

CITY COMMISSION REGULAR MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
CITY COMMISSION CHAMBERS, 405 W. 3RD St.
TUESDAY, DECEMBER 13, 2016

A. CALL TO ORDER

The meeting was called to order by Mayor Steve Green at 9:05 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. EULOGY for Bobby Allen to be read by Mayor Green and Mayor Pro-Tem Whitehead.

Mayor Green first thanked Maggie Allen and Cindy Torres, this was the eulogy that was read a week and a half ago at the church felt it was for to honor Bobby Allen the family who was a past Commissioner and we felt it was important to have this unfortunate event become part of our history of the community of Truth or Consequences.

To know what a man has done with his life you read his obituary & Bobby's was full of the things he did: City Commission, County Commission, Fraternal Organizations, Economic Development; and Recreation and Tourism just to name a few.

I believe that to know who he was you look at his passions! His first and most abiding passion was love for his wife of 52 years, Maggie; his devotion to his children, Mikel & daughter in law Deborah; Windy, his grandchildren – Mike, Tyanna, Sean & Mindy, his great grandchildren and, his sister, Belinda Brown along with her husband John. Like all married couples Bobby & Maggie made a life and experienced its highs and lows together. His two greatest tragedies were the loss of his son, Mikel and the death of Mindy, his beloved granddaughter.

CITY COMMISSION DECEMBER 13, 2016 REGULAR MEETING MINUTES

But through the losses and his many medical issues Bobby persevered. As Windy has said many times her dad was her mainstay – there was no need too great for him and he extended that generosity to all he held dear. My own mother often speaks of the time Bobby & Maggie came to Albuquerque when her husband had experienced a major medical issue; they insisted on going to dinner and Bobby spent the evening trying to make her smile and relax and to be better able to deal with her problems. Niece, Rosemary Blair said that Bobby always made an effort to make sure they were included in any family gathering. They were fortunate to be able to visit with Bobby on Wednesday before his passing. Nephew, Norman Bryant, told me that Bobby & Maggie were always present at any event he had. The one thing you could count on was the presence of Bobby Allen at any of life's major events. He was always asking what was needed or how he could help. And, you were always welcome at Bobby's house.

The Legion Riders were another of Bobby's passions. I learned through visiting with family members that Bobby's love of motorcycles started at an early age when he would come roaring up to the Torres family home and leave with Maggie on the back of his bike. That tradition continued until his death but his medical issues changed the bike to a trike.

And, who doesn't know that Bobby never met a light, a shiny object, or a sign that he didn't love! His trucks were customized and you could always tell where Bobby Allen was just by looking for his truck!

Another thing you could always count on with Bobby was that at some point you would be mad at him! He was never hesitant to voice an opinion and while that was a trait that came in handy during his business and political life it sometimes affected his personal relationships! But as Dean Howell and Walter Armijo told me Bobby could make them mad in a heartbeat but they remained friends throughout their lives. And, that was the case with most of the people he knew!

As most of you know Bobby dedicated his life to T or C and Sierra County. His greatest achievement and passion over the last 15 years was the creation of the Veteran's Memorial Park and the Hamilton Military Museum. It was Bobby's brainchild and together with Freddie Torres, Butch Bullock and Howard Bartoo they turned his dream into an achievement. He attributed much of the success of the facility to Rep. Dianne Hamilton whose support though the legislature was invaluable. I don't know what drove his devotion to recognizing veterans. It began long before grandson Sean joined the Marines but Bobby was proud of him and made sure that everyone knew that Sean was serving his country.

Bobby Allen wore many hats throughout his life: husband, father, grandfather – businessman, commissioner, political activist and outspoken citizen of Sierra County. He was unique and his energy and dedication will be sorely missed by his family, friends and community. ~ Read by Cindy Torres on 11/29/2016

3. SILENT MEDITATION

Mayor Green called for fifteen seconds of Silent Meditation.

4. PLEDGE OF ALLEGIANCE

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

5. APPROVAL OF AGENDA

Commissioner Frankel moved to approve the agenda of December 13th as presented. Commissioner Hechler seconded the motion. Motion carried unanimously.

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

Mayor Green called for Public Comment, noting the three minute rule applies. He also requested they turn cell phone rings off and to state their name, address and any material to become an official record of this meeting is to be left in the black box by the podium.

Randall Ashbaugh, PO Drawer 591, Truth or Consequences, New Mexico addressed the Commission related to:

- 1) Bobby Allen will be greatly missed. He was a very good friend of his for decades, and he will miss him.
- 2) Over the last 25 years his company has built and given a tremendous amount of infrastructure to the City of T or C with Roads, Electric, Water, and Sewer. It's in the millions of dollars. Most of the North end of town was developed by his company and his employees and it's a handful of people who worked hard on it. He wants to continue the expansion of the city. We are regressing and have lost population and we need to stop that. If you look at streets south of Austin, there is a lot of blight. If you look behind his store at 424 E. Third, many people have moved out of there. He was born on Austin Street in the big two-story building, that's where the hospital was. He stayed in this town to develop because he loves this town. But there's things we need to do as a County and as people to get it back on track and into a growing mode. We need to put the Impact Fees on the next agenda so we can discuss it and see what we're going to do. From everything he's seen the law, which is under New Mexico Statute 5.8.1 et al. it's very clear what the Impact Fees are all about. We have not complied, and we need to either refund it or put it to work. Statute says the City must audit these funds every year and they haven't been. He asked them to put it on the agenda to talk about it and get it straightened up. We also need a full-time grant writer. There is going to be a tremendous amount of money available to rural communities in inner cities.

Ariel Dougherty, Resident addressed the Commission related to:

- 1) 1948, no, it's not the year she was born, it's the number of visitors who went to see the Spaceport America on Follow the Sun Tours from June 2015 to July 2016. 1948, at

this rate it will take 20 years to have this number of visitors from Commissioner Green's promise to be realized. She went yesterday to see the Visitors Center for herself. Graciously, the door was open and the lights were on, except for the same missing bulbs in the ceiling fixtures that have been out for years. All the various TV screens held for the so-called million-dollar exhibits. But there was nobody there, no welcoming human for the trickle of visitors, an empty shell and no promised jobs. Just this past week she received a notice about the T or C Community Chorus. It used to hold its annual holiday event at the Lee Belle Johnson Recreation Center. Each event would have brought some 200 people into the space to liven it up and we'd hear fellow citizens singing voices. Now, like many of the other cultural events, is orphaned off into numerous other private spaces in town. She sent a sheet last night with the projected GRT of Mr. Green in transforming Lee Belle to an "Interim Visitors Center" was almost \$270,000. He listed the \$11,400 rent in the column. Mr. Fuentes does the city pay GRT on that? Is FTST even paying its rent, since no one is there? Mr. Green made a mistake projecting that T or C gets the full 8.5%. We don't. The state takes some in the County gets a share. So roughly we get 2.5%. So, using the same process of Mr. Green I finally calculate that the city might have gotten \$7,774 in GRT if these 1944 visitors actually stayed in T or C. Isn't our GRT generally down? I simply didn't have time to look, but you all know. Even so, this \$7,774 does not begin to offset the renovation cost projected at \$45,000 and for which still no full accounting has been made. The \$47,000 project to be paid by Follow the Sun Tours has not been made according to numerous IPRA requests. And who pays the electricity to keep the exhibits humming for the non-existent visitors? You and me! Like we always did. Except, now it is way more due to the exhibits. Why are we citizens being forced to subsidize such a failed private business? She urges that they return the entire Lee Belle back to the community for community use.

Ron Fenn, Truth or Consequences addressed the Commission related to:

- 1) He sent all of you an email last week with interesting figures. The only person that answered was the City Clerk, who said thank you very much. He heard from no member of this commission or the attorney, etc. etc. you're supposed to be representing us you don't have any questions or you can't question my figures or analysis and talk about it? Obviously not because it's embarrassing unfortunately.
- 2) In light of this analysis and the cities standing in the State of New Mexico. He has some charts which show the big line is T or C and shows the number of workers per 1000 residents. We show as top three of municipal workers per 1,000 in the City.
- 3) He knows how well you folks love to give awards make a big show of things that most often are ludicrous. He wants to make an award which he feels is valid to the City Commission and Management. The award to the City Commission and Management states "in recognition of the city's number one standing for highest government cost per resident New Mexico communities over 3,000 brought on through fact retardancy for a dim future." Awarded by Ron Fenn, Co-CEO, Truth or Consequences. He asked them to think about it.

Mayor Green reminded those in the future public comment is not Theater, it is for you to address your concerns to the City Commission. So please address the Commission and not the audience, thank you.

Hans Townsend, Desert View Inn and Chamber of Commerce addressed the Commission related to:

- 1) First he wants to say, it's sad some people spend so much time and energy trying to drag us down in the pit of the stagnant waters of the past instead of using that energy to help us move forward to the future. This repetition really gets on his nerves and it's a waste of time for us all.
- 2) He really came to say there is a new App for the City called Truth or Consequences NM and should be on the new website. The Apple version should be ready by the end of the week but androids can see it by downloading the app on Google Play.

Sophia Peron, Citizen addressed the Commission related to:

- 1) She has a few end of the year comments about things that have gone on this year. She wants to agree with some of the previous citizens comments. Mr. Ashbaugh is right the city is a pigsty. Thank Mr. Chavez or Mr. Travis for keeping it that way. Thank you to the realtors she just drove by a place with no doors or windows with a proud sign of Sea Properties listing it. The work that is done by the people she agrees with Mr. Fenn you deserve that award 100%.
- 2) Sunday she went to a secret ribbon cutting that she read about on the front page of the Sentinel on Friday and then she put up on Facebook. It was for the Healing Waters Plaza paid for by money from citizens from Truth or Consequences and all over the state, and nobody was invited to the party. It was a secret, 22 hours before the party promoted by the City and our MainStreet, we pay \$34,000 a year for. That is how they do things by the seat of their pants.
- 3) Another thing she added about MainStreet and the Subrecipient Grant people. Do not put them on the Public Comment part of the agenda. They have report, they receive money and they should be making their report in the body of the agenda and giving the City Clerk a written report. Then maybe they can get their quarterly reports done on time. They are all a bunch of idiots and those are the only kind of people we can find here to govern or do anything. People who volunteer to do things get spat on and everything else. She spent 12 years at the Sierra County Arts Council and brought in over \$10,000 and at the annual meeting her name was not mentioned because she supports saving the Lee Belle Johnson Center. No more Interim Spaceport, she yelled, "GET A LIFE, WAKE UP".

D. RESPONSE TO PUBLIC COMMENTS

Commissioner Frankel wanted to point out he is thankful we have such an excellent Recycling Program in town because he sees a document that is going directly into it. He also wants to thank technology for providing him with a wonderful mailbox called junk which he uses. Thank you.

Commissioner Clark thanked Mr. Townsend for his comments. Mayor Green concurs with those comments.

Mayor Green said we will continue to have public comment, he feels it's in everyone's best interest. He has fought for eight years to keep public comment going. We have had ACLU here because people wanted to shut it down. However, attacking people who are not here to defend themselves, calling people idiots, attacking staff doesn't accomplish anything. But the person speaking those comments doesn't realize it just diminishes the person who does it. So for the staff who is here, he feels for you but to attack people who can't defend themselves or call them idiots shows what type of person you are.

Mayor Pro-Tem Whitehead also commented that she as a Commissioner appreciates the ability to give awards to employees who do an outstanding job and whenever they do. We have a lot of hard-working employees in the city from Recycling to Solid Waste, the Wastewater, Electric, Water Department, City Clerk's office, and others. She's very proud we are able to give them awards they deserve. Commissioner Clark thanked Mayor Pro-Tem Whitehead and added that was brilliantly said.

Mayor Green stated the public did speak out on the vote on what they want to do with the Lee Belle Johnson Center. It was an overwhelming vote of support of the Commission who decided to do something positive and constructive that potentially has the greatest impact for the most number of people in our community. No one likes to take away but we felt we give something in return and the community is going to be better off for it. Anytime your dealing with technology there is going to be a whoops factor. He asked fellow citizens who have spoken and who have voted, what the direction they would like this City to move and to have a little bit of patience. Thank you.

E. PRESENTATIONS

1. Presentation of the Film Report. Cary "Jagger" Gustin, Film Liaison

Mr. Gustin started by saying he is very honored to be here to speak before you, unlike his fellow citizens. He is here to report on the filming of Rod McCall's "The Rose". They had principal locations and filming in and around Truth or Consequences New Mexico in October 2016. There were 19 shoot days, 28 days in town, and shooting wrapped up on October 22, 2016. There were 42 people on the crew, a cast of 25 actors, 60 extras, 48 cars, two full-size trucks, two RVs, two large equipment trucks. The figures he is presenting are approximate and do not represent all of the expenses. As far as hotels; one spa and hotel in the Historic District reported \$13,000; Comfort Inn reported \$8839, Casita for Star reported \$8500; Holiday Inn reported \$1248 in revenue. The locations they paid for and used included Rush Rancho at \$1000 for a total of \$4000; Bar-B-Q on Broadway two days at \$500 each day for a total of \$1000; Bella Luca Restaurant was \$2000 Karen Salon was \$700; Production Office 28 days at \$600 per day was \$16,000; 4th Street Air BNB for Producer and Staff was \$28,000. They bought gas for their cars which totaled \$3297.60 at Chevron; \$3009.60 at Circle K; and other gas and charges for trucks, RVs, and large equipment trucks. The required security for roadblocks for

neighborhoods was done using opportunity Sierra County Sheriff's Officers in the amount of \$5070. Extras were hired some locally hundred dollars and up depending on the requirement. All restaurants were busy nightly. Latitude 33 in the Historic District reports approximately \$14,000 spent. He asked one of the film crew members what the daily expenses were and he came up with \$53.45. With 42 people on the crew each spent \$40 per day which would equal \$1680 times 19 days = \$31,920. So the estimate of the funds spent in T or C Sierra County New Mexico is \$142,033.80. This is a really low number because he was being conservative. On a closing note a member of the City of T or C Airport Staff let him know the film company had a hanger rented for a month; they bought aviation fuel for a plane several times and one of the shoot days, Josh Brolin flew in on a Gulfstream 450 which is one of the largest private jets before a Trump Mobile. Josh got off the plane, Barbra Streisand was on board and waved from a window.

Mayor Green said it was a job well done. He had a suggestion. On the morning of December 9th between 6 and 9 a.m. on KRWG they were talking about a book that the State will be producing to send to all producers. He asked him to call KRWG to make sure Truth or Consequences and Sierra County is represented in this. He thinks it's time sensitive and is not sure if they are already publishing this. But he asked them to make sure and see if we can get in there

2. Presentation of City Attorney being an employee position rather than a contracted position. Audon Trujillo

Mr Trujillo was not in attendance.

F. CONSENT CALENDAR

- a. City Commission Special/Executive Session Minutes, November 15, 2016
- b. City Commission Regular Minutes, November 15, 2016
- c. Public Utility Advisory Board Minutes, November 21, 2016
- d. Golf Course Advisory Board Minutes, September 7, 2016 and October 5, 2016.
- e. Accounts Payable, November 2016

Commissioner Frankel moved to approve City Commission Special/Executive Session Minutes, November 15, 2016, City Commission Regular Minutes, November 15, 2016, Public Utility Advisory Board Minutes, November 21, 2016, Golf Course Advisory Board Minutes, September 7, 2016 and October 5, 2016, and Accounts Payable, November 2016. Commissioner Clark seconded the motion. Mayor Green noted for the record on the Executive Session meeting he was not present and will not be voting on those minutes. City Clerk Cantin interjected even if he is not present he is allowed to vote on those minutes.

Motion carried unanimously.

G. ORDINANCES, RESOLUTION, & ZONING

CITY COMMISSION DECEMBER 13, 2016 REGULAR MEETING MINUTES

1. Discussion/Action: Resolution No. 15 16/17 declaring 1308 Tin St. as an unsafe property. Robbie Travis, Building Inspector

Building Inspector Travis presented the item to remind them of previous discussions this property has been vacant for many years and the previous owners have not kept it up to code or maintained. The neighbors have been complaining about the rodents' infestation for many years. We have sent letters to the owners for many years with no response. He received a response from Attorney John Appel about boarding the property up and the liability the City might have.

Commissioner Clark wanted to follow up the attorney's response. She was part of that conversation and what kind of liability the city would have to the property. That's what the answer from the attorney's basically said. She feels it would be a good idea to follow the attorney's advice in that we don't want to board it up because we would become liable. She also agrees with the comments Commissioner Frankel said that we also have some city properties that she would consider unsafe and should be condemned. She feels we should look at them. She appreciates all of his hard work and she knows he is trying very hard to clean up the city and there are a lot of properties that need to be cleaned up.

Commissioner Hechler asked the Commission to consider the following before voting on this property. He visited both properties in question and offers the following: 1408 Tin St. is located in a neighborhood of modest but clean homes. It is obvious that the people who live on that block take pride in their homes which is observed by their clean and maintained yards. The only blight in this neighborhood is the abandoned residence at 1408 Tin St. Imagine having the pride to take care of your yard and home and have to look at this dilapidated and abandoned property next door or across the street. 1206 S. 2nd St. is located in an area surrounded by a mixture of homes and businesses. This area looks tired and greatly needs improvement; the removal of these abandoned structures would be a positive move forward. By not allowing the city to remove these abandoned structures we are lessening the property values of good citizens, endangering children or anyone who is curious and ventures onto these properties and we are failing to uphold our own ordinances which clearly authorize the City to take action by removing these dangerous and unsightly abandoned properties. In his opinion, no matter who eventually demolishes these properties (city or private citizen), there is little to no chance that the remnants of these properties will not end up in the Landfill. Therefore he urged his fellow Commissioners to strongly consider casting their vote to have these properties demolished and cleaned up by the City. Additionally with the completion of Veteran's Administration construction and looking forward to the new hospital construction, we should work diligently to clean up our city. First impressions are important as new potential home buyers and investors begin to assess our community to determine if they want to live or raise a family here. He suggested we support the hard work by Mr. Travis and strongly consider his recommendation. He could recommend either way whether he wants to have these properties removed are to not remove them.

CITY COMMISSION DECEMBER 13, 2016 REGULAR MEETING MINUTES

City Manager Fuentes clarified the issue with the Golf Course building. The Golf Course building was never condemned. That building is a sound structure the issue we have is the second floor is not up to ADA compliance. We have invested in that building and it still being occupied and everything works and he feels it's unfair to compare this one with the other homes.

Mayor Green also agrees with Commissioner Hechler. One of our objectives was to clean up our community. We actually have adopted some of the Ordinance's that existed in Aztec so our Building Inspector and Code Enforcement Officer would have something to work with if they felt the building needed to come down. There is a process of protection in place for the owner also. The owners are still given an opportunity to address it and make things right. The ball is now in their court. He also reminded his fellow Commissioners when they renewed the contract for the City Manager this is one of the points that was a main concern of theirs in moving forward.

Commissioner Clark moved to approve Resolution No. 15 16/17 declaring 1308 Tin St. as an unsafe property. Commissioner Hechler seconded the motion. Roll call vote was taken by the Clerk. Motion carried unanimously.

2. Discussion/Action: Resolution No. 19 16/17 declaring 612 E. 2nd St. as an unsafe property. Robbie Travis, Building Inspector

Building Inspector Travis continued with the explanation of this property. This property has been vacant for the last several years. The owners have not been able to keep it up to code or maintained. The neighbors have complained this is a nuisance and vagrants have been going in and out. We sent two letters to the owners who signed for them but they have not made any improvements. So Staff's recommendation is to approve the Resolution.

Commissioner Clark moved to approve Resolution No. 19 16/17 declaring 612 E. 2nd St. as an unsafe property. Commissioner Hechler seconded the motion. Roll call vote was taken by the Clerk. Motion carried unanimously.

Mayor Green thanked Building Inspector Travis for his hard work on this.

Building Inspector Travis notified the Commission about two other properties who have complied and we do have many residents that do take care of their properties.

3. Discussion/Action: Resolution No. 17 16/17 authorizing and approving submission of a completed application for Financial Assistance and Project Approval to the NMFA for the Colonias Infrastructure Fund for Downtown Drainage Master Plan. Traci Burnette, Grants/Projects Coordinator

Grants Projects Coordinator Burnette said the application cycle opened in December and closes on January 5th. In your packet you have the required Resolution to authorize

an application to be submitted. She's requested approval to submit an application for Downtown Drainage Master Plan.

Commissioner Clark said this item couldn't have come sooner, we've been talking about this for 20 years. Good work.

Commissioner Frankel moved to approve Resolution No. 17 16/17 authorizing and approving submission of a completed application for Financial Assistance and Project Approval to the NMFA for the Colonias Infrastructure Fund for Downtown Drainage Master Plan. Mayor Pro-Tem Whitehead seconded the motion.

Mayor Green asked what the amount was. Grants Projects Coordinator Burnette said we will be applying for \$100,000. She reached out to multiple engineers asking roughly what the cost was for something like that. Rough estimates were anywhere between \$50,000 and \$100,000. Mayor Green asked for clarification or a \$100,000 grant the city would have to come up with a \$10,000 match. Then we would look for a loan for that match. Ms. Burnette confirmed that is correct.

Roll call vote was taken by the Clerk. Motion carried unanimously.

4. Discussion/Action: Old National Guard Armory Property Vacation of Birch St. and Madaline St. within the Property Boundary. Robbie Travis, Building Inspector

Building Inspector Travis notified the Commission this is the project where we are getting ready to start the new Animal Shelter. We realize some of the roads there were never vacated or where we could find documentation for it. He spent time with the County looking also. When the property was purchased or printed by them they considered it all one piece never thought anything else about it. He wanted to bring it to the Commission so we can show these are vacated streets within the property. He asked for the commission's approval to do that.

Commissioner Clark moved to approve Vacation of Birch St. and Madaline St. within the Property Boundary. Commissioner Frankel seconded the motion. Motion carried unanimously.

H. UNFINISHED BUSINESS

1. Discussion/Action: Property taxes generated in MainStreet Truth or Consequences District. Steve Green, Mayor

Mayor Green asked if we want to proceed further to have the City Manager and County Manager to move us forward on this. Before he starts he wants to share Mayor Pro Tem's idea in taking time to recognize somebody. What the County could not do in three months, the Public Utility Advisory Board Chair did in three days. He is totally appreciative and indebted to him so we can move this concept forward. Gallup has a BID (Business Improvement District); Las Cruces has a TID (Tax Incentive District). The Downtown Master Plan of the MainStreet District we have a MRA which is a Metropolitan Redevelopment District. He and Manager Fuentes with the new Economic

Development Cabinet Secretary Matt Geisel is talking about promoting another area called an enterprise zone. Basically what all of these names have in common is, what you do is take all or a part of the property taxes that are generated from these defined areas in those taxes stay in the area and are only used for upgrades of infrastructure. The county can give the city access to all of their portion of the text that is generated from our MRA downtown or a piece of it, or something Manager Fuentes and Manager Swingle will negotiate between themselves. To have an investment in town you don't want to punish people for buying a building for \$100,000 and putting \$150,000 in upgrades. Then the County tax assessor comes in the back door and says great job now we are raising your taxes. So you will pay to increase the value of your property. He asked what the city can do to earn these revenues. We provide police service to those people in our MRA and pay for that, we provide and pay for fire protection on a callout basis; excluding Broadway & Main which are DOT property, we take care of the streets. And at the end of the day the county reaps the reward. He understands the county needs money to operate but so do we. George has given us an entire breakdown of the revenue that is generated from this area. The second part of the equation is the freeze on taxes. So let's say that property is paying it \$1000 a year for property taxes. They keep it at \$1000 for an agreed period of time (3 years, 5 years, or 10 years) and then the County assessor would come back in and reappraise the building and now you would have a different tax structure but you don't owe, you are just starting at a different level. That encourages investments in downtown. The number you are looking at is a very low number because there's a different tax rate for residential and commercial buildings. The city gets \$10,864 and the County gets \$70,960. We get \$10,000, plus do all the work. That is just the county's portion of the property tax. Other monies go into the Soil & Water Conservation; the Flood Districts; School District; and the State.

Mayor Green suggested we authorize Manager Fuentes to meet with Manager Swingle to look into this and go over our concerns. We've got to upgrade our stock, no disrespect to any other business in our community, but the major part of our assets is in our downtown hot water district. Other communities have museums and great restaurants they don't have spas but no one has that plus the spas. Yes to Mr. Ashbaugh's point, that area does need some help, but the city can't continue to do it on same, day after day, dollar after dollar. Our facilities are used countywide, and here is an opportunity we can work with the county short-term and on the long-term it will be a great investment for them because they can see more buildings being upgraded and in a proper time have those taxes raised. Why would you put your money into something when someone comes around the corner inspection and smacks you in the head for making it better?

Commissioner Clark commended Mr. Szigeti for doing the work on this in a timely basis. She finds that remarkable and thanks him for his volunteerism on that. We are already taking a couple of steps to encourage new investment into our community. This is another one we can add on to the bucket list that hopefully will help attract investment in our community. Holding property taxes at a current level for a period of time, she's done a large investment herself to a property and the appraisal goes up and taxes go out and

it's discouraging. Her feeling is counties getting a certain amount of dollars already and we can hold it at a certain level, then she would be in favor of asking Manager Fuentes to work with Mr. Swingle to see if we can cut that Deal.

Mayor Green also thinks the timing is now. The Directors of Finance will be looking at budgets soon and now is the time. If the city could come up with a dollar amount for Infrastructure Improvements in our Historic Downtown MRA Area, we could ask the county to match that and set up a separate fund. Then we would have money we have already set aside, and then when we go to improve the rodeo arena and other improvements would become a better applicant for a grant.

Commissioner Clark moved to approve asking City Manager Fuentes to work with the County Manager on the property tax issue to determine whether we could freeze the property taxes to be earmarked for infrastructure Improvements in the MRA District downtown. Commissioner Hechler seconded the motion. City Clerk Cantin read the motion. Motion carried unanimously.

I. NEW BUSINESS

1. Discussion/Action: Award Bid for IFB: 16-17-003 for Wastewater Treatment Plant Phase 2A. Pat Wood, CPO

Central Purchasing Officer Wood announced the Bid Opening for this was held on Wednesday, November 30, 2016 at 2:00 p.m. We received 3 bids for this project. 1) Smithco Construction Inc.; Morrow Enterprises Inc.; and RMCI Inc. Smith Engineering is recommending to award bid to Smithco Construction Inc. in the amount of \$1,888,670.35 including NMGRT.

Mayor Pro-Tem Whitehead moved to approve Award Bid for IFB: 16-17-003 for Wastewater Treatment Plant Improvements, Phase 2A to Smithco Construction in the amount of \$1,888,670.35. Commissioner Frankel seconded the motion. Motion carried unanimously.

2. Discussion/Action: To accept and approve Change Order No. 2 Wastewater Treatment Plant Improvements, Phase 1. Allen Bollinger, Smith Engineering

Mr. Bollinger presented the request for approval for Change Order No. 2 for the Wastewater Treatment Plant Improvements. He is managing this job. They are nearing the end of the job and they have money from rural development and we have some funds left over from the grant part. There are some things that amounted to about \$84,000 where we had to do a change order. Once we expend those funds we have \$62,000 left over. Its grant money if we don't use we have to get back. There are things we can spend that money on so we don't have to give it back. We are asking the commission for approval to spend that money on things that are already in the preliminary engineering report so we don't have to give it back.

Mayor Green likes the idea of moving things around to utilize the entire amount and show the money was needed in the first place.

City Manager Fuentes clarified the authorization you are asking for is not only approval for this change order but authorization for future change orders so we can use all of the funds. Mr. Bollinger added we need to move quickly with these funds and there probably won't be another commission meeting before the need for approval. City Manager Juan Fuentes asked for the approval to include the manager to authorize additional change orders.

Commissioner Hechler moved to approve Smith to utilize all monies left over to be use for the needs of the other phases and authorize the City Manager to work with Smith Engineering to get that accomplished. Mayor Pro-Tem Whitehead seconded the motion. Motion carried unanimously.

3. Discussion/Action: Request for waiver of certain fees for the T or C Brewing Company. Juan Fuentes, City Manager

City Manager Fuentes said in your packet you have a letter from the T or C Brewing Company asking for a waiver of fees in the interest of economic development. T or C Brewing Company have been working with the New Mexico economic development department for assistance with economic development funding. Part of our process in the city's comprehensive plan is that we consider a waiver of fees for billing permits. If the commission decides to proceed forward this would be a simple resolution we would tie in towards LEDA projects towards waivers. In regards to the electrical service upgrades and sewer connections, those are more by ordinance and we would have to come back with an appropriate amendment ordinance to allow the request for those types of waivers. At this time, it is in our comprehensive plans, we just talked about freezing taxes downtown and we do want to promote businesses downtown and there are others that will need to be addressed.

Commissioner Clark asked if this similar to the impact fees Mr. Ashbaugh has been talking about. City Manager Fuentes responded these are not impact fees, they are building permit fees. There is a required three-phase upgrade for power and also a sewer connection upgrade. Even with the sewer connection issue, sometimes we don't have good documentation of the lines we have downtown. It was determined there were some upgrades to do downtown regarding upgrading our sewer lines and water lines. Unfortunately, some of the infrastructure downtown is just not adequate. This particular business it serves their needs, but if we have additional businesses it will definitely be an issue we have to address. But it cannot be borne by one business having to upgrade that line when it's more of a citywide downtown issue. But none of these fees are impact related. Commissioner Clark can attest to the problems from personal experience.

Commissioner Hechler asked if we have any record of businesses who have requested assistance like this. City Manager Fuentes responded this is the first business working

with the State to use LEDA Funds. It has been challenging for us because of the type of businesses that qualify for those funds. They're trying to partner not only with the company but stayed to see how we can use these funds. Commissioner Hechler asked if this business will fall within that large business discount that was approved. City Manager Juan Fuentes thinks this might be outside the large category because it's a small business.

Commissioner Clark asked if we can backtrack if we establish a deal on property tax that we can also extend that to this business and create that precedent. She asked if that's possible. City Manager Fuentes said this will be an example we can share with the county.

Commissioner Clark added it's a great opportunity to show what we can do encourage development and our downtown area.

Mayor Green added this should be only for businesses who are actively looking for State LEDA Funds. Because the state is literally vetting this business for us. With the financial crunch the state is in they are going to be very sure any dollar they put out there in the marketplace is a good investment. And we should include that they should be actively working with the state before they're eligible for this. He feels City Manager Juan Fuentes should write a letter to the state secretary of economic development to let him know what we are trying to do so they can keep us involved. Commissioner Clark added if it's a new purchase they would have to go in and invest money, we should consider that also. Mayor Green said there might be businesses where people might not want to get involved with the state agency, and all of the paperwork, and they are able to do it all on their own. This might sweeten the deal to make them come to the community.

Commissioner Clark moved to approve authorizing staff to waive those fees for the Truth or Consequences Brewing Company provided they are making a difference in our economic viability and to consider doing this for any other new purchased business in the MRA District Downtown. Mayor Pro-Tem Whitehead seconded the motion. Motion carried unanimously.

4. Discussion/Action: Approval of 2017 State Legislative Capital Project Priorities. Juan Fuentes, City Manager

City Manager Fuentes said the session will begin on January 17th. It is a 60 day session which ends on March 16th. As we all know the state is facing some financial challenges in the upcoming session. So there is little hope there will be significant amounts of capital outlay. However, the county is submitting their request so we would like to do so as well. Last year, the City submitted for funding for the Anima! Shelter, Electrical Feeder Upgrades and Waterline Replacement. The City received \$101,000 for the Animal Shelter; \$35,000 for Electrical Feeder Improvements and Sierra County received \$100,000 for the Animal Shelter.

The City approved the 2018-2022 Infrastructure Capital Improvement Plan (ICIP) with the following top five priorities:

1. Regional Safety Complex/Animal Shelter Phase 1
2. Wastewater Treatment Plant Renovation
3. Cook Street Water Treatment Facility Improvements
4. Airport Fuel Farm Storage Tank Replacement
5. Regional Detention Center

He is happy to report, since the adoption of the ICIP, staff has sought other funding sources for the listed priority projects:

1. Animal Shelter Funded by State appropriations and local match.
2. Wastewater Treatment Plant Phase 2A and 2B funded by State Colonias and USDA.
3. Cook Street Water Treatment Facility Improvements on list for funding from the Water Trust Board. *Note: Funding for this project is contingent on legislative appropriation during the 2017 Session.* There is no guarantees but at least we made the list for possible funding.
4. Airport Fuel Farm Storage Tank funded by Federal, State and Local

The priority projects not yet funded are the Regional Safety Complex and Sierra County Regional Detention Center. We would like to separate the Regional Safety Complex from the Animal Shelter since we have funding for the Shelter.

Staff recommends we submit a priority list to the legislators for supporting funding for the WTB recommended projects to include the Cook Street Water Treatment Project, Regional Safety Complex and Regional Detention Center.

Mayor Green appreciates the effort of staff to stay on top of this. They met with Senator Pro-tem Papen and Don Tripp who said the priority is to get the financials in order. If there is an opportunity for any capital outlay, the Governor doesn't have any appetite to fund \$10,000 to projects like Gym Mats in Farmington. She wants projects that will have a greater impact for a long period of time. He's glad to see fairly big-ticket items on this list. We will create a show and tell for our Senator John Arthur Smith and our new Representative Rebecca Dow, so they are fully aware of what our challenges are and what our needs are.

Commissioner Hechler moved to approve authorizing City Manager Fuentes to move forward with the Cook Street Water Treatment Project; Regional Safety Complex and Regional Detention Center. Commissioner Clark seconded the motion. Motion carried unanimously.

5. Discussion/Action: Legal Services Contract. Juan Fuentes, City Manager

City Manager Fuentes started by saying the city is currently using two legal firms. We have the Coppler Law Firm which has provided legal service since 2013 and the Holt, Mynatt, Martinez, P.C. which began in 2016. The Coppler Law Firm expiration is

coming up at the end of March 2017. Provision for this allowed four, one year extensions. Holt, Mynatt, Martinez, P.C. contract is up in February of 2017 for renewal with two additional one year renewals allowed at the discretion of the city. Any renewal under this contract could be subject to renegotiation. Having two firms has been beneficial to the city with certain litigation and cases. Both of these firms have different fields of expertise and staff has found it very beneficial using both of them. In reviewing the contracts and terms and termination clauses, it is our opinion that maybe we should go out and issue a new RFP because we will need to issue one for the Coppler Law Firm contract. He knows the commission has expressed in the past about the level of expenditures in regards to legal fees. We do have quite a bit of activity with larger cases that have eaten up the budget, but because of these contracts expiring we don't want to wait until the 12th hour, we want to proceed forward to meet the deadline before these contracts do expire.

Commissioner Clark is sorry that Coppler Law Firm is expiring in March, they have been great. She would like to see Holt, Maynatt, Martinez go out for RFP again. She feels not having legal in our meetings has been a problem. She suggested that at least one Commissioner, be included on the selection committee, and someone who understands what we are looking for, someone with a legal background, and of course Ms. Wood. That would be her request if at all possible.

Mayor Green knows Mr. Trujillo has stood before us and noted we should have an in-house attorney, however, once we set a salary, the benefits will be a lot more. Therefore to clean up what we're doing to get good legal representation on board, he supports this RFP going out.

Commissioner Hechler moved to approve authorizing City Manager Fuentes to move forward with on RFP for services and to have one Commissioner sit on the committee, and one with a legal background and familiar with the services we need. Mayor Pro-Tem Whitehead seconded the motion. Motion carried unanimously.

J. REPORTS

a. City Manager

- 1) City Manager Fuentes handed out a proposed ordinance for Article 3. Officer's and Employees to help clean up the ordinance to allow the City Attorney position to be contracted. In some communities that have the same language it has always been by contract. To have this position in-house when you include benefits you're looking at a minimum of \$200,000. This will be presented at the next meeting for publication so we can proceed with the amendment.
- 2) Commended Staff, the City Clerk and MainStreet, we had quite bit of attendance for the Healing Waters Plaza Ribbon Cutting. It was a good recognition of the effort between the Turner Foundation, New Mexico MainStreet, our local MainStreet, and our staff.

- 3) Finally our New Parks & Recreation Director who was out there decorating this past Friday did a great job and it was certainly a team effort to get this accomplished.

b. City Commission

Mayor Pro-Tem Whitehead reported on last Friday, December 9th we celebrated our Old Fashioned Christmas downtown beginning with the Tree Lighting Ceremony. We lit up downtown and the Park was beautiful and the Healing Waters Plaza was beautiful. She would like to thank Sazi Marri, Linda DeMarino, MainStreet and everybody who participated, including not only City Staff who decorated but everyone who participated in the parade. The High School Jr. ROTC who led the parade, the High School Marching Band and the community for just being out on the streets and participating; the City Police, and City Employees. Outstanding job and she is very very pleased. Mayor Green added if we get more lights we'll need more electrical hookups downtown. But it was unbelievable, they did a phenomenal job.

Commissioner Clark commented giving Mayor Pro-Tem Whitehead the credit for the Tree Lighting. She has put a lot of effort into putting it together and with adding the parade.

Mayor Green

- 1) Thanks to MainStreet and staff. Downtown looked gorgeous, just beautiful.
- 2) Rotary Park clean up. He was going around town and by Rotary Park to check the dam to see if it was holding and he saw two gentlemen in a ditch cleaning out garbage with hip boots on. They live in the area and they spoke to Don Armijo who let them know they didn't have any problem with them helping staff. He thought that should be recognized. He thanked and congratulated Dana Keith and Gary Carl and two others who didn't want their names included for taking ownership and pride in their own asset.
- 3) Thanked Andy Alvarez and the Bountiful Alliance Recycling Committee for hosting the Recycling Certification Course that was held here in town. We had 26 people come in from Tuesday to Thursday morning. We had three nights of lodging and we are on their rotation list now. When we have those groups come here, we need to get up and be there and thank those people for coming to our community and holding their event in our town. That is the way to do business. We can't match the big towns dollar for dollar, but we can out smile them and outsmart them. That type of impression is important to offer them. The Director pointed out in all the years he has been doing the training, in all the different communities, this is the first time any community has done anything like this.
- 4) KRWG TV Series of Television Programs and came to Truth or Consequences two weeks ago. He was with them all week long and when they were going to the museum he wanted to stop at a shop which was Dust & Glitter owned by Mo Koenick and his wife. As they were filming, two couples walk into the shop and

were looking around and Mo talked to them and let them know we have Hot Springs here in town and showed them the map and the different places and invited them to stick around. Two days later he walked in to Dust & Glitter and thanked Mo for his hospitality with the film crew and he had to deliver some art to one of the spas and that couple was walking out when he got there.

- 5) Wished City Manager Fuentes, City Clerk Cantin, and all staff a healthy, happy, and joyous Holiday and New Year and to all the Mo Koenick's of the community who go the extra mile to make our guests welcome, you are blessed.

K. EXECUTIVE SESSION

- 1. Purchase, Acquisition or Disposal or Real Property or Water Rights by the Public Body (Minimum Pool at Elephant Butte Lake). Pursuant to NMSA 10-15-1(H.8).

Mayor Pro-Tem Whitehead moved to approve going into Executive Session at 10:49 a.m. to discuss Purchase, Acquisition or Disposal or Real Property or Water Rights by the Public Body (Minimum Pool at Elephant Butte Lake). Pursuant to NMSA 10-15-1(H.8). 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 11:43 a.m.

Mayor Pro-Tem Whitehead certified that only matters pertaining to discuss Purchase, Acquisition or Disposal or Real Property or Water Rights by the Public Body (Minimum Pool at Elephant Butte Lake). Pursuant to NMSA 10-15-1(H.8) was discussed and no action was taken.


Commissioner Clark moved to ask City Manager Fuentes work to continue researching this with respect to Purchase, Acquisition or Disposal or Real Property or Water Rights by the Public Body (Minimum Pool at Elephant Butte Lake) Pursuant to NMSA 10-15-1(H.8). Mayor Pro-Tem Whitehead seconded the motion. Motion carried unanimously.

2. ADJOURNMENT

Commissioner Clark moved to adjourn at 11:40 a.m. Mayor Pro-Tem Whitehead seconded the motion. Motion carried unanimously.

Passed and Approved this 10th day of January, 2016

Steven Green, Mayor

ATTEST:


Renee L. Cantin, CMC, City Clerk
