

**CITY OF AZTEC
COMMISSION MEETING MINUTES
Tuesday March 26, 2023**

CALL TO ORDER

Mayor Michael A. Padilla Sr. called the meeting to order at 6:02 pm at Aztec City Hall, 201 W. Chaco, Aztec NM 87410

INVOCATION AND PLEDGE OF ALLEGIANCE

Invocation led by Commissioner Austin Randall
United States Pledge of Allegiance led by Mayor Pro-Tem Kenneth George
New Mexico pledge of Allegiance led by Mayor Pro-Tem Kenneth George

ROLL CALL

Members Present: Mayor Michael A. Padilla, Sr.; Mayor Pro-Tem Kenneth George; Commissioner Austin Randall; and Commissioner Jim Crowley; Commissioner Colby King

Members Absent: NONE

Others Present: City Manager Jeff Blackburn; City Attorney Nann Winter

APPROVAL OF AGENDA ITEMS

MOVED by Commissioner Crowley to APPROVE Agenda Items, SECONDED by Mayor Pro-Tem George

All Voted Aye: Motion Passed Five to Zero

CONSENT AGENDA

- A. Commission Workshop Minutes March 12, 2024
- B. Commission Meeting Minutes, March 12, 2024
- C. Resolution 2024-1416 Approving Disbursements and Deposits for January and February 2024
- D. Resolution 2024-1418 Taser Purchase
- E. Resolution 2024-1419 Authorizing City Manager or his/her Designee to Invest Monies in Local Short-term Investment Funds for the City
- F. Library Renewal Agreement Memorandum of Understanding Amendment
- G. Aztec Highland Games Memorandum of Agreement
- H. Resolution 2024-1421 Special Budget Resolution
- I. Resolution 2024-1422 Municipal Surplus
- J. Acceptance of New Mexico Grown Small Equipment Grant

K. Resolution 2024-1423 Special Budget Adjustment Animal Care & Control

MOVED by Mayor Pro-Tem George to APPROVE The Consent Agenda with Items E, G and H removed for discussion; SECONDED by Commissioner King

All Voted Aye: Motion Passed Five to Zero

ITEMS REMOVED FROM CONSENT AGENDA

E. Resolution 2024-1419 Authorizing City Manager or his/her Designee to Invest Monies in Local Short-term Investment Funds for the City

Commissioner King asked Finance Director Jennie Achee what the rationale was regarding this resolution. Jennie informed him the reason for this is to be able to roll over CDs in a timely manner to get the best rates.

Commissioner King asked if the City's Board of Finance investment Policy is up to date from current State Statute, Jennie said it is not and that policy needs to be updated. She also reported that she is finding old policies that she is bringing back to Commission to make sure that they are still in line with what Commission would like.

Commissioner King asked if they could have any CDs that are maturing come before Commission two weeks before they mature so there is no timing issue. Jennie assured him that she can start doing that as soon as she knows the maturity date and she will also update the policy.

Mayor Pro-Tem asked Jennie if this would be shifting power from Commission to the City Manager and or his designee, Jennie believes the policy already states that.

Mayor Pro-Tem disagrees with this shift as it is public funds so there needs to be complete transparency.

Mayor Padilla had some concerns that some of the timing issues may be from lack of proof reading, there was an issue with names on the last CD that held up the process.

MOVED by Mayor Padilla to Approve resolution 2024-1419 Authorizing City Manager or his/her Designee to Invest Monies in Local Short-term Investment Funds for the City; SECONDED by Mayor Pro-Tem George

A Roll Call was Taken:

These Voting Aye: NONE

These Voting Nay: Commissioner King
Commissioner Crowley
Commissioner Randall
Mayor Pro-Tem George
Mayor Padilla

All Voted Nay: Motion Failed Five to Zero

G. Aztec Highland Games Memorandum of Agreement

Mayor Pro-Tem expressed concerns that the account being used is not a city account and allows a city employee to be a signer on it. He stated that the city should finance the event and when it is done, send an invoice to be reimbursed.

General Services Director Charles Dobey addressed the concerns, he said that this account is a 501C3, so they can receive donations, as well as being the seed money for the event.

Mayor Pro-Tem asked the City Attorney what her thought about this procedure is, she stated the provision is the same as last year and it is nothing illegal, there is only money coming in at the end of the event and only if there is net revenue.

Mayor Padilla asked Charles what happens if the event loses money, Charles stated the city would absorb 75% of their loss. Charles also informed the Commission that this was not part of the original agreement it was negotiated for this year. Mayor Padilla also had a concern with the signatures to approve this agreement, it should be signed by Commission and not the City Manager.

Commissioner King asked if in the last agreement the city was liable for any losses, Charles told him that the city was not.

MOVED by Mayor Padilla to Approve Aztec Highland Games Memorandum of Agreement with correction to the signature page; SECONDED by Commissioner Randall

Four Voted Aye, Mayor Pro-Tem George Voted Nay Motion Passed Four to One

H. Resolution 2024-1421 Special Budget Resolution

Mayor Pro-Tem questioned Finance Director Jennie Achee why they brought a resolution before Commission for such a small amount of reimbursement. Jennie stated it is because any time there is an increase in expenses it increases the budget, so it needs to come before Commission. Mayor Pro-Tem believes that if it is that low of an amount it should be moved from another account to cover the expense.

Mayor Padilla asked why the numbers in the budget were different, City Manager Jeff stated that the number was put in there incorrectly to begin so it had to be corrected.

MOVED by Mayor Pro-Tem George to Approve resolution 2024-1421 Special Budget Resolution; SECONDED by Commissioner Crowley

A Roll Call was Taken:

These Voting Aye: Commissioner King
Commissioner Crowley
Commissioner Randall
Mayor Pro-Tem George
Mayor Padilla

These Voting Nay: NONE

All Voted Aye: Motion Passed Five to Zero

CITIZENS INPUT

NONE

BUSINESS ITEMS

A. Resolution 2024-1417 Accepting and Approving the FY23 Audit

Chris Garner representing PB&H LLP presented Commission with a presentation with the highlights of the 2023 Audit Results.

MOVED by Commissioner Crowley to Approve Resolution 2024-1417 Accepting and Approving the FY23 Audit; SECONDED by Mayor Pro-Tem George

A Roll Call was Taken:

Those Voting Aye: Commissioner King
Commissioner Crowley
Commissioner Randall
Mayor Pro-Tem George
Mayor Padilla

Those Voting Nay: NONE

All Voted Aye: Motion Passed Five to Zero

B. Resolution 2024-1420 East Aztec Arterial Phase II Local Contribution

MOVED by Commissioner Randall to Approve Resolution 2024-1420 East Aztec Arterial Phase II Local Contribution; SECONDED by Commissioner King

A Roll Call was Taken:

Those Voting Aye: Commissioner Randall
Commissioner Crowley

Commissioner King
Mayor Pro-Tem George
Mayor Padilla

Those Voting Nay: NONE

All Voted Aye: Motion Passed Five to Zero

C. East Aztec Arterial Phase II Local Contribution Commitment Letter

MOVED by Commissioner Randall to Approve East Aztec Arterial Phase II Local Contribution Commitment Letter; SECONDED by Mayor Pro-Tem George

All Voted Aye: Motion Passed Five to Zero

D. Oil and Gas Permit OG-01 Submitted by Hilcorp Energy Company to Plug and Abandon Harman 23#1 Gas Well

Mayor Pro-Tem asked where this well is located, Senior Surface Landman for Hilcorp Ramon Hancock explained it is south of Aztec.

MOVED by Commissioner King to Approve Oil and Gas Permit OG-01 Submitted by Hilcorp Energy Company to Plug and Abandon Harman 23#1 Gas Well; SECONDED by Commissioner Randall

All Voted Aye: Motion Passed Five to Zero

E. Project Participation Agreement between the City of Aztec and Robin Kelly aka The Leanore (Qualifying Entity)

Commissioner Crowley asked if the staff summary should have language that the attorney had approved to form and would like to know if that needs to be included again. The Commission would like to see "attorney has approved the agreement to form" in future staff summaries.

Mayor Padilla asked the City Attorney if the lien should be signed by the Mayor or the City Manager, Andrew DiCamillo informed them that it had been changed to the Mayor and the City Clerk. Jeff Blackburn asked staff if there are any changes that they inform him so he can put it before Commission.

MOVED by Commissioner King to Approve Project Participation Agreement between the City of Aztec and Robin Kelly aka The Leanore (Qualifying Entity); SECONDED by Commissioner Randall

All Voted Aye: Motion Passed Five to Zero

- F. Project Participation Agreement between the City of Aztec and Lonnie Joe and Dana Bixler aka Rustic Creations (Qualifying Entity)

MOVED by Commissioner Crowley to Approve Project Participation Agreement between the City of Aztec and Lonnie Joe and Dana Bixler aka Rustic Creations (Qualifying Entity); SECONDED by Mayor Pro-Tem George

All Voted Aye: Motion Passed Five to Zero

COMMISSIONER, CITY MANAGER, DEPARTMENT REPORT

Mayor Pro-Tem questioned the RFP for IT services, City Manager Jeff Blackburn stated that he was advised that the firewall and backup need to be updated. While they were composing the RFP they were also advised that most companies would not be interested in just doing the firewall and backup. They are looking into firewall, backup, installation, purchase, a possible rental and maintenance contract on the firewall and backup. They also put in the RFP in case of an emergency they may need someone to take over the desktop. They have gotten back all the submissions and are currently grading them to determine what is needed and the cost then come to the commission with the information.

Mayor pro-Tem asked about the IT budget as the amount had not changed since the preliminary budget, Jeff stated that he feels this is almost close to an emergency and they would have to look for funding sources. If they can't get it on budget this time they will go back and budget for it.

Mayor Pro-Tem asked if the IT Director Wallace Begay had seen the findings from the audit, and if he was working on addressing the issues. Jeff stated that he is not aware if Wallace is working on the firewall or the backup. In response Wallace informed the Commission that he did budget for the firewall, and he is already working on it. Wallace stated that the current firewall is old, but he has been working on having a new firewall built and has improved the firewall.

Mayor Pro-Tem would also like Jeff to start working on the organizational flow chart of departments and positions within the city. Mayor Pro-Tem had some questions regarding who gives a 30 day notice to terminate an agreement if it comes to Commission for a decision or is it up to the City Manager or Department Head. The City Attorney stated if it is a Commission approved agreement Commission gives the notice. He would also like to have a workshop on the COLA increases, Jeff asked if he would like to have it on the next Commission agenda. Mayor Padilla does not want to be locked into the 3% COLA increases. The Mayor and Mayor Pro-Tem would like to look into possibly giving more ideas and input.

Mayor Pro-Tem noticed while looking through the preliminary budget that there was a note for \$50,000 for O'Reilly's and asked if the commission wanted to keep that in there. He explained what the money is there for to the commission and staff

and said there is an agreement that needs to be located to answer any questions on it.

Mayor Padilla went to the EDAB meeting felt there was a great presentation given regarding the property that has been purchased south of the city.

Community Development Director Andrew DiCamillo updated the Commission on the progress and activity that is happening throughout the city. Andrew suggested that they form a subcommittee for the Board of Finance, so Commission does not have to formally meet to make discussions on investments for the city.

Library Director Angela Watkins presented Commission with a slide show highlighting past and upcoming events as well as awards that the library has received.

City Manager Jeff Blackburn let Commission know that the utility department sent out flyers regarding recycling and the 65+ program. He has had citizens reach out who would like there to be a town hall meeting to discuss LEDA money, he would like to schedule it April 17th @ 6:00pm.

CLOSED SESSION

Closed Session Pursuant to New Mexico State Statute Section 10-15-1H (2) Limited Personnel Matters City Manager

Mayor Padilla called to go into closed session at 7:30 pm Pursuant to New Mexico State Statute Section 10-15-1H (2) Limited Personnel Matters City Manager

A Roll Call was Taken:

Those Voting Aye: Mayor Padilla
Mayor Pro-Tem George
Commissioner King
Commissioner Crowley
Commissioner Randall

Those Voting Nay: NONE

Mayor Padilla called to come out of closed session at 8:26 pm Pursuant to New Mexico State Statute Section 10-15-1H (2) Limited Personnel Matters City Manager and stated that no other items were discussed, and no decisions were made.


A Roll Call was Taken:

Those Voting Aye: Mayor Padilla
Mayor Pro-Tem George
Commissioner King
Commissioner Crowley
Commissioner Randall

Those Voting Nay: NONE

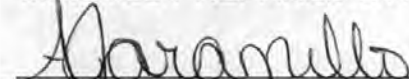
ADJOURNMENT

MOVED by Mayor Padilla to adjourn the meeting at 8:26 pm




Michael A. Padilla Sr.
Mayor Michael A. Padilla, Sr.

MINUTES PREPARED BY:



Alisha Jaramillo, Administrative Assistant

ATTEST:



Karla Sayler, City Clerk