

CITY COMMISSION
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
Tuesday, October 12, 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, October 12, 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 Luna, 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.

Mayor Montgomery called for the Pledge of Allegiance.

APPROVAL OF AGENDA: Mayor Montgomery called for approval of the Agenda, and stated they have one minor change under H-3, and that it should be **siting** committee, not sitting.”

“Commissioner Green moved approval of the Agenda as corrected.”

Seconded by Commissioner Renfro.
Motion carried unanimously.

RESPONSE TO PUBLIC COMMENT: None.

COMMENTS FROM THE PUBLIC: Rev. Dale Twyeffort came before the Commission with comments. Eve Elting came before the Commission with comments. Tim Smith came before the Commission with comments and provided the Commission with a handout.

CONSENT CALENDAR: Mayor Montgomery stated they have two items under the Consent Calendar – Minutes of the City Commission Meeting – Regular – September 28, 2010 and Accounts Payable – September 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.

BOARD COMMITTEE REPORTS: & Public Utility Advisory Board – Consider – Eliminate separate billing for pass-through rates on utility bills.

City Manager Weiser stated at their last meeting the Public Utility Advisory Board discussed combing the two rates again...a couple of reasons, and that one of the most prevalent complaints they receive has to do with the pass-through, and indicated they do not understand what it means, and since they list what the pass-through is in the body of the billing that they combine the two so they have a rate on the utility bills, and realizes it has been discussed in the past and reasons for wanting to separate the two, and they are recommending that they combine it again.

City Attorney Rubin stated they are not proposing a change in the rates, and only talking about how the billing would look different.

Commissioner Renfro stated she thinks they are going to have the same questions because if they eliminate the pass-through showing on the bill...the amount that is being charged for electricity is going to be higher...they are going to be faced with the same questions, and does not see that will fix anything other than...to her that is hiding it...and why would they want to hide it.

Commissioner Green stated maybe eliminating some of those questions...are there any other reasons to do it as a one line item... is there any other benefit to be gained by them doing it by their suggestion.

City Manager Weiser stated they don't save paper, ink or nothing like that, and maybe this is what they need to do more of is education of the public because they have assumed that the pass-through has gone up...and it has over the last 4 years, but not in the last year.

Commissioner Green suggested they publish an article in both newspapers...on the radio so that people understand, and not gauging, and that this is a contractual price that they have set with our suppliers...and that it fluctuates, and thinks it is a lack of

communication that the community doesn't understand what the pass-through means, and that the City does not make a dime off it.

Commissioner Renfro stated that the pass-through provides for... for example if the price of gas goes up...the City **could** include that, and as far as she knows the City has not been doing that, and stated there are charges that could be passed on to the consumer, but is not being done, and basically it is on the cost of the power that the City is having to pay and being passed on.

Commissioner Green stated he would like to suggest that they...to respect the advisory board on the time and energy they put in, and maybe mount an education campaign to the community to see if the number of questions decrease once they understand how to read the bill, and agrees with Commissioner Renfro...otherwise it could be closing one door and opening up another door...where they think they've raised the prices as they are going to see one lump sum.

Mayor Montgomery asked...do they want to have this come back at a later meeting, or do they want to deny their recommendation tonight, and go forward with education of the public.

Commissioner Green stated he would like to respect the advisory board and put it off for a later meeting, and mount an education campaign to see if it helps the utility department.

"Commissioner Renfro moved rather than put it off that they deny it at this time, and after a certain period they can bring it back."

Seconded by Commissioner Luna.
Motion carried unanimously.

"Commissioner Green moved that they have staff go forward with the education of the public."

Seconded by Commissioner Renfro.
Motion carried unanimously.

PUBLIC
HEARINGS:

None.

QUARTERLY
REPORT
SCEDO:

– Mr. John Mulcahy, Executive Director with SCEDO came before the Commission, and explained his role with SCEDO, and stated there are three parts to his job, and that one is administration which is the scheduling and fund raising, and the second is product development, and stated his job is to market Sierra County internally and externally to try and create jobs, infrastructure, and businesses to come here to raise economy in this County and City.

He indicated he is going to start his quarterly report with where they are at in terms of leads, and new businesses or growing businesses or retaining businesses.

Mr. Mulcahy provided a pyramid with several items including deals, prospects, potentials, leads and contacts and explained each category.

He stated he is working with the Regional Economic Development Group, and that they meet regularly.

Mr. Mulcahy stated that the Spaceport is coming out with 4 RFP's in the next 30 days...30-60 days, and that these are potential opportunities for jobs locally, and indicated he would have town hall meetings and include everybody in the County and film it, and place it on their web-site so that nobody that wants to have a chance is missed in Sierra County.

He stated he also has a strong relationship with the SBA, and indicated they come every other week, and stated they have appointments to see businesses, and that they have talked with 20 businesses through meetings or directly meeting with them to make sure that they understand what a business plan looks like, and how they can get into business.

Mr. Mulcahy stated the web-site is up and is pretty sophisticated and kept current, and indicated that the web-site is a marketing tool, and that they had a marketing plan training for about a dozen people...small business people who learned how to use the internet for marketing their business.

He stated he has been working with a solar company, and that they could be a huge potential player in Sierra County, and that they are very professional and well-funded, and has helped them put the things together that they need.

Mr. Mulcahy stated he has a lot of information regarding the Spaceport available in his office with current pictures.

He stated he would like to work with the airport, and thinks it is going to be a huge economic opportunity for them, and indicated they have the longest non-commercial airport in Southern New Mexico, and stated this is an airport capable of landing business jets, and indicated people that will be coming are associated with the Virgin Galactic or the Spaceport at a higher level will be bringing planes, and thinks they need to talk on how they can develop that even more.

Commissioner Green thanked him for reporting to them, and stated since he is working closely with NMSA, and stated in the 2 bond issue there are those 3 words called itinerant plane parking, and if that is allowed to go through on that bond issue they will not get those corporate jets that he is talking about at our Municipal Airport, and that Mr. Homans indicated it was for only 6 planes... but that's not 6 planes...that's 6 planes a day...30 planes a week... that's almost 1,700-1,800 planes a year, and so where the City owns and operates a Municipal Airport and thought that the airport would be part of the growth of our community of the county with Spaceport initiative, and that they might want to speak to Commissioner Alvin Campbell and Commissioner Walter Armijo who sit on the taxation board representing Sierra County to get those 3 words out of that bond issue...that would serve them.

Mr. Mulcahy stated he would be happy to do that, and couldn't agree more, and stated conversations he has had with Spaceport up to date...they really don't want private aircraft landing on this facility. And stated he would try to speak with Mr. Homans on Thursday.

Commissioner Green asked that he report back to the City Manager in regards to the conversation with Mr. Homans.

He stated he appreciates them updating the website, and pointed out again that it was done with public dollars, and that they owe responsibility to the public to make sure it is the best that it can be, and appreciates his high level of quality control on that. And asked if he knew if private film companies will be allowed to go out to the Spaceport after the construction is completed...and since this is a State run agency...would they be able to film out there...if not he would like to know, and he knows that a lot of these exhibitions...exhibitors fees are very expensive, and with the Tourism Board has done is that Gina has offered to work for the State Tourism Board when they have their Land of Enchantment, and she rides for free, and he has an idea, and stated there is a Film Expo in March or April where all the location managers from all the independent studios, and the major studios come for two days to New Mexico and Sierra County, and that he might want to check with NM Film Office and see if they are going to be represented, and indicated this is the largest one that is in the country, and if it is they should be represented at that Expo with a brochure they can walk away with or a DVD that is in-bedded in the SCEDO website, and think there is an opportunity there.

Mr. Mulcahy stated one of the economic development issues that has come out of his meetings with people has been a concern about the appearance of downtown, and to him they need to fix that before they come in.

At this time Mr. Mulcahy presented a power point presentation regarding the downtown area...titled Downtown T or C where it showed several buildings in the area on Main Street...primary streets that need cleaned up in regards to weeds on the sidewalks, buildings that have been condemned, and or signs that have been left up where businesses have been closed.

He stated on Sunday they will have a clean-up in the downtown area, and indicated that the 22nd is the runway dedication for the Spaceport.

Commissioner Luna stated she commended him for his efforts, and is glad he has the Main Street on board, and asked if he has talked with the Chamber of Commerce.

Mr. Mulcahay stated he did when he first came to town and worked with them, and pointed out some things he thought they needed to fix such as hours that they were open, paint the building inside and out, and needed to staff with friendly people...but thinks he might have stepped on some toes, and at that point a wall went up.

Commissioner Luna stated she would hope that the Chamber can be inspired to tear down the wall and join in, and ask their members to clean their property off.

CONSIDER/DISCUSSION – P&Z MEMBER: City Manager Weiser stated they directed him to send a letter to Mr. Ruffini concerning his resignation, and that he has not heard anything from him, and can only surmise that he is not going to

reconsider.

He indicated they have had two people apply for the Planning & Zoning Commission, and suggested they set up interviews for their next meeting, or if they wish they can advertise again.

Mayor Montgomery stated they should go ahead and set up the interviews, and if anyone applies in between that time then they can include them for the interviews.

Commissioner Green asked if there is training available before someone gets involved in their position.

City Manager Weiser stated he has been in contact with the NMML, and stated they have nothing scheduled as far as training for the Planning & Zoning Commission members until early next year, and staff will spend some time going over the code, and what their duties are as a member.

Commissioner Green stated they might reach out to the two universities in their civil engineering department or whatever department they might touch on for planning and zoning, or someone that might want to come down and do a training session on what they might want to accomplish or focus on.

Mayor Montgomery stated that SCCOG has a planner...an urban planner in the Las Cruces office, and stated it would not cost the City any money as they pay dues.

CITY REP. FOR SPACEPORT:

City Manager Weiser stated they had a workshop with the Sierra County Commissioners, and indicated they discussed the memorandum of agreement between the Spaceport Authority and Sierra County.

He stated he was happy to see that the agreement that was approved by Sierra County last Thursday included the language that the Mayor suggested as far as a preferred site in downtown T or C.

City Manager Weiser stated the changes that came about after their joint meeting had to do with the appointment of members to the board, and that is why he included the memorandum for their review, and at their Thursday meeting with the County Commissioners, and that either one or two members from the City of T or C, and one or two members from Sierra County were going to be on this siting committee, and Sierra County shall appoint two authorized representatives for the NMSA Sierra County Welcome Center Site Selection Committee, and request that the City Commission of the City of Truth or Consequences appoint an authorized representative to serve on this siting committee, and under b, #3 it says...that NM Spaceport Authority shall appoint the recommended two people from Sierra County, and the one person represented from Truth or Consequences, and appoint authorized representatives from NM Spaceport Authority to serve on the NMSA Sierra County Welcome Center Site Selection Committee.

He stated he brings this to them for two reasons...one to let them know the changes that occurred after their joint meeting, and two to start the discussion on who they want to appoint to that panel.

There was discussion by the Commission about the appointments to this committee, and Mayor Montgomery stated their hands are tied at this point, and stated that person that needs to be appointed to that siting committee with Commissioner Renfro stating that person needs to be a fighter, and Mayor Montgomery stated that person needs to be extremely vocal.

“Commissioner Luna moved to appoint Commissioner Green.”

Seconded by Commissioner Renfro.
Motion carried unanimously.

Commissioner Green stated he appreciates their vote of confidence, and rest assures he will do the best he can for the City.

OLD BUSINESS: None.

REPORTS: **CITY MANAGER –**

City Manager Weiser stated he has received questions concerning the street paving project, and indicated the questions revolved around the process of chip sealing, and stated for example...North Riverside as that was one of the streets that was mentioned. And stated there is quite a layer of gravel, and that a layer of tar goes down first and then the chips...the gravel goes down after that, and after 2-3 days after it is given a chance to adhere to one another then the crews go back and sweep up the excess chips.

He stated Sunday when he drove on Riverside there was some wash boarding, and stated once it adheres they go back and sweep that up, and they will see a much smoother roadway.

City Manager Weiser stated there was a question having to do with traffic being blocked, and indicated through traffic has been blocked on a couple of streets for a short period of time...and local traffic has not...however as soon as the chips are laid down they allow local traffic to go across it as that starts the process.

He stated the question came up...why North Riverside, and stated basically there are two issues on North Riverside, and stated there were a couple of low places where water was accumulating, and that was under mining the existing pavement, and that was going to get worse as time went on so they went in and did the pre-leveling and filled those places up, and then did the chip sealing over, and the reason Riverside was done...there were cracks showing up in the roadway, and by doing it now as part of the pavement management system that was going to give a much longer life span to Riverside.

Commissioner Torres asked if the ripples would go away.

City Manager Weiser stated the wash boarding will go away once they take the excess gravel off, and that if they have driven on New School Road, and if the drove on it after they put the chips on it...it was wash boarding as well, and if they drive on it today...they are

gone. And stated there is one or two places on New School Road that they need to go back and redo because something happened with the adhesion.

He stated they will be able to continue chip sealing at least through the rest of this week, and stated the weather report for next week is not so great, and that maybe the end of chip sealing until Spring... but it may not, but if it is the end of chip sealing then they will move on to Foch, and then to the curb and sidewalk work on New School Road.

Commissioner Torres asked if there was still plenty of money to do this.

City Manager Weiser replied, "yes", and stated he does not want to quote figures, but what they have done so far is come in the high 5 figures lower than what they expected.

He reported on the following –

Ball field lighting contractor will be here tomorrow, and they will finalize the purchase order for them.

Tennis Courts stated the contractor wants to give them new prices on resurfacing the two good courts.

Airport Fire Station stated that has been with the City's insurance company for way too long, and that they finally awarded a contract early last week or the week before, and the contractor was to be here last Friday to look at the job, and do the final measurements, and stated they were here this afternoon, and they expect to start in about 10 days.

He stated on the quarterly financial statements...Juan is working on them, and will have them for our next meeting.

Commissioner Torres asked if our gross receipts are up or down.

City Manager Weiser stated gross receipts are down a little bit for the first 3 months.

Commissioner Luna asked if he would give the public an update on the pool.

City Manager Weiser stated they met with Audon Trujillo last week, and they talked about additional process, and stated he gave him a list of bullet points for the RFP, and he will get back to him to see if they have missed anything or any suggestions about how to word it better.

Commissioner Green stated on the GRT...the last report they received was not only the GRT...but a breakout of all the industries that collect GRT, and thinks it is interesting to track where they are at...if tourism is up or down...if economic development is up or down...if health industry is up or down...so that gives a good bullet point view of our community...the money being spent and what areas it is being spent...if they are having more money or less money, and it might be good information for them to get a handle on, and not only whether it is up or down...but why and maybe they

can figure out why it's up or down, and might not be as scary as the word down...there might be a good reason why it is down...if Mr. Fuentes can do that it might be a great help to the Commissioners.

CITY ATTORNEY – No report.

COMMISSIONERS –

Commissioner Luna – No report.

Commissioner Green stated he wanted to thank all the businesses and everyone who was involved with the accredited Space agent's, and that they were in town for about 36 hours, and thanked Gina for talking the brunt of it and organizing it.

He stated he went to Hatch with Gina, and they spent time with folks down there, and spoke with Mr. Homans...very honest...very blunt, and one of the things that came out of that discussion which caught him totally by surprise is that they do not have the dog in the hunt anymore, and stated he has taken off any financial input and responsibility for the City, and stated he is going to do it on his own...they are going to fund it on their own...the request for the RFP will be done by the Spaceport...so all that energy and effort that they spent for a year in negotiations with the value of the land...value of the building...the \$175,000 in cash and in-kind services...the \$14,000 for asbestos removal from the old fire house...that has been totally taken off the board. And Mr. Homans did say to him that he was committed to having the visitors center somewhere in Truth or Consequences...and that was the extent of that commitment, and he wanted to report that because he hears in Commissioner Renfro comments a little bit of frustration, and thinks they all have, but basically the play book is out, and a new coach in...where they might have been a running team before... they are going to be a passing team now, and thinks they need to partner with Mr. Homans as best as possible...obviously he and I have a different agreement of what the word partnership truly means, but they will work with them to make it happen, and wanted thank his fellow commissioners for supporting them all in the workshop that they had with the county, the County Commissioner, and County Manager...under the circumstances...and with this paradigm shift there is someone else now who has a different vision that he thinks under the circumstances...the County did the best they could, but at the end of the day...he thinks a realist realizes where that power is going to lie.

Commissioner Torres stated they are going to have a new governor...and it might change so...they need to talk to Diane Denish and Susana Martinez...and they might change their attitude...I don't know if they can or not...but it might be worth a try.

Commissioner Renfro – No report.

Mayor Montgomery – No report.

EXECUTIVE SESSION: “Commissioner Green moved that the meeting be closed for Executive Session – Personnel 10-15-1H(2), 1. Discussion – City Manager – 6 month evaluation, Pending or Threatened Litigation 10-15-1H(7), 1. Audette & Peron vs. City of T or C and involving HSLD, Purchase, Acquisition or Disposal of Real Property or Water Rights 10-15-1H(8),1. 35 acre Industrial site on S. Bdwy.

Seconded by Commissioner Luna.

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 Luna 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 Personnel 10-15-1H(2), 1. Discussion - City Manager – 6 month evaluation, Pending or Threatened Litigation 10-15-1H(7), 1. Audette & Peron vs. City of T or C and involving HSLD, Purchase, Acquisition or Disposal of Real Property or Water Rights 10-15-1H(8), 1. 35 acre Industrial site on s. Bdwy., discussion only and no vote was taken.”

Seconded by Commissioner Luna
Motion carried unanimously.

Mayor Montgomery stated the first direction they have for the City Attorney is under Pending or Threatened Litigation.

“Commissioner Green moved that they do not approve the recommended motion from Kim Audette and to remand back to the Planning & Zoning.”

Seconded by Commissioner Renfro.
Motion carried unanimously.

Mayor Montgomery stated on the Purchase, Acquisition...there is no additional information, and no additional action.

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