

DRAFT

DRAFT

CITY COMMISSION
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
Tuesday, August 10, 2010

REGULAR MEETING

Minutes

TIME & PLACE: The Mayor and the City Commission of the City of Truth or Consequences in the County of Sierra and State of New Mexico met in Regular Session in full conformity with the law and ordinances of said Commission in the Commission Chambers of said City, on Tuesday, August 10, 2010 at 6:00 P.M.

PRESIDING OFFICER: The meeting was called to order by Mayor Montgomery who presided and Mary B. Penner, City Clerk acted as Secretary of the meeting.

ATTENDANCE: Upon calling the roll the following Commissioners were reported present:

Hon. Lori S. Montgomery, Mayor
Hon. Evelyn B. Renfro, Mayor Pro-tem
Hon. Steve Green, Commissioner
Hon. Frances Sanchez, Commissioner
Hon. Freddie Torres, Commissioner

Also present:

Dave Weiser, City Manager
Jay Rubin, City Attorney
Mary B. Penner, City Clerk

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

CEREMONY: Mayor Montgomery called for fifteen seconds of Silent Meditation., and if they could remember the families of Ron Alleman and Gilbert Zamora, Jr.

Commissioner Green called for the Pledge of Allegiance.

APPROVAL OF AGENDA: Mayor Montgomery called for approval of the Agenda, and stated they have one item to remove under H item #3.

“Commissioner Sanchez moved approval of the Agenda with the change to remove item #3 under other business.”

Seconded by Commissioners Renfro/Green.
Motion carried unanimously.

RESPONSE TO PUBLIC COMMENT: None.

COMMENTS FROM THE PUBLIC: Mr. Brad Grower came before the Commission with comments.

CONSENT Mayor Montgomery stated they have two items under the Consent

CALENDAR: Calendar – Minutes of the City Commission Meeting – Regular – July 27, 2010 and Accounts Payable – July 2010.

“Commissioner Green moved approval of the Consent Calendar as presented.”

Seconded by Commissioner Sanchez.
Motion carried unanimously.

DRAFT MINUTES: Mayor Montgomery stated the following are draft minutes from various boards provided to the Commission for their information, and are non-action items.

Mayor Montgomery stated for the Sierra County Higher Education Council – 7/22/10 and these are not minutes, and that they are only notes from that meeting, and are not formal minutes to be accepted into the record.

BOARD & None.
COMMITTEE
REPORTS:

PUBLIC HEARINGS: Final Adoption – Ordinance #603 – Amending the Truth or Consequences, New Mexico Code of Ordinances, Chapter 13, Article II, Traffic Ordinance §13-35.

City Attorney Rubin stated before they go through the Public Hearing process, and indicated this is a standard process that they go through every year. And stated the legislature enacts new traffic laws, and then the municipalities adopts them through our uniform traffic ordinance, and ordinarily he would set forth a summary as to what changes there are, but this year there weren't any subsequent changes that would warrant discussion, and that the main changes were a recompilation of renumbering of the existing ordinances.

Mayor Montgomery opened the Public Hearing and asked if there was anyone who would like to speak for this ordinance, and no comments were received, and asked if there was anyone who would like to speak against the ordinance, and Mr. Brad Grower came before the Commission, and stated he has mentioned this before and will mention it again, and believes the downtown area needs to be protected, and there should be a reduction of speed on Broadway and Main in the downtown area which is not included in this ordinance, and no other comments were received the Public Hearing was closed.

FINAL ADOPTION ORDINANCE #603: – Mayor Montgomery stated they heard the comments during the Public Hearing on Ordinance #603, and referred to City Attorney Rubin.

City Attorney Rubin stated since there was a comment made during the Public Hearing, and would comment that the downtown area is State Highway, and they don't have any control over as far as the speed limits.

“Commissioner Green moved approval of Ordinance #603.”

Seconded by Commissioner Renfro.
Motion carried unanimously.

REVIEW FOR FY 2012- ICIP City Manager Weiser stated the process they normally go through for consideration of the ICIP is approved by the Commission at the

2016:

end of September, and stated for timing purposes they have been working on this to bring forward for review and comments. And that after comments are received they plan to publish the list for public comment, and to let the public know what they are looking at and what they are planning.

He stated they are some changes and he can go over them, and indicated they moved a couple of items around, and the most significant one that they moved was the senior citizens complex/community center, and that it had been #3 for 2010-2011, and stated that Ms. Lester indicated there is some funding to do the study on that, but the funds for construction will probably be available 2012-2013 or 2014.

Commissioner Green asked why they had the senior citizens' complex under the category...public parks.

City Manager Weiser stated that could be a typographical error.

Commissioner Renfro stated she does not see why they needed the city wide street repair and paving because it is something that is being done.

City Manager Weiser stated on the city wide paving as they explained earlier that there is a possibility for additional monies...an additional loan in case they went for that they could do additional streets.

Commissioner Renfro – then you have street improvements and Morgan Street further down...so what's that about. You have city wide street repair and paving.

Mayor Montgomery – so the street improvements on Morgan Street...that's done...isn't it.

Commissioner Renfro – and further on down you have street improvements and Morgan Street...so...it says grants...so that indicates you would be going for grants for that, but I mean...why would we have it twice...and I thought Morgan Street was paved.

City Manager Weiser – my notes don't cover that but I will have that answer for you.

Commissioner Green – is this a typo...water well north/hydraulic study...2 million dollars...that can't be right...for a study...2 million dollars.

Commissioner Renfro – We just budgeted \$50,000...I thought.

City Manager Weiser – and that could include water improvements...like water line replacement.

Commissioner Green – okay...because I think then when we go for final publication they should spell that out so...and the other thing I would like to suggest, and I would bow to the wishes of my fellow commissioners, but I think to put down something for \$7,500 sends a wrong message to Santa Fe...if there is something important enough that they can't come up with \$7,500 on our own...we're in big trouble. Maybe help for major, major infrastructure.

Commissioner Renfro – Major infrastructure...just like this \$10,000...to me that's...

Commissioner Green - Manager Weiser I thought we got the grant on that \$10,000...that was the one that Leonard and Ray Chavez wrote, and they didn't get the building, but they got the \$10,000 for the facility cover...I thought I saw that...so we shouldn't have that here.

Mayor Montgomery – What you guys have to realize is that this is partly of the existing list they are updating...so there are things that should be line item vetoed...for a lack of a better term...so we'll put those lines through, and then as things are moved around they need to make sure they got everything that was on the existing list.

City Manager Weiser – Stated this format is a little bit different for him...and he has always included all capital improvements that the city was planning even if it was funding through local funds, and not just what we were sending on for the possibility of grants or whatever...so that's why some of the items are here, and what they want to change under funding sources...they want to be more specific on what those potential funding sources are.

Commissioner Green – So when they go to publication...will the public have an opportunity to see the list that they are working off of so when they come for comment they can add their input.

Mayor Montgomery – Yes...once they take a look at this tonight and they tweak it however they want to...then that is what will be published...people will have an opportunity to ask questions...go down to city hall if there is anything...and they will open it up and get information at the next couple of meetings.

Commissioner Sanchez – Stated the only thing she does not see on this list that she would like included...is the potential solar plant that they have been discussing.

Mayor Montgomery – do they want him to remove the items...my experience has been they don't usually list items under \$50,000, because normally they absorb that from within our capital.

City Manager Weiser – So you want items over \$50,000...or...

Mayor Montgomery – because there is internal capital money they can use for some of the smaller items if need be.

Commissioner Green – the library expansion...wouldn't that be handled at the total state level, and not deal through the municipality.

Mayor Montgomery – why would you say that.

Commissioner Green – I thought the libraries had their own funding through state allocations, and that the fiscal agent's or maybe just the municipalities...but those were handled as a separate entity...and that's why I was wondering about the expansion.

Commissioner Renfro – that's our library...it's a municipal library...it gets some state funding.

Mayor Montgomery – it gets some grant money for the books.

Mayor Montgomery – Anything else they wanted to see added to the list before they put it in the newspaper for everybody to take a

look at.

Commissioner Renfro – water tank repair, haven't they already received some money for that...I thought that had already been at one time...

City Manager Weiser – they did get some funding for that...they had a water trust board grant, and a state grant to handle engineering, and the state pulled back their \$200,000, and they approached the water trust board to see if they could scale back the scope of the project and use part of the trust board money for the engineering...their suggestion is that they reapply and increase their request because they need to replace some piping that comes out of one of the water tanks, and they will be putting that request in...either late this month or next month.

Mayor Montgomery – the one you are thinking about...that's the one they lost when they took all the general fund back last year...they lost 2 grants...when the state was looking for money last year they pulled all those grants because they weren't ready to go at that minute, and gave us 2 days notice.

Commissioner Green – does it make any sense under the hospital...since there are 4 owners of the hospital...that they coordinate with the other 3 entities, and try to show united front and what they are going for so the people at DFA...will see that they have their act together, and that would send a good strong message.

Mayor Montgomery - stated they have done that in the past, and recommends they contact those entities, and ask them that same question, and if they are #1 or number 2 on their list they should do the same for ours.

Commissioner Green – and for the airport...the fuel farm...that would not be FAA money that they have to get through the state.

City Manager Weiser – it's possible that it could be FAA money, but it may come from the State too.

Commissioner Renfro – the electrical main feeders upgrade...what's that...that's not part of where they are working on, and don't know what the status is on that project.

City Manager Weiser – no it's not the one they are working on...the CDBG Block Grant...money to use for Williamsburg...no this is in addition to that.

Commissioner Renfro – ADA restrooms for Armijo Park...you mean the restrooms over there aren't...

City Manager Weiser – it's for the...not the ball fields...the family park.

Commissioner Renfro – there not ADA accessible...I thought they had all those things ADA accessible.

City Manager Weiser – I think these are larger restrooms.

Mayor Montgomery – And when do they have to have this in...September what.

City Manager Weiser – By the end of September.

Commissioner Green – I think that some things that would be nice...but are not really necessities to make this community better...to infrastructure, and in all due respect to past Commissioner Stagner, and I know this was one of his pet projects, but the Hot Springs Waterfall...for half of million dollars, but if someone gave us a half a million dollars, and I would hate like to heck to see it spent on that project...where there is so many other things that are screaming for attention, and would like to see them come up with a list...that things such as that be done on a private basis, or non-profit, but I don't think they should look for the legislature or the state to fund a waterfall.

Mayor Montgomery – So when are they going to bite the bullet and do the study for the downtown area...for the water...the flooding issues. For the lack of drainage, and thinks they should do an engineering study, and put that on one of the first years.

Commissioner Renfro – The flooding is created by 3 different places...up by the Dairy Queen...TRC Big-A Burger by Bullock's, and down by Foch...where it comes off of Foch, and maybe Pershing, but there is maybe 3 major things...if those could be addressed...I think it would eliminate the flooding on Broadway.

City Manager Weiser – So Commissioner what you're asking...that the item 2010 the Hot Springs Wastewater Drain/Storm Drain Improvements...you would like that...if not that...some money moved up to 2011-2012.

Commissioner Green – They discussed this at the last commission meeting, and he felt a tenor of his fellow commissioners that this is a problem...they want to address it...they want to do the best they can, and yet he does not want have it put on the back burner and wait for the legislature to see if they can get some money, and I think Manager Weiser was going to do something to come up with a plan...an emergency plan where when they have an event like that, that they know what they can do...whether it be diverting traffic...closing down Broadway on to Austin or Marr or whatever, but that they have a plan.

Mayor Montgomery – I would like to see it moved up...and least do the study.

Commissioner Green – on the two electric main feeders upgrade...to follow up on Commissioner Sanchez request...if they put in a solar farm...would that affect that at all...the two electric main feeders upgrade...would that still have to be done.

City Manager Weiser – I can't answer that, but I will get an answer for you.

Commissioner Sanchez – is there anyway they can see this again before it goes...

Mayor Montgomery – and that is why I was looking at the calendar...what I was going to suggest is that staff go ahead and tweak this based on your recommendations tonight, and bring it back to the next meeting, and they could approve to go for publication, and back at the following meeting, and that would still make the deadline to the following meeting, and makes the deadline before the end of September, and have the public meeting

the first meeting of September.

AUDIT
CONTRACT – City Manager Weiser stated this a re-do of the contract for the three
FIERRO & previous year’s, and next year they will have to go out for an RFP
FIERRO – FY – to start the process for an auditing firm, and they have a letter from
09/10: the Office of the State Auditor, and the proposed contract, and
stated our City Attorney has reviewed the contract.

City Attorney Rubin stated in reading the letter from the State Auditor...second paragraph it indicated...enclosed is the Audit Contract and **No Other Form Should Be Used**, so that seems to eliminate any suggestions or changes.

“Commissioner Renfro moved approval of the audit contract.”

Commissioner Green asked if the fee was the same as last year, or has it increased.

Mr. Juan Fuentes came before the Commission and stated normally when the City went out to RFP the first time...the auditors submitted a proposal for a multi-year contract, and that he has not seen the original proposal, but there could be a slight increase from the previous year...and it is his understanding this is the 3rd year of the 3-year contract...it might be slightly higher, and normally they are.

Seconded by Commissioners Sanchez/Torres.
Motion carried unanimously.

RESOLUTION
#04-10/11: City Manager Weiser stated they have the proposed resolution to participate in the program for SCCOG, and to appoint a representative and an alternate.

Mayor Montgomery asked if the dues were the same.

Mr. Jay Armijo, Executive Director with SCCOG came before the Commission, and indicated the dues were the same.

“Commissioner Green moved approval of Resolution #04-10/11.”

City Attorney Rubin stated there is a typo where the members are appointed...that letter e is missing on the word **hereby**.

Seconded by Commissioner Renfro.
Motion carried unanimously.

“Commissioner Sanchez moved the appointment of Commissioner Green as their designated representative, and Commissioner Torres as the alternate.”

Seconded by Commissioner Renfro.
Motion carried unanimously.

RESOLUTION
#05-10/11: City Manager Weiser stated there was a contract between the City of T or C & Morrow Construction to do some improvements at the Municipal Airport, and stated there were some issues that developed, and he believes that the resolution was suppose to go to mediation, and there was a potential for resolution prior to mediation, and stated this matter has been hanging for a considerable amount of time.

He stated recently WHPacific has been in contact with the Federal

Aviation Administration, and indicated they have some additional funds that they are willing to at least consider granting to the City to finish off the payments on this project.

City Manager Weiser stated the resolution they have before them to submit the grant, and to accept any grant monies, and the City would have to come up with a 5% match...roughly \$4,000 and that they would take that out of the existing budget.

City Attorney Rubin stated he had no comments. And stated that the dispute from Morrow was very interesting, and thought they had the case settled, and that they didn't sign the agreement after they reached an agreement to avoid the litigation, but then nothing happened...so I guess this was the next step.

Commissioner Green stated where it says will accept the resulting grant offer once tendered...what ever they give us we are going to take the money...if they give us say \$40,000...are they on the hook for 5% plus the difference up to \$80,000, or are they always going to be on the hook for 5% of what they are offered, and where does the balance of the money come from.

City Manager Weiser stated his understanding that this is money to make an existing debt go away.

City Attorney Rubin stated he thinks that is right...that is the whole tenor of when they had the dispute with Morrow anyway...I think that is correct.

“Commissioner Green moved approval of Resolution #05-10/11.”

Seconded by Commissioner Torres.
Motion carried unanimously.

RESOLUTION
#06-10/11:

Mr. Juan Fuentes, Finance Director came before the Commission to explain Resolution #06-10/11 – Budget Adjustment for FY 2010/2011, and stated the request before them is to amend the FY 2010/2011 budget, and stated this is to account for the Broadway & Main Street paving project that is being funded through the ARRA funds, and indicated in the preliminary and final budget the grant balance was not included, and what is before them is a resolution to include the grant balance, and also for their background information this is the DFA schedule adjustment form, and the application for payment #2 for Star Paving Company, and that they revised fund 62 budget.

Commissioner Renfro asked if this would be the total of the grant.

Mr. Fuentes stated the total of the grant is more, and that this is just the grant balance that they are amending the budget for, and indicated some of the money has already been expended in the last fiscal year, and stated they received a check for \$200,000, and now that they have the funds they have to turn around and pay the contractor.

“Commissioner Green moved approval of Resolution #06-10/11.”

Seconded by Commissioner Torres.
Motion carried unanimously.

AGREEMENT – City Manager Weiser stated they were provided with a proposed
CITY OF T O R C contract with Bartoo Sand & Gravel, and indicated they had a

& BARTOO:

similar contract in the past to allow the City to purchase materials which includes prices, and stated the prices are less than the last contract.

Commissioner Renfro stated she would like to recuse herself at this time.

City Attorney Rubin stated it is a standard form, and the only thing I told Mr. Weiser is that he cannot comment on the actual prices, and that it is beyond his scope of analysis but as far as the terminology in the contract he is fine with it.

“Commissioner Sanchez moved to accept the agreement between the City of Truth or Consequences and Bartoo Sand & Gravel Inc.”

Seconded by Commissioner Torres.

Commissioner Green stated he wanted to make sure this contract...and this is more of a legal question that can stand most scrutiny, so they don't have a problem with it down the road, and therefore with that said...his question is...on the bid form the second to the last line...All prices are to include the cost of delivery...then the next page and this is just my concern, and maybe I'm over thinking it and reading it wrong, but I don't want us to open a door that they are going to regret later on... Exhibit C, #6...Bid prices shall include all taxes, the prices quoted herein represent the total compensation to be paid by the City of T or C for the goods and services provided hereunder. It is understood that the party providing said goods and services to the City is responsible for payment of all costs of labor, equipment, tools, materials, federal, state, and local taxes, permits, licenses, fees and any other items necessary to complete and/or deliver the goods and services to be provided, and stated if you then take that line and go back to the bid form where the actual prices are you'll see that there are prices plus fuel, and there is a surcharge for fuel...so my question for you legally is...if it's to be delivered and everything that is associated with that delivery is included in that price why are they having an item plus fuel, and fuel surcharge...and that's my only question...I'm thrilled with the rest of the contract...I just want to make sure that I'm not miss reading this or creating a misunderstanding that's not really in the letter of the law, but to me it reads is that they are signing on to have everything delivered and all the costs for that are incurred by Bartoo, and then they are getting billed for fuel surcharges, and for fuel on delivery on the redi-mix I think it is something like that...redi-mix concrete, section 6 under exhibit b, and I just want to know if those two things are compatible, and if they are I'm finished with the...

City Attorney Rubin – and they may not be actually and you've raised a good point, and now that I think of it because I was assuming that the...I was reading paragraph 6 the way you would be that would include everything...Dave do you know...I was reading paragraph 6 actually I was interpreting the way Mr. Green...Commissioner Green was...that therefore we would not be responsible for anything further.

Commissioner Green – and I want to preface my statement...and should of said that profit is not a dirty word, and I want Bartoo to be successful because if they are successful then a lot of other businesses will be successful in town, but I also want to protect the City, and I just read that and it just...I kept on reading it, and reading it over and over again, and a dull light went on in back of

my mind.

Mr. Bartoo stated he tried to address that before and they said it was the same as last time and it was okay...the same thing on the taxes...you said it shall be incurred by us...I asked the City...the City pays gross receipts to us right now...in the future I wanted to include that in my quoting price from now on, and they said **no**...gross receipts is still additional so in that one paragraph it says all taxes...rights...they said it was fine.

City Attorney Rubin asked Jared...how they are handling the fuel issue.

Jared – stated that is on concrete only, and right now I submitted the prices of fuel from my supplier, asphalt and cement all the suppliers...and if just fluctuates, and I have a scale I go by...it stayed thirty forever, and right now...2 years plus that's what it is quoted as...it rarely fluctuates, but there is a possibility for it but if it goes up to \$6.00 a gallon we can't continue to...

Commissioner Green – I understand...

Jared – we can't continue to pull the weight so...it's kinda like you know the rate that it is now.

Commissioner Green – Jay I just wanted to make sure that this is written in the best possible language to protect the City.

City Attorney Rubin – and I understand that...and now that you brought this to my attention I understand...I guess I'm asking...Jared – right now who is actually paying for the fuel.

Jared – he is referring to redi-mix...fuel surcharge...the other part is the delivery all included...they also request the price at the plant because they like to pick up their own stuff on a lot of materials except for concrete...so that is why I quoted the price on each one of those products...so there is two separations...one is fuel surcharge for redi-mix only for our trucks...the other is pick-up or delivery price for their own truck.

Commissioner Green – Jared...on the fuel surcharge \$30.00 a load...does that pertain to everything that you delivery on your equipment to the job site here in T or C.

Jared – just on the concrete.

Commissioner Green – on fuel where you wrote down in pen fuel...that is the surcharge...so it is not fuel plus \$30.00.

Jared – no it's just \$30.00 fuel surcharge.

Commissioner Green – I just wanted to bring this up, and if Jay...he's the lawyer...if he's comfortable with it...I'm comfortable with it.

City Attorney Rubin – no I appreciate the concern...so again the clarification from Bartoo...when you say plus fuel surcharge...let's make this part of the minutes...actually what does that mean.

Jared – that is when the concrete truck leaves the gate with one yard or loaded full ...it has a surcharge of \$30.00 per truck.

Commissioner Green – so that would negate #6 Jay...because #6 says on exhibit C...any other items necessary in gas and or to complete and /or deliver the goods and services to be provided...so if Jared needs that to break even and make a few dollars then to cover that then it should maybe be re-worded in a different way.

City Attorney Rubin – or maybe just keep paragraph 6, but then say with the exception of section 6...on the bid form.

Jared – or put unless specified...because it says delivered.

Mayor Montgomery – so just change that with the changes to section 6.

City Attorney Rubin – I think what is being proposed for your consideration is they would keep paragraph 6 the way it is with the exception saying...unless otherwise specified...with the understanding that you are on the hook for the additional things that are listed...that you're satisfied with that.

Commissioner Sanchez – Jared...every other entity you do business within the County, State...they are on the same contract...do you charge everyone a fuel surcharge correct.

Jared – correct.

Mayor Montgomery – so for the minutes it does say what Jay has indicated it is a common charge for anyone that has a contract with them...okay.

“Commissioner Sanchez moved to amend her motion to include that change.”

Seconded amended by Commissioner Torres.
Motion carried.

REPORTS:

CITY MANAGER –

City Manager Weiser stated they are advertising for the vacant position on the governing board for the hospital, and also advertising the recent vacancy on the Planning & Zoning Commission, and realize they may discuss that further.

He updated them on the discussion at their last meeting as far as a “no wake zone” on Broadway, and stated they looked at three different ways of handling this, and that he spoke with the fire department about the possibility of pumping the water, and stated they have three concerns...and one is the length of hose, but the two major concerns is the grit in the water affecting the impellers, and perhaps wearing out the pumps, and that the type of pump they have would be hard to immerse...get enough of it immersed to be effective to pump out much of the water, and so they moved away from the fire department, and obviously if there is a major flood their equipment would be used.

City Manager Weiser stated the other method they looked at...and has been done in the past diverting traffic off Broadway and down Austin...most of the flood events...45 minutes to an 2 hour range in time frame, and just about the time you got the barricades up...it would be time to pull them out, and what they are focusing on is purchasing two signs to read...Caution water over road way, 5 mile per hour speed limit, and placing those near where Austin connects

with Broadway in that area.

He stated that the police department has committed to place at least one or more vehicles with flashing lights at that area to draw attention to the 5 mile per hour speed limit, and stated they are also discussing having more sand bags ready to go earlier in the season so they have a stock pile.

Commissioner Sanchez stated in reference to posting the speed limit sign...since that is a State Highway...can they even do that in the event of a flood?

City Manager Weiser stated he wants to let DOT know that this is what they are considering...it's an emergency, and generally not a long term event.

Commissioner Green stated you mentioned the sand bags...and heard they are around the fair barn, and asked if they could have access to downtown, and asked if they could be centrally located, and/or notifies people in their utility bills...notify the Chamber or Main Street, and SCEDO and let them know where the sand bags are.

Commissioner Renfro stated at one time...and done on a volunteer basis including commissioners and employees would fill sand bags, and had vehicles that would deliver them, and for those who needed them, and had no way of getting them.

Commissioner Torres stated the City has trailers and possibly have sand bags available, and park the trailers where people could come and get what they need, or drive by businesses and drop them off.

City Manager Weiser reported on the credit card through Bank of America, and indicated he had Juan do some research, and stated they are in a point awards program, and the other one he found out about is they would have collected about half of the money that they have been collecting, and that it varies from month to month, and stated it is a state wide program and involves most cities, counties, and state agencies.

Mr. Fuentes came before the Commission and stated the program...the other alternate program was world points program...Bank of America, and stated there is a points scale on that program, and that you have to have 2,500 points to get about \$12.00, and again normally the amount of expenditures on the credit cards is very minimal...so normally it been about \$10,000 a fiscal year at the most, and that it is for small purchases for vendors who do not accept P.O.'s, so they will use the credit card...for example...Wal-Mart, so that's why it is very minimal...the usage of the credit cards. And stated because they are in the state wide program, and our volume even though it is small they are still eligible to receive some cash awards.

Commissioner Green asked if that program is capped, or if they could find a way to use the credit card more...could they maybe get \$1,000 a month.

Mr. Fuentes stated the answer to that is yes...the more the credit card is used...of course the more the points.

CITY ATTORNEY - No report.

COMMISSIONERS –

Commissioner Sanchez stated she has received several calls regarding the weeds at the Hot Springs Cemetery, and Commissioner Renfro had requested that something be done about that...have they made contact with the association...have they made progress with that.

City Manager Weiser stated they have made contact with the association, and indicated they have terminated the current contract, and that they have made contact with a commercial entity to go in and spruce up the cemetery, and gets the weeds, and that he has committed our city crews to pick up the weeds and dispose of them.

Commissioner Renfro stated to make sure they trim the trees, and if there are trees to be replanted...

Mayor Montgomery stated that is their contract between them and the association.

Commissioner Green stated he would like to welcome Bedroxx to our community, and wishes them well.

Commissioner Torres stated he would like to comment on Ray Ruffini's letter, and that he would like to see the Mayor write a letter to him and reconsider his resignation, and that he has been very good for the Planning & Zoning Board, and that he is a local business person, and stated he is sure he has all his investments in T or C and Sierra County...whether he lives at the lake...he spends his money in T or C, and his family has been here for a long time...they are good people, and I would like to see him stay on the board.

Commissioner Renfro stated she wanted a progress on the recreation projects, and would like to bring up the mosquito problem. And stated she does not think that the mosquito spraying crews have been spraying the way they are suppose to and on a consistent basis, because the mosquito's are horrible, and everywhere I go people are complaining about them, and you can't sit out in the evening because you are going to be eaten alive by mosquito's...they are terrible at the baseball fields...they are bad all over. And in talking to someone who lives in Palomas today...they stated they went out to weed eat, and guess what they were so lucky...they didn't have any mosquito's, and then I said that just confirms the fact that they have not been spraying in town, and they stated...you're right because when they start spraying in town then the mosquito's start moving out, and stated this is a very important issue, and I think you need to make sure that they are spraying, and I don't want to hear anything about we've had rain, because if they were spraying consistently...you might have some mosquito's, but they would not be as bad as they are now, and the thing of it is when they get this bad...it takes that much longer to control them, and if they stated it rained on Tuesday night...don't forget about it until the next week or whatever...why can't they spray on Wednesday night...the same way with Thursday night...if they can't spray on Thursday...spray on Friday night...so I'm putting it on your shoulders to see that this gets attention, and that it gets done, and done in a proper manner...because I know...I saw them go by my place one time, and that has been it, and it has not been recently.

Mayor Montgomery stated she would like staff to do some research

in finding the Planning & Zoning Commission training...official training. And stated she is extremely disheartened by the process that the Planning & Zoning Board is going through or whatever, and with potential investors coming to the community...that they are basically nickel and dime them to death and taking forever to approve minor or major projects...it doesn't matter what it is...it's just taken forever, and is extremely disheartened by that.

Commissioner Renfro stated she agrees with the Mayor, and thinks that is another thing they have to check into to make sure when they have people like that going into to City Hall that they are getting the proper information at the start...and it is ridiculous that every time they go in they are getting different information, or needing something else different, and the very first visit to City Hall should give them a complete package of everything that they need to comply.

Mayor Montgomery stated she agreed.

City Manager Weiser stated what they are now doing with people that come in...and I'll take the issue they are talking about, and stated what they have had in the past is they will ask the different departments on what they need to do...so once they get an inquiry they investigate the zoning to make sure what they want to do is allowed in that area, and if not what it is going to take to change that zoning. And then they meet with what they call a technical review committee which includes the police department, building inspector, code enforcement, electric, water, sewer, sanitation...all the departments and sit down and go through the proposal...and go by step by step of our requirements and our code, and mark what is going to be required, and transmit that to the developer, and then they can move forward the project, and complete the application, and provide them with a complete application form.

Mayor Montgomery stated if that is the case she does not understand why the Planning & Zoning is not approving what...if the recommendation is from the City, and all those aspects have been taken into consideration...why are then they asking for even more than what is required by the City...that's where I have...

Commissioner Renfro stated she agrees with that, and she is going by what she has read in the paper, but apparently there is confusion about plats and re-plats...and all this kind of stuff, and that is what has to be ironed out, and fix the problem...because this is ridiculous when they have someone waiting for a year, and still not being able to do anything...that's crazy...unacceptable.

Commissioner Green stated maybe it might be helpful to move the process along...why don't they create a brochure...frequently asked questions and answers in relationship...very easy...bullet points, and give them the answers so when they come to City Hall they fill out the permit form, and by the way you might have some additional questions...here's a brochure that will help you along this process.

City Manager Weiser stated that is what they are trying to do with the technical review committee.

EXECUTIVE
SESSION:

“Commissioner Green moved that the meeting be closed for Executive Session – Purchase, Acquisition or Disposal of Real Property or Water Rights 10-15-1H(8), 1. Residential property – Vicinity of 7th & Fir, 2. Business Park Proposal.”

Seconded by Commissioner Torres.
Mayor Montgomery responded AYE to a Roll Call Vote
Commissioner Renfro responded AYE to a Roll Call Vote
Commissioner Green responded AYE to a Roll Call Vote
Commissioner Sanchez responded AYE to a Roll Call Vote
Commissioner Torres responded AYE to a Roll Call Vote
Motion carried unanimously.

OPEN MEETING: “Mayor Montgomery state that the Commission was now in Open Session.”

CERTIFICATION “Commissioner Green certified that only matters pertaining to Purchase, Acquisition, or Disposal of Real Property or Water Rights 10-15-1H(8) were discussed in Executive Session, and no action was taken.”

Seconded by Commissioner Sanchez.
Motion carried unanimously.

“Commissioner Renfro moved that they direct staff to accept the property from the Miller Estate, and prepare the paperwork that is necessary.”

Seconded by Commissioner Torres.”
Motion carried unanimously.

ADJOURNMENT: There being no further business to come before the Commission the meeting was adjourned.

APPROVAL: PASSED AND APPROVED this _____ day of _____, 2010, on motion duly made by Commissioner _____, seconded by Commissioner _____, and carried.

LORI S. MONTGOMERY
MAYOR

ATTEST:

MARY B. PENNER, CITY CLERK

These are unofficial until they are approved.

