

CITY COMMISSION  
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO  
Tuesday, August 24, 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 24, 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. Freddie Torres, Commissioner

Absent was:

Hon. Frances Sanchez, 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.

Mayor Montgomery 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 Green moved approval of the Agenda with the change.”

Seconded by Commissioner Torres.  
Motion carried unanimously.

RESPONSE TO PUBLIC COMMENT: City Attorney Rubin stated at their last meeting a comment was made that Mr. Ruffini should not have been permitted to serve on the Planning & Zoning Board due to his residing in Elephant Butte, and indicated that exact same argument was made by the appellants

in the recently concluded Hot Springs Land Development Zoning Appeal, and stated the court rejected that argument, and the court determined that it was and is permissible for Mr. Ruffini to serve on the Planning & Zoning Board.

COMMENTS  
FROM THE  
PUBLIC:

Mr. Brad Grower came before the Commission with comments.  
Mr. Ronald Fenn came before the Commission with comments.  
(Complete copy attached hereto and made a part hereof.)

CONSENT  
CALENDAR:

Mayor Montgomery stated they have two items under the Consent Calendar – Minutes of the City Commission Meeting – Regular – August 10, 2010 and DAIC Monthly Report – July 2010.

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

Seconded by Commissioner Renfro.  
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.

City Attorney Rubin stated the Recreation Advisory Board minutes are not true minutes because there was not a quorum present, and are for informational purposes.

BOARD  
COMMITTEE  
REPORTS:

& None.

PUBLIC  
HEARINGS:

None.

CONSIDER  
ALTERNATE  
JUDGE:

– Ms. Beatrice Sanders Municipal Court Judge came before the Commission, and stated she has looked at the applications that were submitted for the Alternate Judge, and indicated it was a difficult task, however she has chosen two people from the applicants that have actually worked in the court and are familiar with court procedures in Municipal Court, and very familiar with the court software, and stated she thinks that is beneficial in many ways, and if she is not available the court will continue to go forward, and cases will be processed without any problem.

She stated out of the four applicants she decided on Sandra Segura Lucero, and that she is the Court Administrator, and Brad Spencer, and stated they are both here if they have any questions.

Commissioner Torres...you will be their supervisor and responsible, and Ms. Sanders replied “yes.”

No action required.

NOLA KENT  
DWI  
COORDINATOR:

– Special Application for FY-10 – Reverted Dist. Funds  
Ms. Nola Kent DWI Coordinator came before the Commission, and stated up until last year any monies they received on their distribution money which is a percentage they receive from the

liquor excise tax sold in this county, and stated any extra money or budgeted or excess of what they expected...then it was sent back to the State and put in the State wide grant, and that they basically lost that funding. And stated last year through the NM State Grant Council for DWI they were able to get it passed that any money that comes into the County on the distribution which is money made in this County from the sale of liquor could be re-applied for, and stated if she had to send money back at the end of the year then they could re-apply, and put it in this year's grant funding, and that is what this application is.

She stated they received almost \$9,000 more than what they were told to budget for last year for their distribution, and that there was around \$13-\$14,000 that was not expended because of two contracts...that mid-year didn't get fulfilled, and indicated it is difficult to get new contractors at that late date because they can only guarantee 6 months pay, and stated this year they reverted funds, and requesting \$23,297.00, and in the application that funding will be going into prevention, and enforcement to get a contract with NM Mounted Patrol which they do every year.

Ms. Kent stated they also requested additional funding for the screening program which is usually self funded, but because of the cost of the screening itself the cost has gone up, and that they are not allowed to charge more for the fees collected so they asked for more funding for supplies, equipment, general office supplies, and possibly a computer.

"Commissioner Renfro moved approval of the Special application for FY-10-Reverted Distribution Funds."

Seconded by Commissioner Green.  
Motion carried unanimously.

#### DWI Contract for FY-10 – NM Mounted Patrol

Ms. Nola Kent DWI Coordinator stated this is for the NM Mounted Patrol, and is able to use some of this reversion funding, and indicated they lost a contract this year with Teen Court, and explained that the Municipal Judge cannot do Teen Court under DWI Program, and that they had to pull that contract, and that this money will be used to fund the NM Mounted Patrol for their busy holiday season.

"Commissioner Green moved approval of contract #4803599-08 – NM Mounted Patrol."

Seconded by Commissioner Renfro.  
Motion carried unanimously.

#### DWI Contract for FY-10 – Nadine Perkins to replace contract of 5/11/10

Ms. Nola Kent DWI Coordinator stated the previous contract was for \$5,000, and at that time Ms. Perkins could only allow a certain amount of time for the program, and since then she has freed up another position, and is doing additional prevention for the program.

She stated they are starting with K through 3<sup>rd</sup> grade at the elementary school, and hopefully 4 & 5<sup>th</sup> grade this next year, and indicated she would be doing more prevention, and that they need to increase her contract to reflect the time that she will be devoting to the program.

Commissioner Green stated where it states services will be performed at the Sierra County Schools...I'm assuming that includes Arrey.

Ms. Kent – yes it does, and stated they do Arrey prevention also, and that last year they did, and they will soon be able to find out if they continue once they figure out when they will get a new principal.

“Commissioner Green moved approval of Professional Service Contract, #480459-09.”

Seconded by Commissioner Renfro.  
Motion carried unanimously.

RESOLUTION  
#08-10/11:

City Manager Weiser stated this is an amended resolution for the LGRF Program to re-pave sections of Foch Street, and explained when they approved this previously they had incorrect figures, and that this is correcting the previous resolution.

“Commissioner Renfro moved adoption of Resolution #08-10/11.”

Seconded by Commissioner Torres.  
Motion carried unanimously.

PARTICIPATION  
– 3<sup>RD</sup> ANNUAL  
CELEBRATION  
FOR CITY OF  
ELEPHANT  
BUTTE:

City Manager Weiser stated he received an e-mail from City Manager Alan Briley from Elephant Butte announcing their celebration September 10-12, 2010, and asking for participation.

Commissioner Green stated he thinks they should have presence at the celebration, and would like to tentatively volunteer to represent the community.

Commissioner Renfro stated that she and the Mayor have participated before and does not know that she will.

Mayor Montgomery stated she has previous plans for that weekend, and will be out of town.

Commissioner Green stated he will need to borrow a city vehicle, and if the Mayor would like him to read something on her behalf he would be more than pleased to do that.

REVIEW/UP-  
DATED ICIP FOR  
FY – 2012-2016:

City Manager Weiser stated they endeavored to get all the changes that the Commission discussed at their last meeting.

He indicated that Mayor Montgomery asked that he found out how the other entities, or where the other entities listed the hospital, and stated that the County has not discussed their ICIP, and that they traditionally list it as number two on their current year list, and that Elephant Butte does not list it at all...

Mayor Montgomery – and they have already done their ICIP?

City Manager Weiser – stated they indicated they didn't list it, and Williamsburg spreads it out over three years, and they could not recall whether they listed that as 1, 2, 3, 4 or 5.

Commissioner Green – but it was listed under 2012?

City Manager Weiser – Williamsburg did, yes.

Commissioner Renfro – did the County give any indication as to where they were going to place it on their ICIP.

City Manager Weiser – she assumed it was going to be #2, and that they wanted to leave their new administration facility #1 for the last several years because of the need to bring them into one building.

Commissioner Renfro stated she wanted him to explain the difference e & f...local funds and local grant.

City Manager Weiser – well local funds would be from the City.

Commissioner Renfro – that I know...and local grant.

City Manager Weiser – local grants...I don't know...this is what was on the previous list, and I couldn't tell you and I will try and found out for you, but I couldn't tell you for sure.

Commissioner Green...Senior Citizens Complex...is under category public parks.

City Manager Weiser stated it has been removed, and indicated it is under Senior Facilities.

Commissioner Green...and on the solar...they have a million for 13 and a million for 14, but they don't have it in the total...so they need to increase the total by 2 million.

Mayor Montgomery stated they need to move the hospital to #2...leave the landfill closure, and move the hospital as #2.

Mayor Montgomery stated they will go to publication...move the hospital to #2 and the rest of the list stays as it is, and they need to get the total in there.

OLD BUSINESS: None.

REPORTS: **CITY MANAGER –**

City Manager Weiser stated he spoke with the Public Utility Advisory Board last week, and they discussed that they need to re-visit some of the utility charges especially wastewater and solid waste. And stated one of the items that has come up as they are applying for additional State and Federal Grants...one of the more important questions...what have they done to improve their financial standings...so they need to look at those and make recommendations to the City Commission.

He reported on the weed situation at the cemetery, and that they have been cleaned, and the sanitation department has disposed of them, and they are now in the process of removing the dead trees.

City Manager Weiser stated on the mosquito issue, and reported that the crews spray on Tuesday and Thursday nights beginning around 9 pm until midnight, and indicated that the north half of the City is sprayed on Tuesday, and the south half on Thursday, and that they spray all the parks and the schools both nights. He stated they have few requests from property owners to not spray around their home and depending on the wind direction velocity they usually about a one block area they leave those alone.

He stated in areas with infectious disease being found in the area... then those properties will be sprayed as well.

City Manager Weiser stated they are awaiting comments from DOT on a proposed resolution on limiting speeds on Broadway during storm events, and in speaking with the City Attorney he suggested that we get comments from DOT on that proposal, and once we receive that we will bring that to the Commission.

He reported that the street crews have started on the paving projects, and stated when DOT finishes their review on New School Road that project will go to the top of the list.

City Manager Weiser stated he has transferred the direction for the swimming pool and the Civic Center from Parks to Facility Management, and indicated the Civic Center was under Parks and Facility Management, and that it has created some conflicts for budget items. He stated in transferring the pool they transferred the certified pool operator to facilities, and stated that will give them additional manpower to help supervise off hour uses for the Civic Center, and explained he wanted to centralize the management of the Civic Center, and that the facilities team will be taking care of both the inside and outside of the Civic Center.

He reported the bids on the tennis courts are being prepared and going out, and stated he will be meeting with the field lighting people to finish up the final specs to get that project on its route.

City Manager Weiser stated this concerns the Spaceport America Visitor's Center, and does not know if anyone participated in last weeks hardhat tour of the Spaceport, but during the tour it was announced that the Spaceport is planning a third or perhaps just one visitor's center located at the entrance to the Spaceport. He stated about six weeks ago he and representatives met with Aaron Prescott and Donna Larsen who is spearheading the RFP for the tour guide, and were told that all options locating the visitors center in Sierra County were still on the table, and when they pressed for what criteria they were going to use in site selection they were again told that all options for a site selection were still on the table.

He stated after the meeting he drafted a letter to Rick Homan asking for an opportunity to take him on a tour for potential sites in Truth or Consequences to see if they could get some idea of what criteria they were going to use in selecting a site, and later meeting with representatives with SCEDO, Tourism Board, myself and two members of the Spaceport Board was held to discuss a temporary business center, and stated the discussion revolved around the involvement of both the Tourism Board and SCEDO, and indicated temporary there is a display with brochures and on-line capabilities

at Geronimo Springs Visitors Center with parking available on adjacent properties for people to come in and view what has gone on and what is going on at the Spaceport...a tourism oriented site.

City Manager Weiser stated the SCEDO offices have also produced a display with on-line capabilities to show potential commercial opportunities related to Spaceport...subsequent to the first letter to Mr. Homan...a second letter was sent requesting the opportunity to address the Spaceport Board to allow them to meet the newest board members, and to discuss the visitors center and site and criteria, and stated that letter has gone unanswered as well.

He stated conversations and point of suggestions from community members have resulted in no responses as well...why am I bringing this to you...I'm aware of many back channel off the record conversations going on concerning the site of the visitors center in Sierra County, and issues revolved around the Spaceport...the Truth or Consequences Board of Commissioners expended a lot of political capital to convince the voters that Spaceport will bring additional economic prosperity to this region, and he does not know anyone that doubts that when the Spaceport is up and running...the economic impact to this City will be even greater than it has been so far. He feels that the City and the five of them have been left out of any opportunity to weigh in on the discussions concerning a project that can and will have a profound impact on our community...perhaps there are more important issues taking their time...such as water issues, cracks in the runway, or waiting to see which direction the next governor will take...not having a dialogue to reach a decision and suspicion...I would publicly call on Mr. Homan or anyone from the Spaceport to sit down and discuss our questions and concerns...and with that I will answer any questions.

Commissioner Torres stated he thinks they need to come and talk to them...everything is second hand...they need to see where they are trying to build a another road to the Spaceport.

Commissioner Green stated he thinks Manager Weiser knows how I feel about this touchy subject, and thinks they need to continue to swing the bat, and if they won't come here...then ask to get on the agenda down there...so that representatives of the elected body can go down there and make a presentation on why the visitors center should be in T or C, and some of the challenges that they would face making that happen, and tell them that this is a partnership, and was always sold as a partnership, and they want to have the opportunity to sit down and work with them...find out what their needs are...and let's see if they can solve their problems, and what he is afraid of it is just going to get...go on and on and on, and eventually be off the radar screen, and they are going to wake up one morning and they are going to find the visitors center not where they would like it...that doesn't serve them well.

Commissioner Green stated on the roads...does it make any sense for them to list...the list that was presented to them...is that in the order of how they are going to do it, and thinks if the community has an opportunity to see how they are spending the money, and where they are spending the money...that it would alleviate some of the questions of not knowing...it allows access to the process for the citizens.

City Manager Weiser stated that Don presented his priority list to the Commission, and they could publish that list.

Commissioner Renfro stated they could refer these people to go to City Hall as they would have the list down there.

Commissioner Green suggested publishing an article so the public would have the information.

**CITY ATTORNEY** - No report.

**COMMISSIONERS** –

Commissioner Green – No report.

Commissioner Torres two things...the letter to Mr. Ruffini has not been mailed to him, and I want to know why.

City Manager Weiser stated the Mayor stated she was going to mail it, but they will get together.

Commissioner Torres stated he has been receiving a lot of call about the trash pick-up.

Commissioner Green if I might comment on what Commissioner Torres said...correct me if I'm wrong...but I don't think this is about Mr. Ruffini at all...I think this is about process, and if Mr. Ruffini was voted on that P & Z Commission by this Commission then I think it's the Commission's role to determine whether they want to send the letter asking him to rescind his letter of resignation.

Mayor Montgomery – that is why I thought it was coming from the manager...that's a mis-communication on my part...I assumed that was our intent was a letter from the Commission through the manger but...

Commissioner Green – it was discussed but it was never voted on...it couldn't have been discussed because it wasn't on the agenda, and I'm not saying aye or nay...I just think that they've had some issues with process in the past, and why open ourselves up to get hit again...where if they want to have a dialogue...let's put it on the agenda...let's discuss it, and it will be a commission decision as it was when they put him on the board...and I think this protects everybody including Mr. Ruffini.

Commissioner Torres – here they criticize the Planning and Zoning for taking their time...we're doing the same thing...we said we wanted a letter addressed to him and it hasn't been done.

Commissioner Green...but Commissioner Torres...we didn't have the authority...we could not have said that legally because it wasn't on the agenda...and from I've been given to understand unless something is on the agenda you can't vote on it.

Mayor Montgomery – you're correct Commissioner Green...we'll put it on the agenda.

Commissioner Renfro – No report.

Mayor Montgomery – No report.

EXECUTIVE SESSION: City Attorney Rubin stated to be more specific it is a lot on Steel Street.

“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. Steel Street.”

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 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), Steel Street was discussed in Executive Session, and no action was taken.”

Seconded by Commissioner Torres.  
Motion carried unanimously.

“Commissioner Green moved that they direct staff to obtain information about the property valuation of the lot on Steel Street.”

Seconded by Commissioner Renfro.  
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

