

CITY OF AZTEC
COMMISSION MEETING MINUTES
July 14, 2020

I. CALL TO ORDER

Mayor Snover called the Meeting to order at 6:00 pm at the Aztec City Commission Room, City Hall, 201 W. Chaco, Aztec, NM. The Regular Meeting of City of Aztec Commission to be held at 6:00 pm Tuesday, July 14, 2020 will be streamed live on www.youtube.com

II. INVOCATION AND PLEDGE OF ALLEGIANCE

- A. Invocation (led Commissioner Randall)
- B. United States Pledge of Allegiance (led by Commissioner Padilla)
- C. New Mexico pledge of Allegiance (led by Commissioner Padilla)

III. ROLL CALL

Members Present: (Members were on web call) Mayor Snover; Mayor Pro-Tem Fry; Commissioner Austin Randall; Commissioner Mark Lewis; Commissioner Mike Padilla (In Person)

Members Absent: None

Others Present: City Manager Steve Mueller; City Attorney Tyson Gobble (virtual); IT Director Wallace Director; City Clerk Karla Saylor

IV. APPROVAL OF AGENDA ITEMS

MOVED by Commissioner Randall to approve the agenda as given;
SECONDED by Commissioner Lewis

All voted Aye: Motion passed five to zero

V. CONSENT AGENDA

- A. Commission Meeting Minutes June 23, 2020
- B. Farmington Metropolitan Planning Organization Joint Powers Agreement
- C. Northwest New Mexico Council of Governments Membership Agreement FY21
- D. Utility Department Record Destruction
- E. Finance Department Record Destruction

MOVED by Commissioner Lewis to Approve the Consent Agenda as given
SECONDED by Mayor Pro-Tem Fry

All voted Aye: Motion passed five to zero

VI. ITEMS REMOVED FROM CONSENT AGENDA

NONE

VII. CITIZENS INPUT (3 Minutes Maximum)

NONE

Commission will take general public comment in written form via email or fax through 5:00 PM on Monday, July 13th. Hard copies can be faxed to 505-334-7609 or emailed to ksayler@aztecnm.gov. These comments will be distributed to all commissioners for review to be addressed at the meeting.

VIII. BUSINESS ITEMS

- A. Intent to Adopt Ordinance 2020-507: An Ordinance Granting a Franchise to Comcast Cablevision of New Mexico / Pennsylvania, Inc. to Operate and Maintain a Cable System in the City of Aztec, New Mexico

City Manager Steve Mueller mentioned that this franchise agreement was approved back in November but there was a pending FCC ruling that was finalized around the 1st of the year. The ruling said that Comcast could not give away services like they have in the past to the City or the local school district. Those terms have been taken out of this new agreement and if any City facility wants service they will pay for the service.

Commissioner Randall asked if the City and schools will have a different rate. Erin Muffoletto with Comcast explained that it will just depend on what service is wanted as to what kind of offers they will have available.

MOVED by Commissioner Randall to Approve Intent to Adopt Ordinance 2020-507: An Ordinance Granting a Franchise to Comcast Cablevision of New Mexico/Pennsylvania, Inc. to Operate and Maintain a Cable System in the City of Aztec, New Mexico SECONDED by Mayor Pro-Tem Fry

A Roll Call was taken: All voted Aye: Motion passed five to zero

B. 550 Brewing Company, LLC Rent Forgiveness

City Manager Steve Mueller explained that this is a request for rent forgiveness for the months of April, May and June due to the Covid crisis by 550 Brewing who is renting the space at the HUB which is a City facility.

Commissioner Padilla mentioned his concerns about the anti-donation clause and his worry about setting a precedent of things that come to us in the future.

City attorney Tyson Gobble said he does not believe we would be in violation of the anti-donation clause given the fact that we do have a rental agreement and we're deferring or abating rent for a period of a few months while we conduct the sale, we have a written lease agreement with them. He can do more research if the Commission feels uncomfortable about making a decision tonight.

Commissioner Padilla mentioned that he is concerned about what kind of request for utilities or other waivers in the future and wondered if we could set up a payment plan with 550.

Community Development Director Steven Saavedra mentioned that he doesn't believe that the City will be renting or leasing out any space like this in the future so he does not believe we will be setting a precedent. He also mentioned that the City allowed a temporary use permit to allow individuals or businesses to utilize City property which can be utilized rent free and Rubia's is currently using the City Plaza.

Mayor Pro-Tem Fry asked if as a recipient of the PPP program if this did not help them to be able to pay the rent or if there is the possibility of additional funds coming to small businesses that will assist them. Steven Saavedra mentioned that unlike a lot of businesses they were forced to completely shut down.

Mike Pascal with 550 Brewing mentioned that they received \$24,000 that they used to pay employees. He apologized for not coming before Commission sooner and he mentioned that they lost \$30,000 in revenue.

City Attorney Tyson Gobble said that he did a quick search regarding rent or abatement of rent and there were no cases in NM but the Commission could partially abate the rent and that would take care of the concerns over the anti-donation.

Mayor Snover mentioned that he is comfortable with the attorneys finding and feels that we wouldn't be held liable. Mayor Pro-Tem Fry mentioned the

importance of keeping this business and she doesn't want to see them go under. Commissioner Randall mentioned he agrees and he doesn't want 550 to go anywhere but he does share the same concerns as Commissioner Padilla. He also mentioned that we did put a lot of money and work into the HUB but it just didn't work and that's why we are selling it. He is also concerned about how much longer this is going to go on and we are waiting on the State for approval. If it gets shut down again are we just going to be expected to forgive rent every time they get shut down moving forward. At what point do we try and cut ties because we are selling it. Have the new owners even let them know if they will be able to stay or not. Mayor Snover said he semi echoes the sentiment of everybody so far. Commissioner Lewis was also concerned about anti donation he did use the small business loan to keep people on pay and were functioning to some degree. With this pandemic we've had to roll with a lot of different things and we need to take all of this into account. Commissioner Padilla mentioned that he agrees and he does not want to lose a business but we need to seriously look at how we are using tax payer's money. He would like to work out a payment plan or even cut part of it but to just say you don't have to pay rent for 3 months is sending the wrong message to other businesses that are doing just as bad. City Manager Steve Mueller mentioned that as we transitioned with the sale we could have terminated the agreement with 550 but we want to see the business succeed and they hopes that they will get to stay with the new ownership. Once the sale is finalized that becomes a business agreement between the new owner and 550.

MOVED by Mayor Pro-Tem Fry to Approve 550 Brewing Company, LLC Rent Forgiveness for the months of April, May and June for half of the \$3300 which would amount to \$1650 and negotiate a payment plan to pay the balance if necessary SECONDED by Commissioner Padilla

Mayor Snover asked the City attorney about the motion needing to be clarified. The City Attorney said that we need to clarify if we are wanting a repayment plan for the half that was not forgiven just to make it certain.

MOVED by Mayor Pro-Tem Fry to Approve 550 Brewing Company, LLC Rent Forgiveness for the months of April, May and June 2020 for half of the \$3300 which would amount to \$1650 and offer a 6 month payment plan SECONDED by Commissioner Padilla

A Roll Call was taken: All voted Aye: Motion passed five to zero

C. Best Friends Animal Society-Cat Life Saving Programs

City Manager Steve Mueller mentioned that the Best Friends Animal Society is virtual along with Aztec Animal Shelter Director Tina Roper to talk about the program. Tina said that she has had several conversations with Best Friends about the cat life saving program. Tina mentioned that feral cats and domestic cats are allowed to roam free to there are cats all over town. This program would allow them to spay and neuter these animals and return them where they came from so they can continue to live its life and this would cut down on the population in the long term.

Mayor Pro-Tem Fry mentioned that the Commission received an email from Tanner Jessel telling us that this was a bad idea. She is a cat lover and is aware of the cat problems and issues with trying to decrease the population and still allowing them to live their lives. She asked Tina for her response to the email. Tina mentioned that the email says that to let the cats loose will allow them to spread disease and parasites and kill wildlife. The bottom line is they are already out there she is not producing more cats to let loose on the City of Aztec she just wants to deal with the ones she already has. She mentioned that this grant money will allow them to loan out deterrents for people who don't want the cats messing with their birds and things.

Marla Browne with Best Friends Animal Society explained that typically a cat is impounded at the shelter because it is picked up as a stray by animal control, concerned citizens or a complainant in the community. At the shelter it is evaluated for eligibility, health assessment an owned cat or has lived primarily indoors. The cats would be sterilized, vaccinated, ear tipped and returned to the location where they were found. These programs are truly the only way to effectively curb the overpopulation of cats in the long term.

City Attorney Tyson Gobble said that in reviewing the contract and when stated as a pilot program to his understand the way the contract is written is that the contractor relationship between the 2 parties will automatically cease after 18 months. Marla Browne said that that's not technically correct, they financial or equipment support would stop at that point but we do these programs across the country and we never just stop everything and go away at the end of the contract. The objective is to build the capacity within the shelter in terms of programming and build support within the community. They will offer mentoring and any support that Tina needs for the continuation of this program. City Attorney asked if depending on future funding of continuing the relationship and receiving grant money after the 18 months. Marla said that is always an option there have been organizations in Arizona and Idaho who were awarded second year grant funding.

Commissioner Randall said that even before the email he was freaking out about this one because when he was in getting his dogs sterilized there was

a gentleman bringing in a crate of stray cats and he is just trying to process in his mind of how we would be explaining to people thanks for bringing it in we are going to sterilize it and drop it off where we got it from. He understands the idea behind it, but wants to know how we move forward. Mayor Snover also mentioned that he has issues with the dynamic and if you have your own cats and the cats that were dropped off are troublesome to his cats he wouldn't want them dropped off next door. Marla said the approach is to share information many times cats are fighting because of territory issues, so once the cats are sterilized a lot of the complaints get resolved.

Commissioner Randall said he relies heavily on staff input and asked if Tina had talked to other places that have done this and if she thought it was a good idea, success stories is this working overtime he wants to feel better about this because he has heartburn over it. Tina mentioned that she has stressed about this a lot. She has had conversations with 2 other shelters and had lengthy conversation with Marla, shelter staff and asked all the questions that you are asking right now. She learned that it has made a difference they have been successful and it will ultimately slow down the population.

Mayor Snover said that if Tina is an advocate of this then he has confidence in the staff to be able to do the education piece and the willingness to implement them. It sounds like she has done her due diligence and is on board. It will take some time but we'll have fewer and fewer cats. He appreciates that the folks in the city along with the partnership are able to shed light on this and take some action instead of just complaining in some cases and these cats are getting killed because there's no other choice or it's a budget issue.

MOVED by Mayor Pro-Tem Fry to Approve Best Friends Animal Society-Cat Life Saving Programs SECONDED by Commissioner Lewis

A Roll Call was taken: Motion passed four to one with Commissioner Randall Voting Nay

D. FY 21 Funding Application: Four Corners Economic Development, Inc.

City Manager Steve Mueller mentioned that last year Commission gave \$10,000 and previously it had been \$20,000 annually all the way back to June of 2012. He said that in the preliminary budget there is \$10,000 available.

Arvin Trujillo with Four Corners Economic Development (4CED) explained that the main focus right now is to begin to look at how we can begin to diversify

our economy here in San Juan County as well as the Four Corners area. He spoke about the accomplishments that 4CED has had and upcoming projects.

Mayor Snover mentioned that they have had conversations at past meetings and he has reservations and concerns regarding funding. In looking at the staff reports we have contributed \$140,000 of taxpayer money to 4CED. Mayor Pro-Tem Fry mentioned her concerns with living in a new world without an idea of what the future looks like with an expectation of a 30% decrease in revenue and things changing monthly we need to look at basic human needs because we don't know what's going to happen with the Senior Center changes. Commissioner Padilla agreed and also questioned the return on investment. He feels all the ideas are great but he just doesn't see what Aztec is getting out of it. He felt like we should take care of our citizens. Commissioner Lewis likes the idea of the railroad but there was talk about a railroad about 25 years ago but bringing it to fruition is going to take quite a while. He mentioned that we are walking a fine line with budget this year and we don't know what is going to happen next month or in the next 6 months with our money and he doesn't feel like we can afford it this year. Commissioner Randall mentioned that we might have seen a return but just don't realize it. Mayor Snover mentioned that these things are hard to quantify. Commission had a lengthy discussion.

MOVED by Mayor Pro-Tem Fry to Approve FY21 Funding Application: Four Corners Economic Development, Inc. in the amount of \$ ZERO and do not request a board position SECONDED by Mayor Snover

A Roll Call was taken: All voted Aye: Motion passed five to zero

IX. QUASI JUDICIAL HEARINGS (Land Use)

NONE

X. COMMISSIONER, CITY MANAGER, DEPARTMENT REPORTS

City Manager Steve Mueller mentioned that we are monitoring the river we are currently at stage 1 and will probably be most of the year but monitoring about when we need to move to stage 2 water restrictions.

Commissioner Randall mentioned that the Library board meeting was canceled and he has LTAB next Monday.

Commissioner Padilla mentioned he has EDAB on Thursday but will be unable to attend, Mayor Pro-Tem Fry mentioned that she would attend for him.

Mayor Pro-Tem Fry mentioned that she has attended both the technical and policy committees for the MPO. They are very efficient and she is learning a lot.

She has a NM Seniors meeting. They have decreased the board size and the City of Farmington is taking over managing all the centers in the county. City Manager Steve Mueller wanted to make sure and let everyone know that Farmington is not managing all the senior centers but they are acting as the fiscal agent. She mentioned that two pianos are complete and were put out in the plaza.

Mayor Snover commended Mayor Pro-Tem and all the folks working on the piano project. He congratulated Rubia's on their 20 year anniversary. He has an Airport Advisory Board meeting on Monday. He mentioned that they will be taking a look at the solar base rate at the next meeting. He gave a shout out to City staff for their hard work during these times.

Senior Center Director Cindy Iacovetto mentioned that she has reached the 10 year milestone with the City.

Community Development Director Steven Saaverdra mentioned that the City is working with consensus planning on the comprehensive plan update. He explained that they have a steering committee made up of various individuals trying to lead the effort and get more participation so that we can have more insight; this is a guiding document for what the City should be within the next 20 years. He mentioned that they will have a meeting on July 30th.

XI. CLOSED SESSION

Mayor Snover moved into Closed Session at 7:58 pm Pursuant to Section 10-15-1 (H)(7) Threatened or Pending Litigation Regarding Taxation and Revenue-Gross Receipts Tax Revenue and Regarding Aztec Police Department, City of Aztec, Chief Heal, and Captain Troy Morris.

All voted Aye

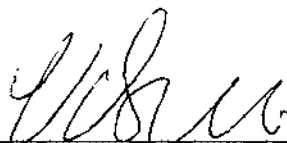
Mayor Snover moved out of closed session at 8:17 pm Pursuant to Section 10-15-1 (H)(7) Threatened or Pending Litigation Regarding Taxation and Revenue-Gross Receipts Tax Revenue and Regarding Aztec Police Department, City of Aztec, Chief Heal, and Captain Troy Morris and mentioned that not items were voted on and not other items were discussed.

All Voted Aye

XII. ADJOURNMENT

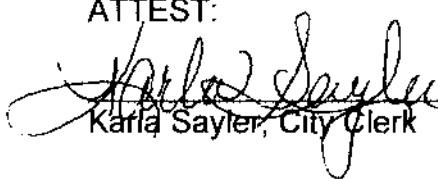
Mayor Snover moved to adjourn the meeting at 8:18 pm **SECONDED** by
Commissioner Lewis





Mayor, Victor Snover

ATTEST:



Karla Sayler, City Clerk

MINUTES PREPARED BY:



Sherlynn Morgan, Administrative Assistant