

CITY COMMISSION  
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO  
Tuesday, November 23, 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, November 23, 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. Steve Green, Commissioner  
Hon. Frances Luna, Commissioner  
Hon. Evelyn B. Renfro, Commissioner

Also present:

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

Absent were:

Hon. Freddie Torres, Commissioner

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 as submitted.

City Manager Dave Weiser noted that Commissioner Torres was not in attendance due to recent surgery. Mr. Weiser offered a suggestion that the Board postpone the consideration of the Planning and Zoning Commission recommendation on the Braxton Merritt Preliminary Plat and Variances, until such time that Commissioner Torres may be in attendance, which would be the next meeting December 14<sup>th</sup>, 2010.

City Manager Weiser's second suggestion concerned item H.4., which was the Consideration of Williamsburg Electrical Circuit Upgrades. Because of delays well beyond our control we will not be able to complete this project by the end of this year, which was a request of the DFA – they are not allowing any more extensions and they have suggested that we not award the bid tonight, so I request we remove that. In speaking with the bidder, they are okay with that and they understand what the issue is. And we would start the processes over again.

Mayor Montgomery called for any other recommendations from staff on those two items. No further recommendations were offered.

Mayor Montgomery called for a motion to that effect.

“Commissioner Green so moved to remove the two items from the Agenda.”

Seconded by Commissioner Renfro.  
Nay by Commissioner Luna.  
Motion carried.

RESPONSE TO  
PUBLIC  
COMMENT:

None.

COMMENTS  
FROM THE  
PUBLIC:

Ms. Sophia Peron came before the Commission with comments.

Ms. Eve Elting came before the Commission with comments.

Mr. Ron Fenn came before the Commission with comments.

Ms. Kathleen Smith came before the Commission with comments.

Mr. Larry Koch came before the Commission with comments.

Ms. Joyce Hudgens came before the Commission with comments.

Mr. Bradley Grower came before the Commission with comments.

Mr. Braxton Merritt came before the Commission with comments.

City Attorney Jay Rubin replied to a comment from Mr. Merritt.

CONSENT  
CALENDAR:

Mayor Montgomery stated they have one item under the Consent Calendar, the City Commission Minutes for the Special Meeting November 1<sup>st</sup>, 2010.

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

Seconded by Commissioner Luna.  
Motion carried unanimously.

DRAFT MINUTES:

None.

BOARD &  
COMMITTEE  
REPORTS:

None.

PUBLIC  
HEARINGS:

None.

CONSIDER:  
RESOLUTION  
#13-10/11  
BUDGET

Finance Director Juan Fuentes came before the Commission and presented and explained 13 (thirteen) items in Resolution #13-10/11. (Complete copy attached hereto and made a part hereof.)

ADJUSTMENT:

Upon the completion of Mr. Fuentes’s presentation, Mayor Montgomery opened the floor for questions of Mr. Fuentes.

Mayor Pro-tem Evelyn Renfro questioned City Manager Weiser regarding the reduction of personnel from Recreation to the Facilities.

Dave Weiser explained that when he transferred one full time person and several part time people from Parks and Recreation Department to the Facilities; in effect putting the pool employees back under Facilities. We have had two people that had their certified operator's license for the Pool, one in Facilities and the other was in Parks and Recreation. Both people are now under facilities.

Commissioner Renfro asked how many people were in Parks Department to date.

Manager Weiser stated that there were now three employees in the Parks Department.

Commissioner Renfro asked the City Manager if he felt that was sufficient.

Manager Weiser stated that they had shared, when we were down one position, due to a death of one of the employee. The Facilities group provided additional man-power that the Parks needed to cover what they were doing at the time.

Commissioner Renfro stated that with as many parks as we have, at one time we definitely mentioned, and that was when the change was being done with the contract for the Veteran's grounds, there was going to be sufficient monies left over – and it was to be used for additional personnel in the Parks and Recreation Department because of all the parks we have, they also have the cemeteries also. She thought it was the Boards desire to have all the parks kept up and looking good. Unless the City Manager can guarantee that the Facilities Department will assist the Parks, Commissioner Renfro request some reconsideration be given to the Parks area, because come spring time it will be a major thing.

Mayor Montgomery called for further questions for Mr. Fuentes. There were none. Mayor Montgomery then called for approval of Resolution #13-10/11.

“Steve Green moved for approval of the Budget Adjustments as presented.”

Seconded by Commissioner Luna.  
Motion carried unanimously.

CONSIDER  
APPLICANT FOR  
SIERRA VISTA  
HOSPITAL  
GOVERNING  
BOARD:

City Manger Weiser stated Board Members have in their packets two applications for the Sierra Vista Hospital Governing Board, Mr. Cross and Doctor Elting, the Board had interviewed both applicants. The Board was created thru the JPA, and is not a city board, and we are asked to provide nominees, three voting members and one non-voting member, to advise the Governing Board. Mr. Weiser advised that one of the City Representatives, Bobby Allen, would be moving from the Governing Board to the JPA Board due to his election to the County Commission. So we will have another position opening right after the first of the year.

“Commissioner Evelyn Renfro moved to appoint Warren Cross to the Governing Board.”

Seconded by Commissioner Luna.

Mayor Montgomery called for discussion.

Commissioner Green stated that there is a process in place, which no one had complained about. It was a questionnaire which was fair,

asking all the applicants the same questions and they could expand on it, etcetera, etcetera, and there was a criterion and each thing had some points. Green wanted to know if they had taken that baby and thrown it out with the bath, are we not using it anymore, is it fair to the applicants who volunteer to serve the city to come and be interviewed, to wait now probably 6 weeks, postponing twice, to pretend now that that process never happened. He thinks that it would be absolutely reprehensible for us to in the middle of the process go in a different way. Now if we want to go a different way in the future, that's a point of discussion and we should come up with a plan. He thought everyone understood it, everyone used that process, and he would ask the City Clerk have we totaled the score? Does Commissioner Renfro know something that I don't know and that was the score and Mr. Cross won, if that was the case then he would shut up. But if not, there is two different agendas going on here at the same time and he was confused, and asking for guidance.

Commissioner Renfro thought they had a discussed this last time and to start with there was never really an official motion as far as the grading. It was brought up, it was suggested by you, but there was never really an official motion taken. It was being done, it was being done just maybe by consensus or whatever, but there was never an official motion. The other thing was I spoke about my concern about the grading sheets, and I think, if I'm not mistaken, City Attorney Rubin agreed that he did not think that was good.

City Attorney Rubin stated that he thought that you have the right to make a motion made as you have, Commissioner Renfro, actually the point I made when we talked on November 1<sup>st</sup> that the motion that we make as City Commission trumps anything that happens before then. If you had a process where grading sheets are to be used that's one thing, but I don't know of any motions that were made that you are bound by to use grading sheets, unless I missed something.

Commissioner Renfro stated no, because we had a copy of the minutes of that meeting and there was not a motion as far as the grading sheets.

Attorney Rubin agreed that is what he remembered.

Commissioner Green mentioned that his point was that no one ever spoke up, that he can remember, publicly and said this is a bad idea, I don't want to use this, and I don't want to be bound by it. Commissioner Torres is not here, but because of his operation he has asked me to evaluate three grants, I'm his stand-in for RPO Regional Planning, and those grants there are twenty questions, and there is criteria and there is a point evaluation. It is the fairest and most open and transparent policy that I think we have right now. Can it be better, possibly, we might want talk a little bit about some of the categories, for example for education; I would like to have life experience, because that has a value, someone may have done something for 30 years and might not be a college graduate and because they didn't graduate college that shouldn't be held against them. Life experience sometime trumps college education. But that said, we used it, no one said I'm against it – no one said this is unfair – no one said I don't want to do it, it's kinda like saying you allow someone to build a house on your land and you don't say anything for 20 years, then all of a sudden the 21<sup>st</sup> year you say you've got to get off my land. Well this is a process that we used, I believe we used it for Mr. Jacobs, if I'm not mistaken, for P & Z, no one complained, no one said a word and it was the high score – to the best of my knowledge that won. I'm just at a loss to understand why at this particular point we would take that process and pretend it didn't exist. Or take that process and pretend that we didn't use it

and no one has spoken up, up to Commissioner Renfro talking two weeks ago that they were uncomfortable with the process, they didn't want to use it, whatever. That's what we were using, and I just don't think its fair to Mr. Cross and Doctor Elting to have them go through the entire process and then throw it out the window.

Commissioner Luna noted that having not been on the Commission when the scoring sheet was implemented, and then coming on when we used it to interview Mr. Cross, Ms. Elting and then the P & Z candidates; I thought that was a scoring sheet for our own personal use, for our use to evaluate the candidates and (1) did not know they would be turned it and (2) did not realize that was going to be used as the final say. Having not been here, it had never been explained, so she did not judge thinking that it was to be used in the selection, she judged and made notes accordingly for decision making purposes.

Commissioner Green stated that possibly maybe that question should have been made at that time, by yourself. The second thing is if you had scored 11 and someone else 5; are you telling me you would vote for the person who scored 5? That would be your motion? It doesn't make sense. We have all gone to school, we all have gotten report cards in test, and I think everything is great and I think the reason we try to do this, and correct me if I am wrong Madam Mayor, was to open up this process and to make it as transparent as possible to invite new people to come in, so we didn't circulate the same people again, over and over and over again. And to try to come up with a procedure that was as fair to everyone of the candidates as possible, so it didn't become "Oh, they're my buddies and I'm just gonna vote for them" regardless of how well the other person interview or how well they scored. Even if this was just a directional sheet, a road map, rather than the resolution obviously what you put down on that sheet guides you into what you're going to do. And that is all I'm asking. Do we have the scoring sheets from those interviews for the Hospital position, and if so, in all fairness to those candidates and future candidates we can not change a process in the middle of a process – it's unfair. It's unfair to us, and it's unfair to the community at large. I would like to ask if we have those scoring sheets, and if we do that they be tallied, and I think we have a right to hear, I mean I understand Commissioner Renfro's position that it was just kinda of a guide and I think you said something that you didn't want that to become public, well that's like saying I don't want to have public discussion anymore. I mean what we think is what people want to hear, that's what we judge our decisions on.

Mayor Montgomery stated that she understood their concerns. Her concern over this process, or even tonight's vote, is that we postponed this vote last time because Commissioner Renfro wasn't here, now Commissioner Torres isn't here, we are in the exact same position that we were. I'm surprised that somebody didn't make a motion that we postpone it because Commissioner Torres isn't here to vote. It would have been the same thing.

Commissioner Renfro mentioned that she didn't know why it was postponed when I wasn't here; I mean I didn't ask for it to be postponed.

Mayor Montgomery stated the Board did it because the motion was made to postpone it to allow you the opportunity to provide your input. Was Commissioner Torres here for the interviews? Board members stated "yes". Mayor Montgomery stated that we are at the same place that we were when we made the motion to wait for you.

Commissioner Renfro with-drew her motion.

“Commissioner Renfro motioned to wait until Commissioner Torres is here for the vote.”

Seconded by Mayor Montgomery.

Mayor Montgomery called for other discussion.

Commissioner Green questioned that if the scoring cards exist, which they should they being part of our business – they should not be thrown out, then he would like those scoring cards brought to the next City Commission meeting; and hopefully Commissioner Torres will be up and about, and that we strongly consider the point total of those scores, because basically what that says is that’s how we viewed the candidate.

Commissioner Luna stated that she thought that Doctor Elting likely has the greatest score; however she does not think that anyone can overlook the fact that there is a direct conflict of interest of her being a Hospital employee and being on the Governing Board. Frances noted she did not understand the purpose of tabling this measure one more meeting and having another Governing Board meeting with a vacancy on that Board representing T or C, or lack there of representation by the City of T or C – when we can’t help but look at the fact that there is a conflict of interest with Doctor Elting. Frances went on to note that she felt they had any other choice but to name Mr. Cross to the seat or re-advertise. That is why she seconded the motion.

Commissioner Renfro stated she saw the conflict of interest there as well.

Mayor Montgomery stated she understood and appreciates the personal opinions of the Members. How-ever, Members would have made their votes accordingly and they did, so I would say that you should do that at the next meeting. Speaking to Commissioner Green, the Mayor went one further noting she wants this item on the agenda for Board Members to discuss exactly how they are going to do this process. Get it closed once and for all, everyone will have their opportunity to provide their input, you can either vote for it or not vote for it, and we will go forward.

Mayor Montgomery called for further discussion. There was none.

Motion carried unanimously.

City Attorney Rubin spoke to Commissioner Green, to explain that he didn’t mean to sound like he was disrespecting the tally or score sheets spoken of. The legal opinion he had give the last time this came up, and which I’m giving tonight, is that regardless of what the tally sheets say he can not stop the Commission from making a motion, they have the right to make a motion regardless of what the tally sheets say.

Mayor Montgomery agreed.

Commissioner Green told Mr. Rubin that he did appreciate that and he has no problem with that. All he is saying if you tallied up the score and somebody had 31 points and someone else had 9, it would be nonsensical to vote for a motion for the person for 9.

Mayor Montgomery reiterated to make sure it’s on the Agenda for discussion and a decision.

CONSIDER  
CONTRACTS FOR

City Manager Weiser stated the City goes out periodically for RFP’s to provide various services to the City; we have had contracts with

ON CALL  
ENGINEERING  
SERVICES:

both of these Engineering firms in the past. Those contacts were up per requirements of the state, we did extend a RFP, tally sheets of the 10 firms were provided, and these two Engineering firms scored the highest in the scoring matrix. We have used them both in the past and he expects we will use both of them again in the coming months for various services for our water system and our sewer system. Mr. Weiser noted that on the WH Pacific contract the City Attorney did raise an issue with item #13 *Limitation of Liability*; he spoke with the principles of WH Pacific and they are okay with crossing #13 off, if approved tonight we will cross it off – we will initial it and send it back to them and they will do the same and get it back to us.

Mayor Montgomery opened the floor for questions of Mr. Weiser and Mr. Rubin.

Commissioner Green questioned what they are going to up the ante to, for liability?

Mr. Weiser: there are State limitations on that, which there are no limits.

Mr. Rubin stated that there's no limit, in fact we're taking that out so directly what ever the amount of damages are that they are exposed.

“Steve Green moved approval of On Call Engineering Services.”

Seconded by Commissioner Renfro.  
Motion carried unanimously.

DISCUSSION  
CONSIDER  
PROPERTY TAX:

Commissioner Green stated that there was one word missing, which might make it a lot easier to understand, the work is *Freeze*, as in *Property Tax Freeze*. This is something that has been kicked around with the Main Street Board, with SCEDO (John Mulcahy) and the Chamber of Commerce. Basically what it is, the State if you have a geographic recognized district that is in place, the State will allow you – if they are approached by the County; to freeze property taxes for a period of time. We have a geographic designated area in T or C already, it is the Historic downtown spa district, to the best of his knowledge it is the only designated area that we have that has boundaries other than the boundaries of the City, basically it is a State recognition and a Federal Government recognition. What he asks is why a tax property freeze? If a Mr. Smith or Mrs. Smith comes into town, buys a home in that district and or a vacant building in that district; they fix it up but they are not going to leave there – they want to make it as a investment income – they want to have it as a rental; then the tax deal, you pull your permit – you go out and do your work the county knows it, the come in a reassess that building. Now you spent money to buy the building, you've spent money to fix up the building – and you are hoping that you're going to get a client to walk thru the door to rent it. What a tax property freeze does, and this is done in Las Cruces already – so we would not be out there pushing the rock up the hill somebody has done the work for us already; is that someone would buy that property, lets say that there's a dollar of tax on the property – you spend a million dollars fixing it up, that property – and I would like to see it for three years, but tax and revenue would tell us what they would like to give us. For 3 years there is a three year freeze, tax would still be one dollar – so the county is not out any money, it's an inducement for people to come in to our community and invest money without being hurt, because all of a sudden you've invested money and now your paying more taxes automatically – on the fourth year the property is assessed, your taxes are brought up and you start at that number and you move forward. You don't pay back taxes for three years, what I would like;

if my fellow Commissioners and the City Manager feels comfortable with this – to take it to the County, and if the County feels comfortable with this to take it to tax and rev (probably after January) and to ask if this would be possible. He thinks it will help investments it will help people to buy some of the older homes in our down town historic district and fix them up, now it gives people reason to buy some of our older buildings that are empty, that are not generating any revenue for the City what-so-ever basically and your not going to be punished for buying the building and fixing it up and then waiting for a customer to come in and rent it for you. That's what a tax property freeze is all about.

Mayor Montgomery asked if it was only for new individuals coming in. If I own a building down town and I've never done anything with it I would be eligible for this property tax freeze?

Commissioner Green replied: Absolutely, any property owner within that geographic area.

Mayor Montgomery asked if I start this project and I don't finish it in three years, is that just too bad and they come reassess at that time anyway.

Commissioner Green stated he could not answer that question, he could call the Mayor Pro-tem Sharon Thomas from Las Cruces, who he serves on some boards with and get the answer.

Mayor Montgomery noted that some people do purchase it and then they take forever to get anything accomplished.

Commissioner Green said it's probably where it is, you get the freeze for 3 years, and their going to come in and reassess it and then your going to pay an increase tax, if you finish it you pull more permits for the next year or two years they are going to assess you each year, but it gives you a little bit of breathing room. And the County doesn't loose a dime, and the State; theoretically they loose because the taxes could be bumped up, but why would you want to come in and spend money on the hopes. So this is an inducement and certainly our downtown and our historic district needs a little help, it needs as much help actually as it can get and this is one way that it would not hurt the City at all. Because the City gets miniscule property taxes back anyway, from the County \$119,000.00 in the budget from last year. That's kind of minuscule and your not talking about pulling a hundred buildings and freezing them, but this is something that SCEDO could use as a tool to try to have fresh money, new people come in or work with people who own existing buildings right now. Why haven't you fixed it up or why should I fix it up – well why should I fix it up and get taxed. Gives them a little chance to borrow the money, to pay back the money and get some breathing room. I think it would help the city grow, and make ourselves – the downtown – more of an attractive investment possibility than that exists today.

Attorney Rubin asked if Las Cruces already had success in pursuing this process, where they've been able to get tax freezes from Taxation & Revenue.

Commissioner Green stated they have it in place, and what was told to us by a gentleman who did a workshop for Mainstreet. I heard it, and then I thought it's a great idea, then I thought of kicking it around to the different boards and different people, and what do you think if we need letters of support excreta. 'Cause it's gotta be the County, it's not our decision.

Attorney Rubin stated he did not think Taxation and Revenue would even have that authority, cause he always thought the taxes were decided by statute, and he didn't know without having amending the statutes that they could even do it. It was news to him.

Commissioner Green reiterated that it was something they were told at the workshop, anything is possible in relationship to changing rules and regulations. This is what we were told, and he would like to just follow that road to see where it takes us. And hopefully we can be successful and he thinks we could have something else to offer people coming in and people who are here right now.

City Manager Weiser noted that we do have areas in our community that could use similar tax freeze help; do you know if it's possible to declare the entire city as a tax freeze zone?

Commissioner Green had asked that question and was told no.

City Manager Weiser stated that because we do have one of the lowest per family incomes of the state.

Commissioner Green stated that if we're able to do this for downtown, and that opens up a very good point – and opens an interesting door, if we are able and Tax and Rev says yes, now we have the foot in the door, now we can take a look at our community and possibly come up where it would make sense to come up with a cultural area which would be moving north from downtown, which would include the library and the Civic Center and things such as that. So we could come up with these pockets, it has to be designated, you just can't say "you're an area and lets go see if we can get a tax freeze", it has to be approved by the state. They have to approve that area.

Mayor Montgomery asked for questions or comments, and is every body okay with Steve taking this forward with the staff?

Commissioner Green stated that if my fellow Commissioners are comfortable to work with Manager Weiser to get all the facts in line.

Commissioner Luna suggests getting a hold of the new Assessor Keith Whitney, and getting his input also.

Mayor Montgomery stated so you have that recommendation I don't see any opposition to it, so I'd say to go forward.

DISCUSSION  
INTER-CITY BUS  
TRANSPORTATION:

Commissioner Green stated this was something that came up last month in Socorro and I'm glad that Executive Director Jay Armijo is in the audience, because he can kinda help me as I roll along with this. What we were talking about is the overall concept.

Jay Armijo, Executive Director of the South Central Council of Governments (SCCG) introduced himself. Stating that recently the SCCG, since about 2002, have managed a in-house transportation program for the Communities within Sierra County and Northern Dona Ana County, it's a job access reverse commute program – providing transportation for income eligible and TANF riders; you may or may not be aware TANF has ran in to some difficulties here in the State of New Mexico and they have pulled their funding out of this particular program that we manage here in Sierra County and Northern Dona Ana County. So it's put us in a situation where we match our NMDOT money with TANF money – we've probably called down so far this year about \$30,000 in TANF money before they cut us off, essentially. We are still in position where we still

have, we're overmatched on our Federal dollars thru NMDOT, and so we're going to be able to operate this program probably for about another 5 months, that's were Commissioner Green made suggestions at our SCCG Board meeting where maybe some local entities within Sierra County could help match a program like this or kinda reinvent it if you will, at this point we are kind of at a loss where to find matching money and so one of the things that we would like to do is probably explore the possibilities the City of Truth or Consequences probably the Village of Williamsburg, the County and Elephant Butte may be partnering in some kind of transportation program that already has in existence with the South Central Council of Governments, so we are not asking the City to reinvent anything necessarily but possibly help us and some of the other entities come up with match money and develop an existing program into something probably better and different. One of the things that we'd like to do is give everybody that wants a ride on this transportation a ride, and we're currently doing that – actually but we have no fee structure set in place, so essentially anybody – and I probably shouldn't say this on the radio – but anybody can ride this transportation system for about a nickel. And I was just joking about that, we will give anybody a ride, we don't turn down anybody a ride, but right now it's an on demand service – we were transitioning from a on demand service to developing a fixed route service where we actually having designating bus stop here within the City and kinda through out the county all the way down to Hatch actually. And so that's kinda where we're at, Mr. Green was gracious enough to say well maybe we can do something as the entities of Sierra County and develop a transportation system. We do currently have an inventory of three brand new walk on vans that were just purchased this last year, all three of them are 2010 models – they're one 15 passenger and two 12 passengers, the two 12 passengers vans have wheelchair lifts on them, or ADA compliant lifts and so we're well outfitted to provide substantial amount of transportation in this community, our rider ship at that moment is down – but we've been exploring different ways to bring it up; probably one of the ways would be to go to a fee for service system where we would probably offer people a ride, a lot of communities are doing a dollar a ride and/or where you can buy an all day pass for two to three dollars and ride as much as you want on any given day, also communities are doing a weekly pass for a set fee and also a monthly pass. Those are some of the things I've been exploring as a director of this program to try to do if the City were interested in talking about this more we could probably figure out someway to keep the program. Right now we get \$62,500 from New Mexico Department of Transportation thru the Federal Transit Administration for this program, we have to match it dollar for dollar, we don't necessary need that much money to run a program, even if we had one van and we had a partial match it's still a viable program I believe, so I would hope that the City over the next few months, and maybe I can work with the City manager and develop a little bit better plan to come pitch this to the City and some of the other entities within the County – but that's basically what I have.

Mayor Montgomery asked whether at this point they don't have any idea of what amount of money you're looking for.

Jay Armijo stated that the amount we're looking for would be \$62,500, because we just put in our application for the 2012 fiscal year and we believe that we have a good chance of getting it; we've gotten that amount for the last 4 years running.

Mayor Montgomery asked if the only thing they are missing out of that would be that TANF money that would be towards that match.

Mr. Armijo answered yes the TANF money is our match as well. Now that the TANF money is gone, I still have about \$30,000 left that I can call down from NMDOT, we've determined that it will take us probably another 4 to 5 months to expend our budget in our JARC program, then after that essentially the program will stop it, I probably won't relinquish the program to NMDOT, even if we get to that point because I'm still going to look for funding, but I do believe that probably come July 1<sup>st</sup> they're going to want to know if we are going to run a program or are we not.

Mayor Montgomery asked is there is a way for any of the entities, any of the cities or the Village to apply for a grant to get that match or are you aware of that.

Mr. Armijo stated essentially that's what we were doing with TANF, the NMDOT the 5316 program that we're under is a grant already, but it's got that required match of dollar for dollar.

Mayor Montgomery asked if it doesn't matter where you get that match from.

Mr. Armijo stated probably because its Federal dollars I probably can't match it necessarily with another Federal grant. TANF money, I guess that in the State of New Mexico probably is looses it's identity at the State level; I believe that's how we're able to us TANF to match that. And it has to be or can't be soft match; it has to be cash match.

City Manager Weiser asked Mr. Armijo, so then SCOG would be responsible then for setting up the routes and the stops?

Mr. Armijo answered; Yes, right now we are responsible for that, one of the things that we would like to do moving forward if the entities are interested in helping with the program is to develop some stops and routes based on the needs of communities, and probably a good place to do it would be to have some public hearings here at the City Commission and ask what the public what they would like and then see, and one of the things I believe public input is your first thing you want to do and then you would have to incorporate the police department, fire and different safety folks because, just because we think it's a good idea to put a bus stop somewhere it could cause an issue somewhere else. It would take a collaboration of some different folks to figure out where your gonna put stops, the other thing we are able to do as well with this program is even though it's called a fixed route – we can do what's called a deviated fixed route, where if we have people that are disabled – we're not going to expect them to try to get to the bus stop, if you an amputee, for instance, we don't want to see someone having to push themselves for two miles to get to a bus stop so we do have provisions within these programs to do deviated routes where we can go pick up people who need the wheelchair lift, for instance, at their home and different locals.

Commissioner Renfro asked if the route we're talking about is it something to where as somebody wants to ride it they are going to have to call in and register or can they just be at the bus stop.

Mr. Armijo answered; with a fixed stop system if they are at the bus stop we would pick them up. And that's where the mechanics of it we still haven't developed, are we going to allow somebody to just pay cash – or would you need a pass, those different things. I would like to do something where we're pretty flexible, where if somebody gave you a buck and they necessarily have a card they could still get on the bus. I wouldn't want to get in the habit of turning anybody

away.

Commissioner Renfro stated she thought that might increase your business, in other words if they could just go to the corner and catch the bus.

Mr. Armijo noted that he thought if people understand that if your outside of Bullock's, for instance, and you know the bus is going to be there at 8 and 10 and that's what happens is the bus just comes and they are going to be for whatever designated time and then they are going to just roll on to the next stop, and I think that once people understand that and they see a sign that posts the times or whatever, they're going to get used to using those transportation systems because they're reliable. And it is more cost efficient for a buck.

Commissioner Luna asked if we would not, the way you're talking about seeing this go forward is like a tri-city bus kinda thing, and not the on call reverse commute for job access. You're trying to get away from that completely?

Mr. Armijo stated yes we would like to get more to where everybody has a chance to ride this transportation system. The State even wants us to go that route as well, a lot of the push behind that is they was the way we were able to purchase the new vans, that's one of the stipulations when we got the AARA funding or the stimulus money, they told us once you start utilizing those vans you going to have to give anybody a ride so that's where we're at.

Commissioner Luna noted she is all for the Tri-City inter-commute. She just doesn't want to see the City getting into the private taxi business. I don't think that's where our focus needs to be.

Mr. Armijo stated that one of the things they don't want to do is put a local taxi business out of business, we don't think that would be good for our program and it wouldn't be good for theirs, and so there's going to be gaps in our service if you will, there's always going to be that demand, I believe for a specialized taxi service, I don't see us, hopefully, causing too many disruptions in that program. We have people right now that we can't respond to them in a timely manner and they tell us "okay, I'll just call the taxi", and they do. And we refer people to the taxi service here in town a lot. I think we'll always have those issues. One of the suggestions, and I think why Commissioner Green was so interested in this program too, is to try to develop a program where-in that people from Elephant Butte, for instance, that may be recreating could be brought in to T or C or vice-versa, and I think as we move forward with something like that we could develop even a weekend program, right now we just run thru the weekday. Commissioner Green had some great ideas and we could expand it to a weekend service, I believe, within a short amount of time.

Commissioner Green stated that just to kind of round out that, what we were discussing at the meeting, I said to Jay – well when you loose your money what happens to the busses, do you have to return them, and I said don't do anything, let me bring it to my Commissioners and maybe we can do something. What we were kicking around, and this is just kicking around – we thought about having adds in papers, town hall meetings, if this service was available for a dollar – would you use it, I mean that's the bottom line, and we were thinking maybe it's not the Williamsburg at City Hall, at the Veteran's Home and the Park, someplace central downtown, Ben Archer, Sierra Vista Hospital, Wal-Mart then they run over to Elephant Butte State Park, and maybe one other stop at Elephant Butte – and obviously this is just off the top of my head.

Funding, the magical word, where do we get the money, well we thought that since it would impact the tri-cities that we form a think tank to start with, of maybe a transit authority – one representative may be the Mayors from each of the communities, and one commissioner – or what ever worked, and sit down and see if Elephant Butte, Williamsburg, and the County would be interested in this from a financial investment standpoint, I would also like to point out that lodgers tax can be used for public transportation, that is a legitimate use of lodgers tax, which would give us another avenue of funding, and Jay would then have to come up with kinda of a projection for next year, what if he loses his funding totaling – what we're talking about is we don't want to bite something and I think it's horrible to start a program and have to shut it down four months later because we don't have any money, that doesn't serve the citizens well at all, so what I would ask my fellow Commissioners and Manager Weiser is that if you think this is a viable consideration for us to look at, then I would like to somehow set into mechanism someone to represent, or a group of people to represent T or C, and maybe as we get further, the public, and then Jay if he feels that we can come up with a positive -yes lets look at this - then I would assume a presentation would be made to Williamsburg, Elephant Butte, the County and then if we can get all four partners, bring them to the table and start to do some serious work.

Commissioner Renfro asked why wouldn't you want to get a hold of those entities and present it to them and then see.

Mayor Montgomery stated the starting recommendation is for Mr. Armijo to get with Mr. Weiser, and kind of hash out how we want to go forward. If that's what the Commission desire is, if we want to proceed in doing it. Then they can make the contacts and see, and then bring those in to piece together.

Mr. Armijo mentioned that at the COG Board meeting where I made the presentation to the Board and let them know what was going on, Commissioner Green was there, the Mayor of Elephant Butte was there, and Don Childers with the Village of Williamsburg was there, Sierra County wasn't represented that day, but we can sure go to each of those entities and give their full boards a presentation just I did tonight.

Commissioner Green added that Mayor Kent, just on the surface, without saying how much it's going to cost; thought it was a wonderful idea, along with Trustee Don Childers.

Mayor Montgomery asked if we should go ahead and direct the staff to start getting the information together, that's what the Commissions desire is? Okay.

OLD BUSINESS:

None.

REPORTS:

City Manager Weiser has four or five items. The first one; he was contacted by, and played phone tag for a couple of days, with the Las Cruces Bulletin. They have in the past produced what they call a legislative bulletin or a legislative report, and it's concentrated in the past primarily on Dona Ana County, last year they expanded it a little bit into Sierra County and they want to expand it more. Last year this bulletin had about two pages for Sierra County and they are looking to increase that by a factor of three or four, to that end, there is a meeting scheduled with the County Administration Building next Tuesday at 10 A.M., a number of people from our community have been invited and they would like as many of the Commission to be there to go over what's happening in T or C, what we see in the

future, what our needs are, what we're looking at. This bulletin is used by the Legislators quite extensively, obviously it has contact information, but they also want to know a little bit more about what's going on in T or C and in the County. So if any of you are available, 10 A.M. next Tuesday- November 30<sup>th</sup> at the County Administration Building.

One of the questions that was posed the night that I was absent, concerns SCEDO and the meeting with Dan at the Airport concerning the vacant Phippen Building, that meeting has taken place; and John, I'm going to give you credit for this, I've already been contacted by a business entity that wants to talk to us about renting the building, whether you had anything to do with it or not, you get the credit for it. We will be in contact with them, they are not obviously not available this week with the Holiday but they will be available early next week and we will start those conversations. I have met with Dan and I'm going out there again tomorrow morning to look at his building and doing the upkeep, the painting and maintenance to fix that up. I have a couple of ideas, he has a couple of ideas and hopefully we will get our ideas to mesh.

At your request the street department had started, and I think that they pretty much completed looking at the mediums, they are rather enthusiastic about the process and continued from exit 79 clear through downtown, the last I saw them they were heading up the hill, I don't know how far to the south they got, but they were moving along quite well. Along with the weeds, there was a question about what we are doing as far as weeds in residential areas or private businesses; and I asked Ray to give me a list of what's going on and there are 15 pages, 45 names per page, of people who have been contacted in the last year about their weed issue, there are 33 people on that list that have been given the 15 day notice by the City to take care of their weeds, because they hadn't with-in the previous time frame and there were three pages of those that have been taken to court – the City crews have had to clean up three of the properties and there will be notices sent to them about the cost of cleaning up those properties and the rest have come into compliance. Part of the change, if you will, right after-just before Judge Sanders was appointed to the bench, she and I had quite a lengthy conversation about the ability of the City to work with residences and business to work at compliance with our weed ordinance, and a few other ordinances and she agreed wholly that the Court could take a much more leading roll in that process – and so I think that's why you see a change in attitude of the Court, they have, rather than just telling people go forth and pull the weeds and don't come back again, they are actually putting some teeth into it, especially those that have been to the Court more than one time on this issue. I think that we're seeing some good movement there, obviously it's not all cleaned up but at least we are seeing some movement.

The swimming pool request for bid is going to publication, it's in the purchasing department and they are doing the final touches on that. The same way with the lights and ball fields and the tennis courts.

And my last note said I was going to be out of town but that was last week so I don't have to continue that, that ends my list tonight.

Attorney Jay Rubin – No report.

Commissioner Luna – No report.

Commissioner Green – First I want to wish everyone a very healthy and Happy Turkey Day, staff, my fellow Commissioners, Manager and all the residents of T or C, enjoy – hopefully your getting a four

day holiday – so enjoy it, we don't get many of those back to back. I want to thank Mainstreet and John Mulcahy as a board member of Mainstreet also for taking the initiative of doing the clean up, again this past Sunday, unfortunately I was up at the Bosque de Apache for the festival of the Cranes so I couldn't participate in that, but I understand that about 10 or 11 people turned out, about 10-12 bags of refuse/garbage was picked up, so I appreciate that. Just an idea along the lines, Manager Weiser, for the weeds – if you think it's a good idea or not, there is a Real-Estate Council that meets every month, I believe, for you to make a presentation to them, I'm not going to pick out the name of the realtor, but there's a building that you come downtown off of Date Street and that person's got a nice sign out there advertising that I have the rights to sell this building – but I would think that if the Realtors understood that if they put pressure on the building owners and the property owners that they, represent to give them authority to go out and hire someone for x, y, z number of dollars an hour to clean up that property, it might augment what staff is able to do right now. And I understand that we're obviously short handed. In relationship to the weed removal I have noticed an incredible difference, and I thank staff for that. It's now our down time for weeds, but I don't want this to have to reappear every so often when we have trees growing in the middle of Brooklyn, as the old song goes. So spring time we'll have our rains, once they've clean it up – there's so much easier just for maintenance rather than do the job all over again.

The last thing I'd like my fellow Commissioners and the Manager just to think about is that obviously this development project that we are dealing with has had a lot of bumps in the road, and I would like to suggest that we consider a moratorium – right now. Because it appears to me, what we have tried to do is we have tried to put a square peg into a round hole because we don't have in place codes and regulations that allow for infill. The project started out as subdivision, then it went to preliminary plat then it went to summary plat and we don't seem to have in the codes, and if I'm wrong-I apologize-but I'm looking at that code book and I don't see anything that says “what do you do if someone buys a piece of land in an existing piece of land wants to put up four houses on it – what rules and regulations are they going to be required to meet. And if that's the case then what we should do is put a moratorium on and call in unfilled lets get our rules and regulations in line so we don't have to subject a developer such as Mr. Merritt, our own residents here in the community to a situation that exasperates itself and begins to feed on itself because of this frustration. There's nothing really in black and white, so it's kind of a gray area, and if you think that has value I would strongly like us to consider a moratorium – work with P & Z, with the Manager to come up with rules and regulations that would fill the requirement for what that would be.

City Manager Weiser asked if Commissioner Green was speaking of infill development that requires a zoning change or a preliminary plat. There isn't any. The P & Z has discussed that, they want to discuss if there needs to be different rules for infill plat as apposed to regular.

Commissioner Green “We want to keep our doors open, we want to welcome development we want to welcome people to come in - and we don't want to turn them off because we don't know what rules to apply. So I think we've got to come up with rules and regulations that are fair and reasonable that work for our community, work for our citizens, work for who we are and so when people come in a take a look at us as an investment possibility they know exactly what their going to be met with.

Commissioner Renfro – Along with the discussion on the weeds and whatever; I was thinking that maybe an area that needs to be addressed is, and I know for a fact there are people that absolutely don't do anything about their weeds or their property or whatever, until they get the letter from the City. I think that if there was a fine or something that could be assessed, because I know there is at least four people on my block that are constant, and they won't ever – on one of the lots the weeds this year were taller than me. They won't do anything until they get the letter from the City, and then their "oh we got the letter from the City, we've got to clean". I think that if they are having to be written every year, they should know they get the first letter they are told they have to do it, so then they are aware that this ordinance exists that this is a requirement that the City requires and I think that when they don't comply after having been notified once or twice they should be some type of a fine that should apply because maybe they'll keep their property clean instead of waiting for the City to send them a letter so that then they can get busy and clean it the one time of the year, because this is what it is amounting to.

Attorney Jay Rubin – I think there instead of writing a second letter just file a complaint in Municipal Court.

Commissioner Renfro went on to wish everybody a Happy Thanksgiving, my fellow Commissioners and staff too. I also want to comment on the fact that the City already getting the Christmas Decorations up – great job.

Mayor Montgomery – No report.

EXECUTIVE  
SESSION:

None.

ADJORNMENT:

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

