

CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
CITY COMMISSION CHAMBERS, 405 W. 3RD St.
WEDNESDAY, JANUARY 10, 2018

A. CALL TO ORDER

The meeting was called to order by Mayor Steve Green at 9:04 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 (absent)
Hon. Rolf Hechler, Commissioner
Hon. Joshua Frankel, Commissioner

Also Present: Juan Fuentes, City Manager
Renee Cantin, City Clerk-Treasurer

Mayor Green announced for the record Commissioner Clark's absence is excused.

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

2. SILENT MEDITATION

Mayor Green called for fifteen seconds of Silent Meditation and asked us to keep our veterans in our thoughts and prayers.

3. PLEDGE OF ALLEGIANCE

Mayor Green led the Pledge of Allegiance.

4. APPROVAL OF AGENDA

Mayor Pro-Tem Whitehead moved to approve the agenda. Commissioner Frankel seconded the motion. Motion carried unanimously.

City Manager Fuentes called Chief Apodaca up to the podium for a Special Recognition.

Chief Apodaca gave a brief statement and announced a couple of weeks ago Erica Baker was promoted as Lieutenant for the Police Department. He said at this time her Father Mo Cordova and husband Joshua Baker will pin her collar rank.

Dudley Briscoe, Pastor of First Baptist Church gave a short prayer for her and said thank you to all of the Law Enforcement Officers who put their lives in danger for all of us.

Mayor Green thanked Pastor Briscoe and congratulated Lt. Erica Baker.

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.

Randy Ashbaugh addressed the Commission related to:

1) He handed the May 10th, 2011 minutes where Financial Director Fuentes came before the Commission to get the tax for the Gross Receipts Tax for the Police Department. On June 14th Commissioner Torres asked how much money it would generate. He read the statement in the minutes which said it would be used for the Police Department for additional personnel, salary, benefits, enhancement, equipment, and vehicles, not an old building. These people deserve the best, we are very underpaid compared to other Police Departments. If you want to pass another ¼ % tax to build that building, then do it. But this money you want to spend on the old armory building has been allocated for the salaries and benefits, extra personnel and he's sure Mr. Apodaca will agree that he needs some help. He's lost two officers in the last week, we lost the Chief, and Captain Morgan. He just wanted to point out what this money is actually for.

2) Streets are filthy, trees, weeds, and alleys need to be cleaned up. The houses are undervalued because we are not keeping up with our basic infrastructure on streets and alleys. He also wanted to say he is not associated with Ron Fenn period.

Carolyn Cazares addressed the Commission related to:

1) Asked how the city can go on pretending this city is so rich as to be able to afford and expensive show place Police Station? When the sad truth is we are so poor, we can't afford to fix our water pipes, our streets, and have our own landfill. This is the consequences of poor city management. People the truth can be found out but we have to look for it. Examine both sides. Has this long tradition of city mismanagement put you to sleep with boredom. Wake up and pay attention to what is going on around you. This is a challenge, take back your power. The truth is that our tax dollars allocated for Public Safety can be reallocated to all of Public Safety to serve all of T or C with more basic necessities than a new Police Force. The truth is there will be added tax burden, because full disclosure is not forthcoming. And construction costs always exceed the cost estimate. Vote against on January 23rd. People this may not be our fault, but it's our responsibility. Register to vote. If we don't change our city government, things will continue as usual. Is that good news? Pray for righteous judgment and conclusion to benefit the highest good for all of T or C and vote against on January 23rd. By the way,

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the expense of the special election is not Ron Fenn, the Commission chose not to include this on the March ballot. They forced the special election.

Mayor Green announced this is a business meeting and the applause disrupts that business meeting. So he would appreciate if you would hold the applause.

Audon Trujillo addressed the Commission related to:

1) First off Ariel Dougherty lost her husband and he wanted to make sure everyone was aware of that.

2) To the Mayor and his remarks just now. He has been really dismayed at how he has been attacking a person, hard on issues, soft on people. Let's talk about the issues. It's really important to do that. It's unbecoming of a Commissioner to attack a citizen, it just is. You shouldn't do that, you are supposed to be getting input from everybody. He knows you try and he knows it must be very difficult because he knows he takes a lot of very hard hits and sometimes it's not deserved. The financial responsibilities you have are great. The amount of money you are paying on this building, if we do build it or renovate it, is not insignificant. It's going to lessen the ability to deal with the infrastructure problems we have.

3) The Department Heads should be running their budgets and you have to deal with that amount of money. In the Federal Government, it doesn't work that way. We don't have that here, it's all invested in the City Manager, and it shouldn't be that way. You are paying people a certain amount of money to manage that department, so allow them do so. He was happy a couple of years ago Juan started presenting the budget. And that's a good step, but it's not enough. The Police Department building he thinks is a huge mistake. We need to deal with other problems the city has. He personally toured it and took some pictures. There are things that need to be reorganized but they don't need more space.

Harv Kleinstiver, 818 N. Pershing addressed the Commission related to:

1) He submitted and read his comments. He's a resident of Truth or Consequences and Elephant Butte since 1979. He will be 86 years old in May. He plays Golf once or twice a week and he's sure it has helped his health. In a couple of years, he has seen our Golf Course go from a very good Golf Course to a very bad Golf Course. Just three years ago, the Golf Course was as good as any professional Golf Course anywhere in the country. Three years ago, the city decided to operate the Golf Course with a person that has very little knowledge on how it should be run. With inexperience and only learning by making mistakes, the Golf Course continues to be a very poorly kept Golf Course. With a lack of water and continuing city support, one man working on the maintenance crew cannot do all of the work that needs to be done. The City responsibility for the wells operating and keeping water on the Golf Course has been a big problem, even with the previous pro. Without the running of the professional Golf Course, we do not get people playing from out of town, playing tournaments, staying in our hotels, buying groceries, food etc. to keep the Golf Course in good condition. Saving money by not having a Pro has really ended up costing us all a bunch. The Golf Course is in terrible condition and needs to be taken over by a person understanding how to maintain and grow grass. Reading a book is no way to learn to operate this Golf Course. The cost to each and

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every one of us, we are property owners, we own that Golf Course and when it's a detriment to us, it costs us our property values. Visitor's that come here don't play at our City Golf Course anymore, they play at the lake. We need to look at how a Golf Course should be run. He invited them to go with him to see how bad it is.

Ron Pacourek addressed the Commission related to:

1) Got a call yesterday morning from one of his Golf buddies asking if he knew why the Golf Course wasn't open this morning.

George Szigeti addressed the Commission related to:

1) He wanted to punctuate what we have heard with good news. He reported on this year's Turtle Ascension event which is growing. It more than doubled this year. They had 75 people sign the register who attended, many of them were from out of town. He thanked Don Armijo and the city crew for their assistance and the city for the beautiful Plaza with the lights and John and Marianne Masterson for allowing them to use their venue for some of the event. The new Brewery is a great asset and just goes to show what can happen when people go forward and do something good for the community instead of constantly attacking it.

Ike Eastvolde 1301 N. Silver addressed the Commission related to:

1) Update on the progress on the Chihuahuan Desert Conservancy. They succeeded in purchasing 209.7 acres from Pauls family. They now own that land between Smith and Cuchillo Negro, where it meets the Elephant Butte city limits, and roughly between True Value and Date and the Rodeo Grounds. The planned communities of the Chuhuan Desert are totally represented. It borders the Truth or Consequences Elementary School. So the opportunity for educational use is astronomical. It's very close to the High School and the other schools in T or C. ON 28th of November they were accepted as an affiliate into the Bountiful Alliance. They are grateful to be associated with those fine people. As land owners they have to comply with legal requirements. One is to precisely survey your boundaries and post them. Since that had not been done in a very long time on this property, they retained Chaparral Surveying and on December 4th, they did go out to post the corners of the property and they have an update survey which is registered with the Sierra County Assessor's Office. They were dismayed and example of massive trespass on their property where the major canyon which they call Falcon Canyon which goes down to the Rodeo grounds. They eventually found course markers that were left. There was an organized ATV event who trespassed on their property on November 11th. One of the course markers actually had a sign with the name of the event and they were able to trace that to the New Mexico Off Road Association and find the event coordinator.

Martin Nigel, 721 Wyona addressed the Commission related to:

1) Thanked them for the 180 seconds to talk about this important and complicated issue. Number 1, there is early voting going on right now for the Country Club Police Station. With the 25 year mortgage the taxpayers owe about \$3.1 million. This is about \$132,000 a year, and we haven't paid off the current mortgage so he guesses we will have to pay two mortgages this year.

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3) The Police do deserve a nice Police Station. And it's designed to have a Sally Port, a gym, bunk beds, showers, covered parking spaces, and expansive lobby for the public, and a large meeting room for Police training. We depend on our Police to support you.

4) The problem he has is that both our tax revenue and population are declining. T or C, like all other cities is in dire need of infrastructure replacement. We expect water to come out of the faucets and toilets to flush. Most of our pipes are over 80 years old, they will not last much longer. They are already costing the city a lot of money to replace. This project is not glamorous like the new Police Station. He considers it very possible that they pipes to the new Police Station will not bring in clean water and the water brought into the showers will not be working.

5) Another problem with spending is that every Police Chief has remodeled our 19 year old current building. An example is Police Chief Alirez who had to leave because he was very sick. The Commission approved the new Police Station, yet he spent \$100,000 to make his office bigger. Why did he use taxpayer money to make his office bigger when the city council agreed to build a new Police Station? And why did Mr. Juan Fuentes agree to let the Chief spend this money? Since this has become a habit of remodeling the Police Station, even though it is not paid for, what is to prevent all of the future Chiefs from spending \$100,000 a year in the new Police Station.

Mick Montgomery, 505 Ivy St. addressed the Commission related to:

1) Thanked Lt. Erica Baker, and the Chief for her promotion. We are fortunate to have young people in our community and he thanked the Sheriff for their service. He appreciates it. Not only that, he appreciates having prayer in the City Commission meeting.

2) Residential properties. Sandra and Randy and himself have all grown up here in T or C. He's seen the residential properties go downhill. As a property owner and with a family that wants to stay here, he's concerned about that. Property values go down and we just need to have a nice looking community. People's ideas these days is not to keep it up like we did when we were kids and we need to do something about that. He knows Robbie, Susanna, and Ray have their hands full, so maybe we need two or three more of them. We need to have some backbone to get some of these things taken care of. He knows they do the best they can. In turn, look across the street at the junk pile on Foch and 4th St. clean it up. Right behind him they've got an old green motorhome that's been sitting there for three or four years. They put a license plate on it, big deal. It hasn't even ran and the lady lives in California. Clean it up. Just down the street there are junk cars right there. Fortunately on the North end of town, when people come into town, there are some nice looking businesses.

3) The next thing he wants to say is about our streets. We need to do something about them, they are terrible. If you go up to Palo Verde and Foch St. going to City Hall is terrible. We need to do something with our inner structure to where when we get people in, especially young people, who when they look they say "Gosh T or C is not just a little poor place to live. Let's clean it up folks and act like we have some pride in our community. That's what we are here for. He loves it here and he knows these young folks like it here. We have the lake so let's keep it nice.

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Sharon Eastvolde, 1301 N. Silver addressed the Commission related to:

1) Its her understanding the city is actively moving toward establishing an OHV use area, possibly within city limits and on city land. If this is correct, there should be a full public disclosure and a public hearing. It's also her understanding that the city may have agreed with some adjacent private land owners to allow the OHV activities into their private land. She would like to bring some OHV injury statistics to the attention of the Commission. The draft shows a significant number of these injuries are from ATV's. In addition, on page 2, young OHV riders are chronically on the list for fatal injuries. Just one liability judgement against the city could easily exceed what you planned to spend on resurfacing the pool. She recently had done research on law firms that represented ATV injuries and it's like \$225,000 for just one. And one showed the kid didn't have his parents' permission and he ended up with a head injury. She listed the website on her testimony. She has some questions for the Commission. 1) Will the city create a Memorandum of Understanding with Private Land Owners who want to support an OHV Use Area informing them that the city will assume liability for any associated injury or damages on their land? 2) Is the City prepared for the liability for the dangerous OHV activity and it's statistically documented degree of injury and trauma? And finally, one of the things that appeals to her husband and her about T or C, is this long established identity as a place of healing and the Arts and nurturing community. So how would an OHV use area fit in with that identity?

Ron Fenn addressed the Commission related to:

1) Brought to their attention an ad in the Sentinel which mimics much of the information that has been falsely put out by the City Commission or has never been addressed by the City Commission. This ad in support of this \$3.3 million expenditure says it's not a new tax. No it's not a new tax but it's not a tax that was designated for a public works projects. Buildings within a community are considered Public Works projects, and as such they have certain parameters they have to pass. One of them is getting approval of the community that's paying for them. For any expenditure that takes generations cannot be done by a simple ordinance written by a City Commission of five, without the approval of the people. Every two years we have elections, and every two years there are never these kinds of articles or projects on the election ballots for the people to say this is what we want. And for the information that is given to the public, the public hearing on this issue by the way, had two opponents and no proponents. That's not a public hearing. And you voted against the wishes of the people who did speak. These are the kinds of things that cause this kind of disruption. If we would run the city the way it should be run, we wouldn't have these problems. The City is for its people and the City is it's people. We cannot presume to know what's best for everybody, not for five of you anyway. There are 6,000 people here and five of you do not know what's best for us or how we should spend our money. And the newspapers that print this kind of rubbish are totally irresponsible. According to an estimate, new construction runs \$114 per square foot in this area. This article says it will be \$296 per square foot. And not including the interest rate. Where do these numbers come from?

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Susan Montgomery 505 Ivy addressed the Commission related to:

1) She moved here in 2000 from Albuquerque and was very proud to come back. She lived here as a child for a while and they loved this town. When she came back, she went to work at the hospital as a Nurse in the Veterans Home for many years. One of her coworkers there came from New York and when she talked about things she thought were different about this town, she said she moved here because it was like a third world country and we want to keep it that way. She has a feeling a lot of people want to keep it that way, we found that out when Wal-Mart wanted to come in. It became apparent to her that a lot of people did not want this town to be cleaned up or come into the modern world. A lot of you travel to other towns and you see they have paved streets. She grew up a lot of her childhood in Logan where they had a lake just like us. And they don't have any stores, they have one little store and their streets are immaculate. There is no trash and she doesn't care if they are on welfare, their homes are immaculate. Their City Commission has pride, their Mayor has pride. So what she is saying is for Truth or Consequences to have pride in their town. She has six siblings and they come to this town and say this town is a mess and they would never move here. That is sad for her, she wants pride in our town and as you drive around you can write down the streets that are awful. She added this area it's a mess. The lady with the green motorhome. He went to Mr. Travis and he told her, maybe she should've bought in a better neighborhood. Hello? She was totally insulted and he said he would call that lady in California. Her place is so trashed in the back that she has rats and everything. They come across the street into our yard. He doesn't know what he did with her but he did put a note on the door that said in May they are going to do something if she doesn't haul off this motor home. Three years ago, that sign is still on the door.

Stanley Rickert 1705 Carrie St. addressed the Commission related to:

1) He just moved here and is concerned with some issues. The rezoning at 1715 Carrie St. from a T-1 to a C-3 zoning for commercial use. 1) The purpose is its non-conforming and it does not conform to the Land use regulations of zoning District where it's located; 2) it will be a nuisance creating an undue, unusual, and unnecessary problems for situations or persons in this vicinity that would not have occurred normally. 3) it constitutes a spot zone. The change will affect adjacent property values. 4) Effects on the infrastructure, the gravel road and intersection are not sufficient for the size of weight for transporting such as houseboats. 5) The land use property currently has uses that are not permitted by P & Z. Repair mechanical garage and also unregistered vehicles and boats along with junk and other materials are not necessary in this neighborhood. The issues created disturbances, there's excess traffic, it's a one way street, or a dead end street (there's one way in and one way out). There's noise sometimes six and seven days a week. Daily work hours exceed permitted allotted times for doing commercial work. Speed limits are exceeded, dust from traffic is overwhelming. Road surface is rutted like a washboard and is terrible to drive on. The storage business will distract from the look of a residential area. And the tractor/trailer to be used is larger than allowable vehicle size for this type of a neighborhood. And he has to say these people talking about an area here, it has changed and gone downhill. There are businesses going out the door. These people are old and can't get up and leave, so we need to do something and we

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could do a lot better. There are a lot of things that can change in the realm of taking care of business.

Jerry Kabowski, 1700 Carrie, addressed the Commission related to:

1) Agrees with the comments Mr. Rickert just told them. That road is only maybe 1,000 feet to Rodeo. In order to turn you take both lanes at Rodeo and both at Carrie St. Carrie St. is a joke and that road has never been any good and is strictly a drain which drains down to his place. He's tried to do everything legally and has not been able to do anything. He moved there in 1969 and he finally paid it off with hard work. He did work on a project at 3rd and Tingley then when that was done, he was all over the country doing various work. He's going to be 80 years old and would like to live a good life. He would like to see them slow down, there are vehicles going down that road every five minutes

Traci McGowan, 1700 Corzine St. addressed the Commission related to:

1) First she would like to say with her experience with T or C, the City has addressed traffic things if they come up. But she thinks it's also because she gets on the phone right away and call. One time she called and the street was cleaned up in two hours. These are small things, but to say the city has been unresponsive is corrupt. On the Police Station, she has a couple of questions. They talk about phase 1 being the Animal Shelter, she asked if that is a permanent part of this project? She would like find information about exactly what Phase 1 and Phase 2 entail. Is there anybody here that can address that. City Attorney Rubin let her know this is public comment, but they don't respond at this time. City Manager Fuentes and Mayor Green let her know they can respond during the response to public comments. Ms. McGowan continued saying the information she has so far, the infrastructure thing is very huge. There are piles of trash. When she moved up to the top of Corzine, she pretty much took it upon herself to clean up the whole two acres up there and if there was some way that a committee could get together to look at some of these properties, and set up some kind of priority list, we might be able to get some people together who are like her and are willing to do some work to clean the community up. She thinks is really does have to be a community effort. It's not like the City has a bunch if cash laying around. And the absentee homeowner properties, she thinks they can get together and help them improve a lot of the neighborhoods.

Mayor Green announce we are going to take a 30 second break until our official timer comes back. They reconvened at 9:55 a.m.

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

1) Thanked the Commission and other Departments in the city for being their partners and putting on these events including the Old Fashioned Christmas and the New Year's Eve Party. They were super lucky to have the Spaceport be a part of the Old Fashioned Christmas by bringing the Fire Truck. They got great feedback from that. Again she thanked everybody, they really appreciate it. New Year's Eve was really good and it looks like they will be having a New Year's Eve Party on March 10th. They are working with the Elephant Butte Chamber of Commerce and they are doing a Casino Night, so put that on your calendar. It's going to be fun. And if there's anyone out there who want to practice dealing, now's a really good time.

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1) She wished a Happy New Year to everybody and let them know it's going to be really interesting this year. She hasn't been here in a long time. She lives next door to 304 Joffre which is her problem property and filled with garbage, etc. She sympathizes with all of the people here who were talking about the problem properties. She has lived here for 14 years and 15 years in February they closed on their property, and she's learned a lot. The said we are very excited to have the Eastvoldes. She is a former Albuquerquean and thinks the Petroglyphs National Monument is one of the greatest things there is. Unfortunately, you moved to Sierra County where people love their ATV's, and they go wherever they want. And you'll notice and Sunday morning and Saturday morning we have lots of gunfire that we can hear so nicely and clearly in our yards before 8:00 in the morning from the range. While speaking of ATV's, about five years ago, some bigshots here in town when to Luna Canyon and put an 11 year old child on an ATV with three other children and the 11 year old never came back. And that same day we had a lady named Margaret Salcedo who was mauled by Pit Bulls, the guy that took care of the dogs didn't even recognize she was a human when he found her. That's for all of the people that get chased by dogs. Five years, zero happens. We're going to court with the problem, does the Police Department notify you, no. People get away with it and pay a little fine and they go home and put more garbage on their property. This is where she agrees with Mr. Ashbaugh, it is trashy. But we have trailers and so many problems. We got rid of tons of them in Albuquerque and she offered her help to the Police Department, but she's turned into the problem. She claimed they are trying to get rid of her and she is still here. Thanks a lot and anything else, Election, vote against the Cop Shop, if you want exercise, exercise at House of Pain, and change these people in the Commission.

Mayor Green read Carole Wheelers comments related to:

1) the Carole Wheeler Dog Park. Happy New Year Greetings. I am unable to attend Wednesday's City Commission meeting. I have attached two summaries which I would like to have read during the public comment section by one of the commissioners. We feel that the beginning numbers are beyond our earlier expectations, which more than pleases us. We have been rewarded many times over for our efforts. Our out of area/state visitors were especially grateful for finding a place to run their dogs after being in a car for several hours. Makes it all worth the effort. Our thanks to the City of Truth or Consequences for its participation. The two charts attached have volunteers they are questioning when they use the dog park. In December from when they opened in December 11th to the 31st the number of dogs from out of state visitors was 155 and she breaks it down by male, female, spayed or neutered, etc. The States that were represented were Arizona, California, Colorado, Florida, Minnesota, New Mexico, Texas, and Wisconsin. The next chart if total usage of the dog park for 20 days was 358 dogs; 141 Large; 179 Small; and 39 Single Use. The Note reads as follows: NOTE: These numbers cover the first 20 days of being open. The usage averages 18 dogs per day. No specific time has heavier use. It does appear weekends have slightly more use. On a daily basis, it appears to depend upon what the owner has planned for the day, including a return trip later. Many owners choose to use the single use area, especially if they know their dog is not friendly but they wish to safely and slowly socialize their dog to other dogs and work on social skills. Additionally groups of friends meet in the single use to visit while their dogs play together. The various park monitors receive many "thank yous" and

other praise for the dog park. We have received many positive comments about the height of the fence. Travelling dog park users have stories of large dogs climbing and jumping 6 foot fences. Mayor Green continued by adding the fencing was donated by John Hendry and he certainly hopes our Hoteliers will put these facts on their website. It's all part of tourism. He thanked Carole Wheeler.

D. RESPONSE TO PUBLIC COMMENTS

City Attorney Rubin commented about the prayer at our meetings and we need to be careful not to have a specific prayer in the future.

City Manager Fuentes addressed some of the comments.

1. Randy Ashbaugh, the ordinance itself is dedicated for Public Safety, there is no description, which gives the flexibility to use the dedicated GRT for other uses in addition to equipment, personnel, vehicles, and other uses such as the Law Enforcement Complex. So the actual ordinance itself gives that flexibility to the Police Chief for that project. And it cannot be used for any other purpose other than Public Safety.

He heard issues regarding our infrastructure. He wanted to bring some of the things we have been doing for a number of years. With the assistance of other funding agencies, we have a list of some of the things we will be accomplishing this year. We have partnered with USDA for up to \$6 million for our Wastewater Treatment Plant. That is unprecedented and we couldn't do it ourselves.. Staff and the Commission are working hard to address because we know the Quality of Life and infrastructure issues exist here. We did receive \$500,000 from the state and the County also received money for that. The idea was to share resources to maximize the states dollar. Public funds are scarce and we are under a deadline. That is why they proceeded with the Animal Control. He showed the 2018 List of projects that were presented at the December meeting. He also presented the projects approved for the ICIP list for this year.

One of the comments was why is the Commission spending money on this election and why are they not combining the elections. And the reason for that is when the petition was filed, they have a specific time frame they have to act on. Unfortunately, the time frame did not allow the Commission to combine both elections. So it's really based on the timing which is state statute. That's why there are two separate elections. If it would have been a certain time frame, we could've saved money and combined them.

Mayor Green asked him to explain why we were forced to build an animal shelter. City Manager Fuentes showed a report done by Chief Priscilla Mullins in 2014. The city received a notification that the local Veterinarian sent where she indicated the city had five years to find a solution to the Animal Shelter because she would no longer provide those services. At that time the city did not own the National Guard property. The donation of that property from the State National Guard Armory Board. He and a former Commissioner went to the state to request the property to be donated to the city. Once it was it allowed us to proceed forward and build the animal shelter. In her report the #2

priority was the Public Safety Complex and at that time she was hoping to have a one stop shop. But we always have to maximize our resources.

Mayor Green had two responses. Another common thread is the city looks horrible. The city was sick and tired of hearing this and being in the dark and wanted to receive the citation information. He doesn't want the people who see others in violation, that we are doing nothing. The city is slowly working on these so we don't have to go to court.

He has a prepared response to public comment regarding the Spaceport Visitor's Center first tours where he went down to wish them success and welcome the visitors on the tour. Upon arrival at the building, he found Sophia Peron and Ron Fenn already on site. Sophia Peron's use of colorful language while standing on the sidewalk holding a sign was nothing new he had come to expect. He found Ron Fenn outside with a video camera in the face of the visitors with a tone that was neither warm, friendly, nor inviting. Past history supports the fact that Mr. Fenn and Ms. Peron never advocated for the Spaceport Visitor's Center being located at its present site and were part of a successful petition that triggered a Special Election that enabled the voters to either support or not, the Commission decision to locate it in the Lee Belle Johnson Center. On a vote of over 4-1 the voters did not support their efforts on that petition and Mr. Fenn and Ms. Peron will not accept the outcome of the election. Will not accept the will of the people that they helped trigger because it doesn't support their agenda. More than one visitor asked him "Is he (referring to Ron Fenn) allowed to do what he was doing? Making people feel uncomfortable by harassing them, getting into their face with an aggressive voice, filming them without their permission." The Mayor's answer was frankly he doesn't know. Maybe this was the price of free speech. At which point, one of the visitor's said "What about my rights? Don't I have rights too?" Mayor Green knew our attorney was not available, so he called the Police. Concerned that the situation wasn't getting any better. And they sent two Officer's to respond. This Commission has used tourism as an economic driver to increase our GRT, our population, and new business opportunities. Their actions whether intentional or not, have negative impacts on everyone by hurting that initiative. We cannot allow this to happen. In a follow up conversation, he assured the tour operator that he would speak to the City Manager to ask our Attorney's to give us guidelines to where free speech ends and harassment and invasion of privacy begins. It's one thing to have a difference of opinion, it's another thing to take actions that hurt your fellow citizens and businesses that need the influx of tourism dollars.

E. PRESENTATIONS

1. Presentation of Certificates of Appreciation to Barry Ragsdale and Jeff Richter for their participation with the preparation for the new FEMA Maps.
Steve Green, Mayor

Building Inspector Travis showed a new copy of our new revised Floodplain Maps for the city. It's been five and a half years when they started. He read the certificates for Jeff Richter and Barry Ragsdale who were instrumental in assisting to get this done. This will help some residents with their flood insurance.

Mayor Green feels we should get these maps out to the public and put them in the utility bills. He asked how residents will be able to tell if they are in the flood zone. Building Inspector Travis said it doesn't become effective until April 23rd and they can go to their office or the Clerk's office to see the maps. Mayor Green also extended the County for their participation in this project and of course Jeff Richter and Barry Ragsdale.

2. Response to benefits to the community for the new Law Enforcement Complex. Ron Fenn, Presenter

Mr. Fenn began his presentation with some questions concerning Ordinance 686. Can a different building reduce crime? Can it prevent accidents and injuries? Can it make a community peaceful? Can it enhance the Quality of Life for people? Can it improve the City? Will it have a positive effect on your life? Will it cost a great deal of money? Yes, he can answer that question. The NMFA loan balance for our current Police Station purchase in 2006 is about \$100,000, for 5,000 sq. ft. We can keep it or we can pay \$3.3 million in loan and other costs for another 25 years for a 13,000 sq. ft. unnecessary building with higher operating costs. He talked about National Guard Armories. Some have great style, some are magistrate, and some are strictly utilitarian. The T or C building falls in that category. It would be better suited for a manufacturing or warehouse operation. A commercial operation that needs high ceilings, big open spaces. Not for offices. It has cement block construction which everyone knows is not warm and conducive to economy. The McAdoo construction is much more warm and friendly, more economical, and warm and friendly. And it's used for people purposes. It's currently a \$329,000 exemption. The McAdoo property is only \$110,000 tax exemption. Tax exempt properties put an added burden on the taxpayers and business owners for County Services. The armory for commercial or business services, possibly Spaceport even, would add tax revenue to county and city plus boost our economy. I makes better sense to use it for not revenue facilities. Is 13,000 sq ft. necessary for six full-time employees from 8:00 am to 5:00 pm on Monday-Friday? \$3.3 million dollars over 25 years means your children will pay to their adulthood with no say. Project cost, the NMFA loan is only \$2.188 million, the net proceeds is only \$2 million and yet the construction is estimated at \$2.573 million. That a shortfall of \$573,444, where is it coming from. The asbestos abatement for which we paid for, never came out with an estimated cost for abatement. He showed a couple of new estimates one for a Police Station, 7,000 sq ft on new construction including the land is \$114 per sq ft.; that would cost \$800,000. Not \$3.3 million. A brand new 2,000 sq ft. addition would be only \$225,000 which he recommends for our current building. This building has served our community for years. Police Departments usually locate in City Centers. The justification is there for a change. It offers better access to residents, visitors, and businesses alike. Why opt to make it less visible? Military Training Facilities are not designed as public service facilities. He showed a map showing the centers of influence. The smaller centers are a half mile in walking distance, and the larger area is included. Aztec has a larger population and a 3,700 sq. ft. facility with a smaller police force. Raton has a portion of a 18,000 sq. ft building with a smaller police force. The City of Truth or Consequences has a lower population of 6,130 and a higher percentage of Police. Comparing these cities Aztec has a lower population, lower crime rate; Raton has a lower population, lower crime rate; T or C,

smaller population, ;larger police force, larger building, and higher crime rate. He did not create these statistics. This is an unnecessary cost for space. The current facility is more than adequate. Believe him or tour it yourself as he did to confirm. This misinformation about the dedicated tax, is only dedicated until the people move to repurpose it. It only takes an ordinance like the one that imposed it in the first place without public support. The loan payment should be used to approve training, upgrade in equipment, training, etc as proposed by Chief Gallagher. This is a building the citizens can be proud of with a small loan that can be paid for with non GRT funding. Increased operating costs do not end in 30 years.

Mr. Fenn showed the Police Chief's office which were recently remodeled. No extra space needed. None of the pictures taken by Mr. Trujillo show a need for space or crowded areas. They even have a nice little break room. There is a computer room which has enough room for three more servers. We have a clean and efficient building. The problem he sees is organization and better policies and procedures. There are plenty of things there that do no need to be stored in a Police Station. They lack storage or many a small addition of space. He showed a small 2,000 sq. ft. addition idea to the back of the building and you can add more parking across the street if they take over the property across the street. Why do we need a Sally Port, a gymnasium, covered parking, bunks, showers, and all kind of additional costs? The average utility bill is \$503 per month. If you add that for the new building it's much higher. He showed a picture of all we need for a place to go when they have problems to be served by whatever officer I onl duty at that time. Do we actually believe the State Police would move to a building they already own? We would bear the cost of renovation. We could tap into the resources of the state police without providing a room for them. New programs as presented by Police Chief Alirez are terrible, how can we provide these programs and personnel if we are spending this money on a building. We're already out the door. He offered sample monuments for honoring Lee Tafoya in a proper manner without spending \$3.3 million

3. Presentation/Response on the Law Enforcement Complex Project. Juan Fuentes, City Manager

City Manager Fuentes briefly shared the presentation back in 2014 when Chief Mullins gave the presentation. Mr. Fenn eludes to there is a shortfall, there is a savings that we can use for the shortfall. He talked about the asbestos report and we did complete one and were given the estimate of less than \$25,000 for removal. The note that it's a dangerous building is incorrect. It will be remediated first before anything else is done. That building was used for many years by the Domestic Abuse Program before moving to another building. The notion that it's a dangerous building is incorrect and is misleading. The goal has always been to remediate it when the project is underway. The building estimate they got was from our Professional Architects. He appreciates Mr. Fenn doing his research and whatever google site he found those spreadsheets, but our Professionals gave us those estimates. This Armory isn't any new idea, this concept of using existing Armories in communities is something he believes Carlsbad and Deming are even using them. Rather than tearing the buildings down, we want to maintain them. We want to preserve that building, it is a solid building. The idea of repurposing it for a

Law Enforcement building makes sense because it was a recommendation from our Police Chief back then. He thinks somebody asked why improvements to the existing building? Chief Mullins did some extensive research, and she is a Police Chief. He doesn't think Mr. Fenn has ever been a Police Chief. There was a question as to why are they being allowed to remodel that building. And there was a comment by Mr. Trujillo that the City Manager doesn't allow Department Heads to manage their budget. Well guess what? He does. Because as you can see in the pictures that Mr. Fenn showed, they are different facilities now, and they had to make some improvements. It's only temporary, one of the pictures shows an empty room and he has participated in some of the staff meetings and for the Police Department alone, it's not enough room. They are crowded there, and even when you have an event, there is not enough room. It's a project that is needed, from the GRT that was supported and approved by the Commission, and it's a project that continues to have 100% support of our current Police Department and our Chief. So he appreciates the differences of opinion and he feels that's why during the process of the ordinance, there is public comment. But ultimately, at the end of the day, it's the will of the Commission and the voters because they did approve that GRT for Public Safety. The needs for the bigger facility was shown by Chief Mullins in her presentation. The NMFA was willing to partner with the city but obviously they don't even know now, because we don't know if it's going to happen or not. Hopefully, once the election is over, we can have more serious discussions to get their commitment and work out the details. But right now, in their opinion, they can't even start something when we don't know if it's going to happen or not. But they are still very much interested in partnering with us. The Commission and staff relies on the opinion of the Chief and what they need.

Chief Apodaca responded this has been the concept in the 30 years he's been in the Department. Grants Police Department took an old Wal-Mart and made a Police Department out of it. They take the existing building and make renovations and design it for use as a Police Department. City of Grants also did this concept. And the State Police are still on board with the project. He spoke to his officers in the beginning of December and has 100% support from them.

F. CONSENT CALENDAR

1. City Commission Regular Minutes, December 13, 2017
2. Public Utility Advisory Board Minutes, November 20, 2017
3. Accounts Payable, December 2017

Mayor Pro-Tem Whitehead moved to approve the Consent Calendar as noted. Commissioner Frankel seconded the motion. Motion carried unanimously.

Recessed the meeting at 10:52 a.m. and reconvened at 10:58 a.m.

G. ORDINANCES, RESOLUTION, & ZONING

1. Discussion/Action: Ordinance No. 691 for publication amending Section 8-33 of the Code pertaining to the offense of Criminal Trespass. Jay Rubin, City Attorney

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City Attorney Rubin presented the need for the ordinance. The current ordinance has been on the books since 1962. He reported i9688888888898t's in Section 8-33 and is a very brief one sentence which he read. He felt we would be better served by having words that were similar to the State Statute. What you see is he copied A, B, C, and D verbatim from State Statute and he summarized it for them. Looking at the State Statute, he doesn't think we will need Paragraph E with calls it a misdemeanor and sets forth fines. We already have something in the code for various violations of the code.

Mayor Green discussed defining the entrance of the property and the posting of the sign. What happens if they remove the sign and they are not caught? Then you could go on private property and destroy it and there is no recourse. City Attorney Rubin respond he doesn't think it addresses the issue he's talking about. Mayor Green asked how we can protect the homeowner if that scenario should happen? Chief Apodaca responded you either have to post it conspicuously and if it's taken down and they approach the property, there's no violation. Then it falls back on the first part of that section. Mayor Green asked again how we can protect the property owner. Chief Apodaca responded the only thing they have is the posting of the sign and the owner relinquishing permission to the property.

Commissioner Hechler said his thinking about that is on those properties vs. Kopra St., where he has a property at the end that's isolated. People may not live there but they post as a deterrent to keep people from stealing those signs or taking those sings out of there, maybe have something on the books as a way of doing that. He noticed when they were reporting issues with dumping, he immediately saw signs occurring out there because the owners kept putting them back up when they disappeared again. He thinks what happens is people remove those signs so they can get access without getting into trouble. He thinks we should keep that particular paragraph in there for that reason.

City Attorney Rubin said we can add something like that with one generic sentence which could read whoever enters upon someone else's property and removes their sign or tampers with it, is a violation. He could add something like that if they want him to. Commissioner Hechler responded he thinks that would be alright. City Attorney Rubin responded so if they want to move for publication, he will get the correct language for that.

Mayor Pro-Tem Whitehead moved to approve Ordinance 691 for publication amending Section 8-33 of the Code pertaining to the offense of Criminal Trespass as noted and discussed with adding item F as determined by Attorney Rubin and the State Statute Chapter 7 under criminal trespass 30-14-1. Commissioner Hechler seconded the motion. Roll call vote was taken by the Clerk. Motion carried unanimously.

Mayor Green asked City Clerk Cantin to explain the publication process and when this will be brought back to the Commission for adoption. City Clerk Cantin responded generally it would be two meetings before an ordinance is brought back for public hearing and final adoption because there is a 14 day publication requirement.

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2. Discussion/Action: Ordinance No. 692 for publication amending Section 8-35 of the Code pertaining to the offense of Disorderly Conduct. Jay Rubin, City Attorney

City Attorney Rubin reported this is another ordinance that has been in place for a period of time and we haven't looked at it. When it was compared to State Statute, the Statute is a bit different. The biggest change is the Statute refers to disturbing the peace instead of creating a clear and present danger of violence.

Section B has been changed to reflect the State Statute which *is Maliciously disturbing, threatening or, in an insolent manner, intentionally touching any house occupied by any person.* City Attorney Rubin also mentioned it's up to the Commission if they was to leave item 2 in the ordinance, they can.

Mayor Green inquired as to whether City Attorney Rubin consulted with Chief Apodaca since they will have to enforce it. City Attorney Rubin confirmed he did.

Commissioner Hechler asked isn't there a State Statute about making a telephone call in a threatening manner? Chief Apodaca responded there is, but there is no City Ordinance. Commissioner Hechler responded so we are still covered by the State so we don't really have to have it.

Mayor Green followed up when the City doesn't have an ordinance but they have a State Statute, that automatically becomes the City's default. City Attorney Rubin thinks his only concern with that is, if we don't have a City Ordinance, then they will have to file it in Magistrate Court. So that's the difference.

City Attorney Rubin said the only problem he would have is if we don't include it in our city ordinance, the Police would have to take it to Magistrate Court.

Commissioner Frankel asked if we have a public intoxication ordinance. Chief Apodaca said we do not. Commissioner Frankel said so long as you're not being disorderly, you can be drunk in public all you want. Chief Apodaca agreed. Commissioner Frankel feels we need to look at a public intoxication ordinance.

City Attorney Rubin said there are several old ordinances we need to take a look at. And if that is one of their desires, he would take a look at it. Commissioner Frankel asked along those same lines if we could look at public intoxication.

Mayor Green would like to leave number 2 in to give our attorney more flexibility and we have had incidents in the past where a T or C Resident have called and literally annoyed or badgered people who intended to do business here. People are entitled to their own agenda. But when they get on the phone, he would like to have some protection for those you are badgered by inappropriate phone calls. So he would like to leave number 2. City

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Attorney Rubin responded if the Commission feels that way, we can make the old #2, become the new Letter "C".

Commissioner Hechler asked Chief Apodaca if that would help him. Chief Apodaca agreed it does. And again they have to substitute with State Statutes, but he would prefer them to go through Municipal Court.

Commissioner Hechler asked if a person is publicly intoxicated how do they handle it? Chief Apodaca said they try to give them a ride home or call an ambulance if the need arises. But if they are stumbling and not bothering anybody, they just leave them alone. Commissioner Hechler came from a place where they had the Public Intoxication Statute and he's seen some use it and stepped over their bounds a little bit when they shouldn't have. So he would want to be careful with the wording of that ordinance when we deal with it. To make sure they don't use it as a tool to do other things. Chief Apodaca agreed.

Mayor Pro-Tem Whitehead moved to approve Ordinance No. 692 for publication amending Section 8-35 of the Code pertaining to the offense of Disorderly Conduct with adding # 2 from the Statutes as letter C which reads: "*Maliciously making a telephone call with intent to annoy or threaten another, whether or not conversation ensues*". Commissioner Frankel seconded the motion. Motion carried unanimously.

3. Discussion/Action: Resolution No. 20 17/18 Budget Adjustment. Melissa Torres, Finance Director

Finance Director Torres read the budget adjustments that are needed. Adjustments include the close-out of Phase 1 of the Fuel Farm project. Again a reminder we have to increase our revenue for the DFA requirement that our expenses are not more than our revenue.

Mayor Pro-Tem Whitehead moved to approve Resolution No. 20 17/18 Budget Adjustment. Commissioner Hechler seconded the motion. Roll call vote was taken by the Clerk-Treasurer. Motion carried unanimously.

4. Discussion/Action: Resolution No. 21 17/18 Declaring Police Department property as surplus property and authorizing the transfer to Sierra County Detention Center. Mike Apodaca, Police Chief

Chief Apodaca presented the item. Prior to him be the Chief, Police Chief Alirez had talked to Doug Jenkins from the jail. He believes the Officers doing transport to Deming were unarmed and he wanted to rectify that. Chief knew that we purchased firearms a couple of years ago, so they have brand new 4th Generation Glocks. They kept the 3rd Generation Glocks in their evidence vault still in working condition. He was informed by Sgt. Jenkins they had requested six of the 3rd Generation Glock Pistols so they could use them for their transports. He requests that they be transferred from our Department to the

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Sierra County Detention Center since they are no longer being used. He feels this donation is in the best interest of Public Safety.

City Manager Fuentes announced we have two representatives from the Detention Center.

Virginia Lee, Detention Administrator for Sierra County. As you know our jail is closed and their priority is transporting to other counties. They take them from booking to Luna or Socorro. They pick them up for Dr.'s Appointments and for Court and take them back and release them. They put on average between 14,000-17,000 miles transporting. They are currently unarmed and our County decided to be fiscally responsible and decided to hire Part-time transport drivers which is not working because you can't keep a part-time worker on call and expect them to be fully trained and available because they are out looking for a full-time job. So our Commission recently has granted new full-time positions to start up an armed transport team. So they are working on getting them trained and ready for the use of weapons. Sgt. Jenkins told them the city had some pistols available and if they would consider giving them to their Department, they would very much appreciate it.

Commissioner Frankel asked about the Generation 3 and 4 Glocks take the same size magazines, correct? Chief Apodaca confirmed they are pretty much identical. Commissioner Frankel asked if it would be only the sidearms or the sidearms with magazines. Chief Apodaca believes it comes with at least one magazine. He's not sure what they actually agreed on. His plan was one magazine and six firearms.

Mayor Green asked if we have a prisoner in Deming, and they have a Dr. Appointment here, we have to pick them up and they can't see a Dr. in Deming? Mrs. Lee responded Deming sets up appointments with their Dr.'s. If they can handle things in-house or with their Doctor's, they see them there. Some things they can't and they set up here or in Albuquerque, or Socorro and they do those transports.

Mayor Pro-Tem Whitehead moved to approve Resolution No. 21 17/18 declaring Police Department property to transfer which includes six 3rd Generation Glocks as surplus property to include each of those will include one magazine and authorizing the transfer to Sierra County Detention Center. Commissioner Hechler seconded the motion. Roll call vote was taken by the Clerk-Treasurer. Motion carried unanimously.

5. Discussion/Action: Alley vacation for Randall Ashbaugh 1023 Poplar St. at the North end up against I-25 between Poplar Street and Locust Street. Robbie Travis, Building Inspector

Commissioner Hechler announced he will recuse himself because of his personal relationship to Mr. Ashbaugh through family marriage. He then left the room for the discussion and the vote.

Building Inspector Travis presented this alley vacation for 1023 Poplar St. at the North end up against I-25 between Poplar Street and Locust Street. Mr. Ashbaugh didn't realize there was an alley going through this property. The background is it runs through his property at the North end up against I-25 and it's actually inaccessible and can't be developed. It has a big ravine running through it and going through his property. Mr. Ashbaugh owns both properties on either side. They showed the map of the property.

Mayor Green asked if there is any downside. Building Inspector Travis responded no.

Mayor Pro-Tem Whitehead moved to approve the alley vacation for Randall Ashbaugh 1023 Poplar St. at the North end up against I-25 between Poplar Street and Locust Street. Commissioner Frankel seconded the motion. Motion carried by a vote of 3-0-1. Commissioner Hechler abstained.

H. NEW BUSINESS

1. Discussion/Action: Electric Cost Adjustment recommendation by the Public Utility Advisory Board. George Szigeti, Chairman

Chairman Szigeti gave a little background. Many years ago when he was a new member on the PUAB, he met with then Mayor Mulcahy which was a learning process in trying to explain how it worked. In June he gave a presentation on why they wanted to change the Pass-Through and to change how it was calculated. The original was based just on the Sierra Electric rate vs. what was being charged from WAPA. We used that Pass-Through for a long time. When he asked why it was not recalculated, he was told they had checked on it from time to time and it seemed to be working so there was no need to change it. In the past years there has been a lot going on with the Solar Farms and the situation with the Utility Rates. The board came in and looked at these issues and tried to find a way to calculate the surcharge so it more accurately reflects the variations in the total cost of electricity that our Electric Dept. has to pay to procure the electricity. And be able to apply that to the bills on a regular basis so we are charging the customers appropriately and still giving the department the revenues they need to make it work. He was supposed to get with staff to go over these numbers and they kind of crossed wires at the last minute and were not able to do that. He does ask that they refrain from taking about action on this until he does have the chance to talk with staff to make sure they are confident they have the correct numbers. He went on with the presentation which is a review of the previous presentation. The first thing was the name needed to be changed and the Commission approved changing it from Pass-Through to Electric Cost Adjustment. He was looking at whether they have a static charge or if it would be recalculation on a monthly basis. It includes the electric we get from Sierra and WAPA. He showed them costs for the per Kwh charge. In addition, Tri-State charges for the use of the lines to bring the electricity to us. Then the last few years we have the electricity we are purchasing through the Solar Farm. So all of these had not been included in that. They simplified the purchases divided by the KwH they purchase. That gives them a per KwH cost to the city. They tried to keep this in the spirit of the old formula when they calculated the WAPA cost. He explained more of the breakdown in the comparison of the values. The differences was only about 10%. After the last meeting, this came back

to the board to see how they can get this implemented. He presented the numbers that they will also bring back at the next meeting for their decision. The data is in the agenda packet. If they had used the Energy Cost Adjustment instead of the Pass-through value they had been using, the difference in revenue would have been a short-fall of \$306,000 for that fiscal year. Now if we compare that to the value we would have gotten if we had recalculated the pass-through every month, the difference is only \$63,000. And that is because that static pass-through value that worked for a number of years, was no longer working properly for us. If we had been recalculating it, the difference would have been very small. He showed the next chart with the calculation differences. The old static pass-through charge just isn't working anymore.

City Manager Fuentes said when he does meet with staff and even Jay as well, when you mention recalculating did you mention there was a change in the energy cost? Mr. Szigeti responded yes. City Manager Fuentes drew their attention to the wording in the packet from the City Code. He wants Jay to pay close attention to the first thing he noticed is when you look at the formula developed years ago, there are two rates. The automatic rate increase and the automatic pass through. When you look at the language and compare that to what the formula actually is, it kind of mirrors the first one which is automatic rate increase. The pass through has other factors involved such as gasoline, diesel, and other energy charges which is not in the formula. His question to them when they review it is, again, he doesn't know what the intent was back then, but were they using the right one, who knows. He asked them to look into that. And the other question he has is when you look at both it says the automatic increase, it doesn't say change, it says when there is an increase. In your calculation George, you're taking the fluctuation of change, but that's not what the language is in our code. So it would require some change in the code and if not, we're going to look at the formulas and based on the actual change of the market or fuel energy, it should say increase it should say when there's a change. Mr. Szigeti agreed according to that we can only make the rates go up. He's sure the intent was to keep up with the rates as they increase. And they did not foresee the rates going down. He agreed the City Manager was right and we do need to correct that language.

City Manager Fuentes said that is why he wanted to bring that to his attention because one is: are we looking at the automatic rate increase? And are we looking at the Automatic Pass-Through? The formula and the way he sees it and compares it to the language, it almost seems like we are looking at A and not B. The other is, if you are proposing that the rate change is based on the market and the energy cost, then we do need to change that language in the Code. And third is: doing it on an annual basis versus a monthly basis. Melissa did provide him with a presentation that she put together that brought to his attention some examples of other utilities that do charge, for example, under Sierra Electric Coop, you see fuel adjustment, electric adjustment, and energy charge. If you look at the El Paso Electric bill, you see fuel surcharge, energy surcharge. So if we are going to model it, if that's the goal, we need to see if we want to mirror how it is in the code. Otherwise somewhere down the road the formula won't match the code.

Chairman Szigeti feels when they set it up they erroneously gave it the wrong name because it does not relate to the Pass-Through Energy Costs. And that's why they proposed the name Energy Cost Adjustment. City Manager Fuentes added in the language in Section B, it does mention Energy, because it says the wholesale cost of gasoline, diesel or other. Mr. Szigeti said that's operational not electricity purchase. That wording is in the ordinance and applies to each of the utilities. And to his knowledge they have never put it into place on any of the other utilities, even though they have the ability to do that. That may be something the individual departments may want to look at as well.

Commissioner Hechler thanked Chairman Szigeti for all of the work they have done on this. When we first started we switched to the Tyler System and we had our hiccup going through that system. It's been really nice in the last six months or so, he hasn't received very many phone calls concerning the way our Utility Program is being administered, so he thanked them for working those kinks out. He's a little worried about changing this right now when we are kind of running smoothly and we are going to upset that one more time and throw in new formulas and some has to be done manually. He's a little worried about taking this on until we get all of those things worked out. He's also worried this would not be a true pass down because we are not taking into account the price of fuels, call out charges, overtime, and things like that. He thinks they all factor in together to much to do on a monthly basis or a quarterly basis and we should look at doing that more annually. He likes the way things are running with the utility department right now, and he doesn't want to make a lot of changes right now.

Chairman Szigeti said it does not factor in fuel charge and things like that and that would be a separate surcharge. And that would be what we actually call a Pass-Through charge. And that kind of a charge can be put on annually, because those costs are much more stable. It's not so much the energy cost fluctuate each month, it's the amount of energy we get from sources is what fluctuates from month to month. In order to be fair, it's the boards recommendation that we do that every month. He gave more detail on the calculations.

Chairman Szigeti is open for any questions to help him do his job better. Commissioner Hechler would like City Manager Fuentes to give them a strong recommendation one way or another as to what he feels is appropriate to be able to handle for the city. So they can weigh that in their decision.

Mayor Green asked if they have reached out to any other community that has the Tyler System to see if any of them are doing what they are asking the Commission to do. He does know over the years he has seen similar things and they call it different names. Power purchase charge is a common name. They all have a charge.

Mayor Green said you must have a lot of paper that you have saved in putting this information together so they might be able to have access to that information to help them in reviewing this. Mr. Szigeti can bring the digital information. Mayor Green would also like something that doesn't tax staff, and obviously he wants to support the Citizens. So

you had mentioned bringing this back at the next City Commission meeting and he's not sure the review would be able to get this done by the next meeting.

Mayor Green moved to approve the information that has been presented for the Energy Cost Adjustment (ECA) be given to staff and whatever is in the information to be given to staff to review in a timely fashion and get back to the Commission in a timely fashion to determine the numbers are the right numbers. Mayor Pro-Tem Whitehead seconded the motion. Motion carried unanimously.

2. Discussion/Update: Update on the State Fire Fund. Paul Tooley, Fire Chief

Fire Chief Tooley gave his presentation which is part of the agenda packet. Ten years ago they were classified as a Class 5 Station and they got a little over \$100,000. This year we are supposed to get \$312,765. The truck payment is the \$23,380 is for the Little Engine Truck. They did receive money on December 8th and that was a year and a half ago. We do have a balance of over \$200,000 which is still owed to us. The information he gave is the first 10 years total amount of calls. We are one shy of having the most of all time. They do a lot of false alarm calls and they still appreciate taking care of the community. In 2013 there is a grant we applied for which is up to \$100,000 per year which we won't be getting anymore or at least for two years from the State Fire Marshall. The 2013 grant received was for over \$92,000 for new SCBA's. The 45 minute bottle is over \$1,000 a piece now. That doesn't include all of the technology that goes into the pack. Next is the 2015 where they got money for the Three Story Training Facility which will help us to be the first Volunteer Fire Department with a Class 1 rating. They replaced older fill station recently. The 1987 Squirt which is a 50 ft. Aerial, but it doesn't meeting the NFPA requirements anymore. So they have applied for it in the past and will try again this year. They are looking at a new Quint. The Assistance to Firefighters Grant is put out by FEMA. This year there is \$310.5 million available. But what they are determining is only about 1500 applications will be awarded. They've had a lot of help with the application and the final is due on February 2nd. Today he is coming for approval of that application. There big ticket item this time is the new Ladder Truck. FEMA will pay 95% of this truck but the problem is they score thousands of these on the computer. This last year we missed it because we were in the wrong pot. We should be in the pot with other similar sized departments. He's asking that we proceed with this Assistance to Firefighters grant. He has enough money set aside for a match.

Mayor Green asked if any of our Congressmen or Women serve on this committee in Washington. Fire Chief Tooley said not that he's aware of. He doesn't even know who is involved in the grant process. Everyone he has talked to are usually Firefighters that are in the area with maybe 40 years' experience and they are also hired by FEMA. Most who sit on that committee are Fire Department guys. Mayor Green mentioned it would be wonderful if one of them were one of ours.

3. Discussion/Action: Approval of the FEMA's Assistance to Firefighters Grant Application. Paul Tooley, Fire Chief

Fire Chief Tooley said the assistance to Fire Fighting Grant through FEMA was brought into play after 9/11. This is the fourth time we presented this agreement. .

Mayor Pro-Tem Whitehead asked what if we apply for this and don't get it. What is your next step? Fire Chief Tooley said they do have some money set aside. But one thing they haven't asked for is the tax you passed back in 2012 is Public Safety, so they haven't asked for that money and they possibly could to say hey can you help us out and help us get this ladder truck.

Mayor Pro-Tem Whitehead moved to approve FEMA's Assistance to Firefighters Grant Application. Commissioner Hechler seconded the motion. Motion carried unanimously.

I. REPORTS

a. City Manager

- 1) Had a meeting with a resident who lives on Silver St. south of Third St. He had a number of calls with Chief Tooley about his neighbor in regards to open burning. He asked Fire Chief Tooley to report on that. Fire Chief Tooley explained that he had some concerns with the fire burning. He explained he had some health issues and Chief Tooley asked if he could document those for him so he has some documentation. Technically, they are not violating the Open Burn Act. He was told if he could turn those concerns into the Fire Chief, he would push that up the ladder. City Manager Fuentes added one of his concerns was it was done on a regular basis and almost every week. He approached the City Manager's Office and came to talk about whether the City can do anything about Open Burns. He asked if that qualifies as a nuisance and what tools are in the Code that could give him more control. City Manager Fuentes asked if that would violate the HIPPA. City Manager Fuentes mentioned it may come back for another meeting.
- 2) We are closed on Monday for Martin Luther King Day.
- 3) Next week he and County Manager Swingle will be attending a meeting with the NMFA related to the Sierra Vista Hospital.
- 4) The Joint Governing Body Meeting will be held tomorrow at 10:00 a.m.
- 5) Budget meetings, please let City Manager Fuentes had no comments or questions and recommended approval. He asked them to let him know if they want to start early or later in case there are new elected officials.

b. City Attorney

None.

c. City Commission

Mayor Pro-Tem Whitehead said Happy Birthday to the State of New Mexico, on January 6th we turned 106 years old. And it's great to live in the Land of Enchantment and she wouldn't want to live anywhere else.

CITY COMMISSION JANUARY 10, 2018 REGULAR MEETING MINUTES

Mayor Green thanked all organizations and churches who helped out making food and serving it over the holidays. They served about 125 people who needed meals. He is quite sure there are other organizations and this is an amazing community that comes together when they need to.

Recycling - He announced people are including the wrong plastics in our recycling and they are not being accepted. It costs about \$1,000. That's why recycling is incredibly important. It's our own citizens that are throwing stuff in the alleys. Try to save our market, just by the way we live our lives.

Mayor Green hopes there will be articles in the papers. It takes a mindset and willingness.

J. ADJOURNMENT

Mayor Pro-Tem Whitehead moved to adjourn at 12:32 p.m. The meeting was adjourned.

Passed and Approved this ____ day of _____, 2018.

Steven Green, Mayor

ATTEST:

Reneé L. Cantin, CMC, City Clerk

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Mayor Pro-Tem Whitehead moved to adjourn at 12:32 p.m. The meeting was adjourned.

Passed and Approved this 14th day of February, 2018.


Sandra Whitehead, Mayor Pro-Tem



ATTEST: 0


Renee L. Cantin, CMC, City Clerk