor's and Master's Degree. She's done a good job in picking things up quickly and we are excited to have her with us.

b. City Attorney

None.

c. City Commission

Commissioner Clark said she got to meet Susanna and gave her an ear full too. She appreciates her being on because she feels this is something that's very important for the city.

Commissioner Frankel will be meeting with Stream Dynamics to work on the existing drainage ponds. He'll be meeting with the Streets Department. Work is scheduled

between November 28th and December 14th to complete this drainage project we started. He asked the City Manager for an update on the Tourism Director and how that's working out.

City Manager Fuentes gave an update on what she's working on including a new brand for the city. Hotsprings.life and she came up with a new design. She's working with a company for some Customer Service training for businesses. She is working on maintaining the facility and will have a presentation and update to come back to the Commission. They are working on getting enough applications for the Lodger's Tax Board so she can work with those Board Members in the upcoming cycle for funding.

Commissioner Clark asked Clerk-Treasurer Cantin how we are doing on the Airbnb and those Lodgers Tax for that. Clerk-Treasurer Cantin responded they have not received any responses and she will put the notice in the Utility Bills again. She needs to work with the Ruidoso contact to help with making a list of those people who are selling. She set up an account in Airbnb, but it doesn't show an address unless you actually reserve it. Commissioner Clark asked if we could ask the PD to follow through, is that a possibility? Clerk-Treasurer Cantin said she still needs to get with the City Attorney to put together a resolution for the fees so we will have those in place. She was trying to work on the list to see what we have to work with first.

City Manager Fuentes said this is something we can put on the front burner to get the draft resolution at the December meeting or no later than January. Commissioner Clark said her concern is we have the new Tourism Director and some money here that has not been tapped.

K. EXECUTIVE SESSION

1. Threatened or Pending Litigation (714 Kopra) *Pursuant to 10-15-1(H.7)*
2. Threatened or Pending Litigation (Maez vs. City of T or C) *Pursuant to 10-15-1(H.7)*

Commissioner Clark moved to approve going into executive session at 9:47 a.m. to discuss Threatened or Pending Litigation (714 Kopra) Pursuant to 10-15-1(H.7); and Threatened or Pending Litigation (Maez vs. City of T or C) Pursuant to 10-15-1(H.7). Commissioner Frankel seconded the motion. Roll call vote was taken by the Clerk-Treasurer. Motion carried unanimously.

Mayor Pro-Tem Whitehead reconvened the meeting in open session at 10:10 a.m.

Commissioner Clark certified that only matters pertaining to Threatened or Pending Litigation (714 Kopra) Pursuant to 10-15-1(H.7); and Threatened or Pending Litigation (Maez vs. City of T or C) Pursuant to 10-15-1(H.7); was discussed in Executive Session and no action was taken.

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

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Commissioner Hechler moved to approve authorizing legal and staff to proceed as discussed with filing the proposed complaint for 714 Kopra. Commissioner Frankel seconded the motion. Motion carried unanimously.

M. ADJOURNMENT

Commissioner Clark moved to adjourn at 10:11 a.m. Mayor Pro-Tem Whitehead seconded the motion. Motion carried unanimously.

Passed and Approved this 13th day of December, 2017.



Steven Green, Mayor

ATTEST:



Renee L. Cantin, CMC, City Clerk