



COUNCIL MEETING
Wednesday, April 19, 2017
103 Water St. Elephant Butte, NM 87935
ACTION MINUTES

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Kent called the Meeting to order at 2:00pm, and Councilor Rogers led the Pledge of Allegiance.

ROLL CALL

Manager Lucero called the roll.
Mayor Kent, Councilor Lafont, Councilor Trager and Councilor Rogers were all present.
Mayor Pro Tem Skinner was absent
Manager Lucero declared a quorum was present.
Also in attendance were two members of the Press and four members of the Public

STATEMENT OF OPEN MEETINGS RESOLUTION AND THREE MINUTE LIMIT PER SPEAKER ON ALL ISSUES

PUBLIC COMMENT

There was no public comment at this time.

Public Comment – No Public Comment to report at this time

Presentation – None to report at this time

APPROVAL OF AGENDA –

Councilor Rogers made a motion to approve the Agenda

Councilor Lafont seconded.

A Roll Call Vote was held:

Councilor LaFont voted yes.

Councilor Rogers voted yes.

Councilor Trager voted yes.

Motion carried.

MAYOR AND COUNCIL REPORT

Councilor Trager had nothing to report at this time.

Councilor Rogers stated attending the Monthly Sierra County Regional Dispatch Authority Meeting last week. Information was released on the number of calls. Copies of the Raw Data of all calls were requested to be made and distributed by the Utility Clerk Vasquez or Deputy Clerk Apodaca. The Total Percentage was 4.24% which will be used in determining what portion the

City will pay. The Budget has not yet been finalized once final a report will be given to the City. Sierra Regional Dispatch Authority is aware that all other budgets are pending the finalization of SCRDA report of number of calls. Last year the amount paid in previous years was retained even though it was less. Councilor Rogers recommended that the same thing be done and at year end a budget adjustment be done to move it back to the general fund. Mayor Kent asked if the same amount was being paid and then put it aside Councilor Rogers replied that the same amount was not being paid. City pays on what is billed. Councilor Rogers requested that for City Budget it be left in City Budget which was \$30,000. If Council agrees the amount should stay the same. The other issue which is on the table is the GRT which was passed for funding for SCRDA, 95% of Gross Receipt Tax goes into SCRDA coffers which has built over time. In the past we have had no reserve in SCRDA Operations, so the board said that we are now beginning to build a reserve. Councilor Rogers is going to make sure he has part of that money retained for the reserve fund. There is discussion about using that money to further reduce what the entities are paying into to support Sierra County Regional Dispatch Authority, but long story short the amount needs to be kept in a reserve fund. Originally it was thought to be for the building but the Gross Receipts Tax cannot be used for Capital Projects, Gross Receipts have to be used for Operational. Operational is doing very well, good management. Overtime is way down. Overtime was just eating our lunch, a lot had to do with the salaries that were being paid, Police were underpaid and we were not able to keep them, which meant new hiring had to be held, which required training, then sending them off to be certified, which required the new hires to be sent off to school in the state. Having them away meant that there was not enough coverage and that's why there was so much overtime pay. It was just a ball rolling downhill. A new contract is being looked at for the Director, a new employee manual which never existed. It would be looked at before and after it goes to the attorney which could result in changes. Many of the calls were animal calls. Chief Boone confirmed that there the majority of calls were animal calls. Chief Boone stated that the ordinance as of right now on animal at large we cannot tether animals meaning they cannot be tied in the yard, but if they are out they do need to be on a leash. Mayor Kent agreed that animals should not be tethered but owners have fences up or some way of assuring that the animals do stay in their yard and not wondering that is stated in the ordinance. If there are repeated offenders they do need to be cited because if not they will continue to let their animals run at large. Mayor Kent is afraid because there are many people walking that someone is going to get bit. Mayor Kent has had many complaints from citizens that they are afraid to get bit or attacked. The data of calls is included for the record. Sierra Vista Hospital CEO did attend the SCRDA Meeting this time. The CEO Reported back that there were few people on the governing board, there were some disagreement but the CEO from Sierra Vista Hospital thought that he could sway everybody with the report provided. What seemed to be the problem with SCRDA funding from Sierra Vista Hospital seemed to be a communication problem. A year ago when first looking at call numbers different entities such as the State Parks and Sheriffs were asked to come in and speak with the board and look at number as well as to explain where numbers were coming from. Somehow Sierra Vista Hospital never attended unclear if there was a communication was missing and when the Board went to Sierra Vista Chairperson, the information was evidently never released to the CEO. The CEO was apologetic and would try to correct the communication issue. Chief Boone confirmed that in 2016 there were 94 animal calls and as of today there are 33. It is not repeated offended even though there are a few repeated offenders. Vast majority if animals at large only 3 or 4 vicious animals reports. There has been 1 reported bite. The problem with animals at large is that they are not where they were when it was reported; when the animal is caught the owner is located if the owner cannot be located the animal is taken to the pound. There has only been one time where one gentleman was spoken to that if his dog was loose he would be cited, documentation is available for this issue. Mayor Kent stated that it is important to get information out to all citizens about keeping their dogs inside gates or not giving the dog access to be out in the streets. Suggestions on getting the word out to citizens of Elephant Butte were the LED Sign and the media. This is now just an Elephant Butte Issue it is a County wide issue. Manager

Lucero spoke with other Managers and they all have the same problem. Mayor Kent stated we are not trying to be mean about the issue it is the fact that it is dangerous. We do not need any fatalities due to animals attacking. Chief Boone and Manager Lucero have been speaking about possibly adding to the City Ordinance about make the animals and owner more accountable. So that if and when the animal does get out to help recuperate some of the cost of calling out Animal Control. One way would be to have all animals register with the city for a minimal fee requiring all animals to wear a tag with a phone number and a name so the owner can be contacted if the animal is at large, and if Animal is called out and a fee does incur then the owner would be responsible for any costs. Manager Lucero spoke with an ACO Office and if there was a way to get into contract with the Animal Control for them to patrol bone or twice a week and it would be easier for ACO's to become aware of which animals belong to which home.

Councilor Lafont did not have anything to report at this time.

Mayor Kent stated that effective this last Monday April the 17th the transaction with Sierra Del Rio Golf Course was closed and recorded, the initial closing date was set for April 11th Turtle Mountain Partners and the Water Company that were in going into contract had not completed their transaction. So because the City could close with Turtleback Partners they had to complete that so it was placed in Escrow until that transaction was complete. It would have been recorded last Friday but the County Clerk's office was closed on Friday. The City has met with the employees from the golf course. The Manager Lucero and Clerk Rieth did a very good job at setting up meetings, keeping the employees at the golf course employees informed of that was going on with this transition, as well as setting them up on a contract to continue their employment, because the intent is to lease out the Golf Course and the Restaurant so there was no need to hire those employees into the city. If there were hired we would have to advertise and the employees already there would have to compete for their jobs again. They would have to apply and be interviewed and if someone more qualified could bump them out of their current position. This information was shared with the employees. These employees would not be employed with the city for too much longer maybe a month. Then if a new owner does come in, and a Golf Course Owner would do their own hiring, leaving these employees with the having to be laid off. It was a huge process so the best way was to put these employees on contract, in which they were all receptive with this. They would be able to maintain their jobs. An issue was run into with the transfer of the liquor license it take 120 days to transfer a liquor license and 30 days to lease a license. So the City is doing both concurrently the city is transferring the liquor license in the interim we are leasing the license so instead of waiting the 120 days for the transfer. Alcohol and Gaming did bring up to us that if we are going to lease we have to lease from Gary Lavine, TMP to lease the premises and allow them to continue to sell liquor until the transfer went through it would take 45 because an ordinance would have to be done So instead the bar will be closed. There is someone who has taken our application and is processing it though Alcohol and Gaming. This process should take anywhere where 7 days to two weeks possibly a little bit longer we do not have a set time frame of how long it will take no more than 30 days hopefully at the most 2 weeks. So the bar is temporarily closed the restaurant will remain open but alcohol cannot be served. The employees that work the bar are glad that they have some time because there is some cleaning that needs to take place and a lot of maintenance cleaning. They all have their list to do. The transition is going smoothly there has been a few hiccups but they have been addressed there are still some issue that the Council has to address things that are daily such a golf rates and people that have already paid are those fees going to remain the same. As things come up those issued are being looked at. Special thanks goes out to Manager Lucero for doing such an incredible job on staying on top of everything, as well as Clerk Rieth, Utility Clerk Vasquez, Deputy Clerk Apodaca for fielding call, the council for helping and many constituents who have come and asked "How can we help" and everyone who is trying to make this successful.

Manager's Report

Manager Lucero reported as Mayor Kent said the Golf course is right on track even though it is taking time to work out all the bugs there are still issues that are coming up. All door locks are being changed because many of the locks were broken. It is about time to order summer stuff, which we are waiting a week or two to get in the grove of things. Inventory has been done at the Golf Course in order to start fresh. Charge accounts are being put in the City's Name with the City address so bills can start coming here and getting paid. Bills have already started coming in. Jerry Hamm has all the Paperwork except for the deed, which had not been received until today. Manager Lucero will get the deed to him. Manager Lucero attended the Reclamation and Release Annual Operating Plan for the Rio Grande Project yesterday. The water coming down from up north was discussed. We began the year with 4,340 feet and it is projected that we will end the year at 4,311 feet which they did a January through December. Water is still being release and there was the concern that Caballo was holding a lot more water than they should have. That is something that is going to be looked at possibly keeping a little bit more back in Elephant Butte. The Butte is barely in island and Rattlesnake Mountain is in island. Chief Boone stated that as of right now the lake is coming up at 3 feet per week. As far as the minimal pool in Caballo they want to increase the amount of water that stays in Caballo because of how much debris and getting tangled in the spillway. So the thought is that if they keep the levels higher there may not be the problems that happened last year where it had to be drained down to 5,000 acre feet this last fall. They will hear the issues with keeping water in Caballo. It was brought up that because of the lack of depth in Caballo water was being lost to evaporation. Because of no conservancy EBID Spoke up about keeping more water in Elephant Butte and that concern was going to be looked at. Councilor Rogers stated that in his opinion keeping the levers higher in Caballo would bring up more debris in the spillway anyway because water was going to be areas it had not been in years. Manager Lucero stated that at the meeting it was said that by keeping levels higher would reduce debris. Wolfcreek had 417 feet of snow. About a month ago we were still about 100,000 acre feet behind, as of right now we are caught up with where we were at this time a year ago. If the water is managed on how it is let out that would be good. Chief Boone stated that they are at 1340 right now and in about 6 weeks that amount will be doubled. Instead of doing the spikes like they had been it will smooth that out and try to maintain that up until irrigation season ends and that is where we should see a recuperation of water which should leave us slightly under where we are. Councilor Trager heard irrigation may go into September. Chief Boone also said it was stated that the farmers will receive a full allotment from EBID which has not happened since 2008. What is project of snow runoff to be coming down from up north was 140% according to graphs of previous good years. This year may be near a record high. Manager Lucero attended the Smart Water Grant Informational Program that was held also County Manager Bruce was looking for ways to see if we could get some grants and if all the entities could piggyback their grants to work on the same project. There was some grants out there for Water Meters so Public Works Director Cole is going to look into that, it is a 50% match, but we can do in-kind, so we could get a grant to by the meters and get in-kind to do the work and it would not cost anything but labor. Manager Lucero also spoke with Mr. Jiron, who is the Southwest Regional Manager for the parks, about the ATV Park. Mr. Jiron would like to work with the City to help bring more people into Elephant Butte that would be one way that both entities could work together. Mr. Jiron gave Manager Lucero the name of the Off Highway Vehicle Staff Manager to see if there are grants that we could get to start working on a project with that. Mr. Jiron said he would be more than happy to help. Mayor Kent would like to know where we would be looking at for an ATV Park. Manager Lucero said that there is a decent size park. For an ATV park the park doesn't need to be that huge. There has been parks set on an acre or less lot because of the way it is set up. The Regional Manager would like something close to Elephant Butte so that way people would bring their ATV's, stay at Elephant Butte some out go to the ATV Park then they could go back to their campsite. Councilor Trager brought up a topic she has been staying up with for months and the

last conversation Councilor Trager had with Mr. Jiron who mentioned that Game and Fish was very interested in proceeding with a project like this. Councilor Trager was in Albuquerque for a Game and Fish Expo and The Department of Game and Fish said that they were interested in building a park here in Elephant Butte. Game and Fish has budget because people pay money into a fund when they buy their licenses, and there is money that is contributed into a fund for Game and Fish. Many people are looking into it because this money has been sitting there for years. And people are trying to get that money back and use it for something else, but the argument came up that this money is supposed to be for Fishing and Hunting and Off Highway Vehicles. So there is a spotlight on that money that is sitting there. So Game and Fish is under pressure and is trying to spend that money. So there is talk with State Parks, and State Parks is being supportive of their plans to build a track here. When they got to BOR. BOR couldn't have been less interested, because to move forward there are some regulations that have to be adjusted. And they wanted to tie into the campgrounds at South Monitcello Ramp not that they would be running around on the beach but that some land would be used that is considered State Parks. Mayor Kent has a conference call scheduled with Christy Tafoya with State Parks to talk about this very topic and would like Councilor Trager in on this call as well. This topic is showing up on more people's radar. State Parks is very interested in collaborating with the City. Game and Fish was interested because they want to do it right because there are already people riding out there might as well close down the trails that aren't perfect and build some trails that are nice good trails. Manager Lucero met with the County Manager, The T or C City Manager, and Deb from Williamsburg about forming a minimum pool JPA. The discussion was for all entities to pledge to set aside some money if possible. The County Manager said that they set aside \$15,000 at the beginning of this and they have only used \$4,000. We are not looking to going and spending thousands of dollars which is the reason were we all at the Grant Informational Program. We want to start by using as much free water as possible, there are people that have water that is not being used, which might be allowed to release and be available in our storage. Manager Lucero will have Resolutions for Councilor to vote on at the next City Council Meeting. A suggestion was to have one member from each entity in the JPA. Mayor Kent asked how soon this was to be looked at and Manager Lucero said sometime in May. A few weeks ago Manager Lucero had a phone conference with Neil Brown, Robert McGregor Kenneth Rice, and Mary from BOR about Legislation for The City of Elephant Butte to acquire the Dam Site; Robert Suggested in addition to send letter to Congressman Pearce from as many elected officials as possible a letter has already been sent from the Mayor. Manager Lucero has already solicited letters from Bruce Swingle, Juan Fuentes and Deb Stubblefield, they all agreed to write letters in support of this Legislation. Mayor Kent has letters that were forwarded to Senator Smith and Representative Dow. Manager Lucero has a letter for each Council member to sign if they are supportive of this. Which once signed the letters with signature will be forwarded to Robert McGregor to be forwarded to Congressman Pearce. BOR wants this to take place, right now there is a lease with Lago Rico but that lease is just a 2 year lease. According to Robert it could be accomplished by October or November. T or C Schools called the office last week to extend an invitation to the city to attend the School Board Meeting and provide input about the 4 day school week. Chief Boone will be attending if anybody has anything to add whether for or against the 4 day work week please get with Chief Boone. The Mayor asked Chief Boone to get with Cathy Vickers because she has some points she brought up with Mayor Kent. Cathy Vickers will be attending with Chief Boone. When at the Minimum Pool meeting Manager Lucero was asked to stay behind, in which Manager Lucero was informed that the County Commissioner would like the City to start paying \$150,000 a year for the use of the Sheriff's office to use to respond to calls in Elephant Butte. The County Commissioners were kind enough to say that they didn't want to hurt the city's budget so they would let us work our way up to the \$150,000 in \$50,000 increments, with \$50,000 this year, \$100,000 next year, and then finally in the third year the full \$150,000. Robert Swingle stated that this number is based on the actual number of calls that the Sheriff's office made in Elephant Butte and at the Sheriff's departments budget which is \$1.1 million and \$1.3 million. The City of

Elephant Butte is responsible for 15% of all the Sheriff Departments calls. Manager Lucero wanted to add that Mr. Swingle made it very clear that Sheriff Hamilton is not the one driving this boat, Sheriff Hamilton is against this. Manager Lucero worked up some numbers with the Sheriff's Departments budget at \$1.3 million wanting the City to pay \$150,000. Mayor Kent wanted Manager Lucero to look at Property Tax for County Services which the city gets nothing out of the Property Taxes. The County is given \$610,000 worth of Property Tax to pay for County Services. Currently we are giving the Sheriff's Office \$30,000 a year for the Sheriff's Departments budget. Manager Lucero looked at the calls the total number of calls for the County was 3,379 total calls for Elephant Butte was 648 which did not include animal calls which is 5.68% not 15% or 16%. If the City is at 5% or 6% that is only \$65,000 not \$150,000. However if you look at this on a per call basis, 648 calls with an average of 20 miles per call multiplied by the rate of pay Per Diem which is 0.0535 per mile it comes out to \$6,900 for the 648 calls. Another way numbers were figure were on a salary basis that was figured at an average of 1 hour per call at \$20 an hour that comes out to \$12,860. According to numbers for all calls Elephant Butte uses about \$19,893 plus the extra \$10,000 which is where the number of \$30,000 was figured. None of those calls are ticketed into our court, so no money is generated for these calls. Last year and this year there was only 2 traffic citations cited into Elephant Butte Court. Councilor Rodgers suggestion was not giving the County any money just allow the Taxes to cover the calls they still have a responsibility to respond. Councilor Trager stated not pulling the funds they are already given by the City of Elephant Butte, mainly because the amounts are not coming from the Sheriff and Sheriff Hamilton is against it also the numbers clarify that \$30,000 is justifiable. Councilor Lafont Sated that nothing was paid to the Sheriff's up until about 4 years ago which was \$15,000 then Council raised it to \$20,000 and last year it was raised again to \$30,000. The County gives the city nothing and the City gives the County a lot of our taxes. Mayor Kent stated \$150,000 is huge so if that is going to be looked at Mayor Kent suggested that Manager Lucero look at doing a cost analysis into getting our own Police Department here in Elephant Butte. If the City has its own Police Department there is possibility of LEPF Funding which would offset some of that \$150,000. This will result in having a 24 hour Police Department available which will make citizens feel safer and reduce response time. Salary rates and Vehicle purchases and whatever else would be needed to run a Police Department. During a discussion with Sheriff Hamilton he knew that it was a matter of time before the City started looking into their Police Department. If a small city has their own department most require that if you are a Police Officer, they either have to be certified to be a Fire Fighter, which will help out the Fire Department. Betsy a member of the media brought up that if there is already a contract with the Sheriff's Office why if the County requesting more money. Mayor Kent stated that the County is wanting the contract revised.

Clerk-Treasurer's Report

Clerk Rieth requested that Deputy Clerk Apodaca because Clerk Rieth was attending certification training with the New Mexico Clerk and Finance Officers Association and apologized for being unable to attend this meeting. Later on today's agenda is Award of RFP 16-17-001. RFP 16-17-001 Operational Services for the Restaurant & Bar at Sierra Del Rio closed on April 14, 2017 at 3pm. The City received 2 proposals: R&B Smokers, of Elephant Butte and Derek Bean & Kerry Rayner, no address given. Proposals were evaluated by a 3 person committee consisting of the Mayor, City Manager, and Procurement officer. Method of scoring the proposal was conducted according to the RFP guidelines, the summary score sheet are included for review. Final Scores were R&B Smokers with 272 out of 300 and Derek Bean and Kerry Rayner with 142 out of 300. The recommendation from the evaluation committee for RFP 16-17-001 is to negotiate a lease agreement for Operational Services of the Restaurant and Bar at Sierra Del Rio with R&B Smokers, of Elephant Butte, New Mexico.

CONSENT ITEMS

Councilor Rogers made a motion to approve the Consent Items: Approval of Special Meeting Minutes; March 29, 2017 and Approval of Regular Meeting Minutes; April 5, 2017; Councilor Lafont seconded.

**A Roll Call Vote was held:
Councilor Trager voted yes.
Councilor Rogers voted yes.
Councilor LaFont voted yes.
Motion carried.**

REGULAR ITEMS

Chief Boone stated that an inventory of everything at Lakeshore Fire Station has been completed. City Commission voted yes to continue with the merger. Today Chief Boone approaches City Council for a vote to continue on with the merger and support of the merger. Mayor Kent stated she received an email from the County Attorney which is the first draft of the merger, which is for the Transfer of the Property, one is for the Boundary and the last is for the Lakeshore Resolution. Nothing seems really major that would raise an issue for the City. The Resolutions will be put on the agenda on the Agenda for the May 17th meeting for the Adoption. Fire Marshall is sending paperwork to their Attorney as well to make sure there are no issues with anything. Chief Boone with working with Paul Tooley on spending the State Fire Funds if funds are remaining they will have to be repaid. As of today Dispatcher Dispatch Elephant Butte Fire for any call in the Lakeshore area if this merge can be completed by Memorial Day Weekend there will be one tone for Elephant Butte and Lakeshore.

Councilor Rogers made a motion to approve Approval of Elephant Butte & Lakeshore Fire Department Merge Councilor Lafont seconded.

Mayor Kent stated that the criteria for each proposal submitted was looked at very carefully and each submission was given the attention needed. The points came out to award the RPF to R&B Smokers. Councilor Rogers asked if there is going to be any remodeling. Mayor Kent stated that the next step was going to be putting together an Operating Agreement, and in that Operating Agreement is where any negotiations will go in including any modifications or remodeling that will be done to the building; any ideas would have to be put into the Operating Agreement. The City Attorney will start drafting the Operating Agreement. At that time Council will provide input on what will go into the Operating Agreement. Councilor Rogers asked if the City had to wait until the city had the license before it could be leased out. Mayor Kent stated yes and in order to lease the license the 120 days wait period has to be met. Once the city is able to lease from Gary Lavine, the city will operate the bar. Full opportunity of the bar will not take place until the City is able to obtain the Liquor License. Clarification on whether City servers will have to serve at the restaurant. Manager Lucero will be the responsible person overseeing that all rules are being followed. If there is a bar manager will have to be made aware of all rules as well. The Liquor License will be issued to the City of Elephant Butte, and the responsible person will be Manager Lucero. Councilor Rogers asked if Manager Lucero ever left what would the process be to transfer the name of the registered agent. Mayor Kent said that the Name Change Process only takes one day. There are many qualifications but it can be changed within one day.

Councilor Rogers made a motion to approve Recommendation of Award; RFP 16-17-001 Sierra Del Rio Restaurant/Bar Operations Councilor Lafont seconded.

Motion carried.

EXECUTIVE SESSION

At 3:17pm, Councilor Rogers made a motion to go into Executive Session to discuss NMSA 1978 10-15-1(H)(8) purchase, acquisition or disposition of real property of water rights by the public body: Turtleback Mountain Properties

Councilor Lafont seconded.

A Roll Call Vote was held:
Councilor LaFont voted yes.
Councilor Rogers voted yes.
Councilor Trager voted yes.

Motion carried.

Council came out of executive session at 4.25pm.

Councilor Lafont certified that only matters on the agenda had been discussed, no decisions had been made, and no action had been taken.

ADJOURNMENT:

Councilor Lafont made a motion to adjourn.
Councilor Rogers seconded.

Meeting adjourned at 4:25pm.

Minutes approved and adopted at the Regular meeting of the City Council on:

April 19, 2017



Melissa Apodaca, Deputy Clerk

Attest:



Karen Rieth, CMC
Clerk-Treasurer

