

CITY COMMISSION  
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO  
Tuesday, March 8, 2011

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, March 8, 2011 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. Freddie Torres, Commissioner

Absent was:

Hon. Evelyn B. Renfro, 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.

“Commissioner Green moved approval of the agenda as presented.”

Seconded by Commissioner Luna.  
Motion carried unanimously.

Certificates of Appreciation Presentation –

Mayor Montgomery presented Certificates of Appreciation to Sandra Segura Lucero & Bradley Spencer for their Dedication as Alternate Judge’s for the Municipal Court.

Mayor Montgomery presented a Certificate of Appreciation to Patti Lester for her Dedication to the Seniors and Commitment to the Senior Meal Site and the Senior Recreation Center.

Ms. Larena Miller & Cary "Jagger" Gustin came before the Commission on behalf of the Board of Directors of Geronimo Springs Museum, Sierra County Historical Society, and their newly elected president, and stated they would like to Thank the City of Truth or Consequences for their continued support of the museum for the last several years, and the wonderful working relationship that they have had with the City, and presented a Certificate of Appreciation for all their efforts that have helped the museum for 2010.

RESPONSE TO  
PUBLIC  
COMMENT:

None.

COMMENTS  
FROM THE  
PUBLIC:

Mr. Ron Fenn came before the Commission with comments, and provided information for the record.

Mr. Cary "Jagger" Gustin came before the Commission, and stated he is the film liaison for the City of T or C, and announced a film that will be filmed here in Sierra County, and provided a Press Release for the record.

Ms. Barbara Rich came before the Commission with comments.

Ms. Nola Kent came before the Commission with comments.

Ms. Linda DeMarino, President with the Main Street Truth or Consequences came before the Commission with comments, and to also introduce Mr. Steve Buckley as their part-time Program Manager.

Mr. Bradley Gower came before the Commission with comments, and provided information for the record.

CONSENT  
CALENDAR:

Mayor Montgomery stated they have four items under the Consent Calendar – Minutes - City Commission Meeting – February 8, 2011, Special & Town Hall Meeting – February 15, 2011, Minutes - City Commission Meeting – February 22, 2011 Accounts Payable – February 2011.

Commissioner Green stated he has a question or just a comment on the Accounts Payable, and noticed there is a subscription...a 1-year subscription to Wall Street Journal for almost \$400.00, and I'm wondering #1...why? And #2 – and I don't know the answer to this, but is that not available via the computer...internet that you could go on...

Mayor Montgomery stated it's not the paperwork.

Commissioner Green – you have to pay \$400.00?

Mayor Montgomery – yea that's expensive...is it the libraries.

City Manager Weiser – I don't know Commissioner...I'll get that answer for you.

Mayor Montgomery – I would think it would be the libraries copy of the Wall Street Journal. And actually \$400.00 is probably reasonable because it comes every day.

"Commissioner Luna moved approval of the Consent Calendar as presented."

Seconded by Commissioners Torres/Green.  
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.

Commissioner Luna stated she has a comment...if the comments made in public comment by Mr. Fenn and Mr. Grower are correct that the letter from Mr. Fenn was left out...it was not supplied and a copy was not given to us...we need to make sure there is a copy on file.

BOARD &  
COMMITTEE  
REPORTS:

Planning & Zoning Commission –

1. Special Use Permit – 303 Main Street – Applicant – Susan Buhler.

City Manager Weiser stated Ms. Buhler is here tonight if they have any questions for her as well. He indicated this was heard by the Planning & Zoning Commission and approved by them, and thinks the vote was 3-1.

He stated...so the Commission understands and was alluded to earlier, and stated this is not an addition to the property and that the living unit is already built. And that when they went through the staff report, and stated they went through all the items that are required to be analyzed as far as the special use permit, and thinks the one question that was brought up by the Planning & Zoning Commission...it talks about landscaping, and stated they are not considering any landscaping right now because it is either gravel or concrete for the front and the side of the building, and that is why that part was okayed by the Planning & Zoning Commission for that reason.

Commissioner Green stated he has a clarification...so the application is to live in the building, but it is not restricted to only Ms. Buhler...is that correct...if she decides to move out and rent the building someone who moves into that building would still have that permit available to live in the building...it's not for name...it's for the building.

Mayor Montgomery – that' correct.

City Manager Weiser stated he thinks part of the reason...in my reading of the code...I think that one of the reasons that this section is in there, and are specifically restrictions against mixed uses along Main & Broadway...is for the Commission to look at that to see if there are any special circumstances, but the idea of creating livable spaces in our downtown...just increase the livability of the community...makes more of a human presence down there.

“Commissioner Luna moved approval of the Special Use Permit for Susan Buhler at 303 Main Street.”

Seconded by Commissioners Green/Torres.  
Motion carried unanimously.

PUBLIC  
HEARINGS:

None.

AUDIT REPORT  
– FY:09/10:

Mr. Ed Fierro with Fierro & Fierro, P. A., Certified Public Accountants from Las Cruces came before the Commission, and

stated this is the 3<sup>rd</sup> year engagement where they have completed the audit for the FY June 30, 2010. He stated all organizations strive for...commercial and governmental entities as in this particular case is to have an unqualified opinion on the financial statements, and referred to page 2 & 3 of the Audit Report, and stated it is the Independent Auditors' Report.

He went on to explain the Audit Report, and referenced the Audit Findings beginning on page 117, and stated within the Audit Report towards the end they have the component unit...the component unit audit findings are the Housing Authority, and indicated there is a separate audit report issued for the Housing Authority, and stated separate auditors audited, and that those audit findings are included within the municipality because the City of T or C is considered the primary government, so the component unit is almost like a subsidiary...not quite, and that they are a separate government, and that those are all combined under one cover.

Mr. Fierro explained each audit finding, and that a finding is carried over until they are resolved.

The findings include: statement of condition, criteria, effect, cause, recommendation, and views of responsible officials and planned corrective actions.

The complete copy of the Auditor's Report for FY-09/10 is available at the Office of the City Clerk for review by the public during normal working hours, Monday-Friday from 8:00 A.M., to 5:00 P. M.

Mr. Fierro stated it has been a pleasure working for the City for the past 3 years, and stated that the financial statements are already a matter of public record, and that the city council accept and approve it, and that they look forward for the opportunity to bid the job for the next go around.

Commissioner Luna stated he discussed the contract employees...sub-contract labors vs. the employees...if those sub-contractors have an EIN number or using their social...have a CRS number doing all that legally, and appropriately wouldn't they still be qualified as independent contractors if they met the IRS guidelines...

Mr. Fierro – sure.

Commissioner Luna – and not have to be transferred over into an employee.

Mr. Fierro- sure.

Commissioner Luna – so they could still meet the grant requirements or the requirements for the sub-contractor laborer or not.

Mr. Fierro – The problem is...is when you get into situations where a person doesn't have a city license, and not paying gross receipts tax...sometimes it's easier...well we're just going to consider them sub-contractors and we'll issue a 1099, and that's where you get into issues...the rules issued by the IRS are very specific, and makes it pretty clear.

Commissioner Luna – if they are already a city employee can they

also as long as they have the appropriate documents and fall within those IRS guidelines...can they also work as an independent contractor...under a separate grant.

Mr. Fierro – I suppose if they are providing a service to the City and they are licensed and everything...that would be more of a personnel issue/matter, as far as how the City would deal with that.

Commissioner Luna – so the auditor isn't looking at it as double dipping?

Ms. Fierro – not necessarily.

Commissioner Luna – Thank you very much.

“Commissioner Luna moved approval and acceptance of the financial statements as presented by Mr. Fierro.”

Seconded by Commissioner Green.  
Motion carried unanimously.

CDBG  
PLANNING  
GRANT:

Mr. Tony MacRobert, Planner with SCCOG came before the Commission, and stated he is here to discuss consideration of the planning grant...as you know and for those that don't...the program objectives, and stated the purpose of the Community Development Block Grant is from the small cities...housing urban development program, and indicated it is to benefit principally low and moderate income families, aid in the prevention of slum or blight, meet urgent community development needs where an existing condition poses a threat to the health and welfare of the community and other financial resources are not available.

He stated as you know the City of T or C is an eligible applicant, and if they turn to the categories of the eligible activities, and look at the Planning: Grant assistance must be used for a comprehensive plan if there has not been a current or updated plan within the last five years; feasibility studies; base mapping, aerial photography, GIS systems; development of codes and ordinances, and stated there is a limit of up to \$50,000.

Mr. MacRobert stated what he has been doing within the 3 county region is looking at each entity...local government entities, individual comprehensive plans to see when it was last done, and indicated the City of T or C was 2004, and stated they are in need of an update or even a new plan. He stated if they are looking at an update...25 to 40,000 is what they may be looking for from other areas, but if they do a new plan then he would suggest going for the full amount of \$50,000, and stated the local match at that point is 10% which would be \$5,000 from the City.

Mayor Montgomery – asked...can you apply for the grant for planning purposes only once or can you apply for it each year?

Mr. MacRobert- you can apply for it each year. It is not limited like a full CDBG.

Mayor Montgomery – Is it on the fiscal year or calendar year?

Mr. MacRobert – It is on the fiscal year.

Mayor Montgomery – Okay...so we can apply for one now and apply for another one in July.

Mr. MacRobert- absolutely. I guess the answer would be it would need to be completed first.

City Manager Weiser – is this a reimbursable grant? Another words do we front the money...then we're reimbursed.

Mr. MacRobert – What it would be is...you would front the \$5,000, and what would happen DFA would come back with the grant agreement with exhibit C, and in exhibit C it would show if you're applying for the full CDBG at 50,000 and 5,000 is the local match, so at that point when the RFP's go out...we can do a budget amendment to go back down, but in essence as the CDBG where the engineer would invoice the City...we would take care of the pay request, and we would take care of the...as well.

Commissioner Green – under the program requirements...does the planning grant fall under the same stipulation as the big block grant of the half of million where you have to have a public hearing.

Mr. MacRobert – yes it does.

Commissioner Green...you cannot apply for additional funding until the current project is fully closed, and stated we have one big application already for a half of million dollars, so do we have to wait until that is spent before...if we are awarded this money before they would award this.

Mr. MacRobert – the full CDBG project and the planning...they are coming from HUD and CDBG, however they are separated at that point...you can have a full CDBG, and a planning grant at the same time.

Commissioner Green – if we're in the County with less than 25,000 population wouldn't we be eligible for the 5% cash match rather than the non-rural applicants must provide a 10% cash...I thought we were rural.

Commissioner Luna – I thinks that's 3,000 or less municipality.

Mr. MacRobert – if you look you're looking at the municipality rural applicants 3,000 or less for a municipality.

Commissioner Green – or 25,000 or less county.

Mr. MacRobert – which is County.

Commissioner Green – so if you're a County applicant.

Mr. MacRobert – that is correct.

Mayor Montgomery – what would our next steps be?

Mr. MacRobert – the next step would be is to conduct a public hearing, and notify the City Clerk, and he does have a resolution ready, and that they will do the public notices in English and Spanish, and post them, and stated the good thing, and what is really nice about CDBG at this time...we don't have to necessarily post them in the paper because of the exclusive cost, and stated he will have everything prepared, and then at that point all it takes is one public hearing, so the suggest would be the comprehensive plan or the update...we can do it at that time.

Mayor Montgomery – I like both the Accent Management Program, and to get us into compliance with the audit, and thinks that one could be done relatively quickly...a month or two.

Mr. MacRobert – Stated this is what is nice about this...if the comprehensive plan is completed, and issue that element in there then they can go ahead, and go into another planning grant that will bring up the asset management.

Mayor Montgomery – I was actually thinking of vice versa...doing the Accent Management first to get that one done I would think that would take 30-45 days for a company that's experienced in doing that, and then that puts us completing that grant, and puts us close to the new fiscal year which is July, and then do another one, and do the comprehensive plan over the summer...that would be something to throw out at the public hearing.

Mr. MacRobert – absolutely.

Commissioner Green – what is the normal turn around once the application goes in...that you hear if you're selected.

Mr. MacRobert – Possibly 2 months.

And stated on the full CDBG project...March 30<sup>th</sup> and 31<sup>st</sup> they are going to have...they being the Community Development Council...in Hobbs, so a representative from the City of Truth or Consequences could be there to present the full CDBG application...the electrical project on South Broadway.

City Manager Weiser stated if will have someone there.

“Commissioner Green moved that staff go forward with the public notice, and scheduling of the public hearing for the CDBG Planning Grant.”

Seconded by Commissioner Luna.  
Motion carried unanimously.

RESOLUTION  
#18-09/10:

Mr. Juan Fuentes, Finance Officer came before the Commission to explain and go over the proposed budget adjustments, and Resolution requesting budget adjustments for FY 2010-2011.

“Commissioner Luna moved approval of Resolution #18-10/11 for the budget adjustments.”

Seconded by Commissioner Torres.  
Motion carried unanimously.

JPA – FOR  
PRISONER  
CARE:

City Manager Weiser stated he was going to turn this over to Chief Gallagher and City Attorney Rubin.

City Attorney Rubin stated this is the proposed contract for housing and care of adult city prisoners, and stated it was practically identical to the contracts they have used before although there are a couple of changes, and that he and Chief Gallagher worked together which they think are more favorable to the City. And referred to page 3, under VII, and feels they are in a better position regarding the obligation to pay for medical care for city prisoners under V, and stated they are in favor of this agreement.

Chief Gallagher came before the Commission and stated a couple of months ago they noticed there was an increase in some of the bills from the detention facility, and stated they took a closer look at it and realized the definition of city prisoner which they were basing those bills on was very, very complicated.

He stated some of the folks at the detention center, and some of my people were having a difficult time determining who was and wasn't a city prisoner, so City Attorney Rubin and the County Attorney got together and were able to stream line it to make it very simple as far as what is and what is not a city prisoner, and in addition the provision regarding our requirement to provide medical care for prisoners was very much stream lined as well, and recommends approval.

Commissioner Green asked do we know how much we spend a year on this.

Chief Gallagher stated he believes last year we spent over \$10,000.

Commissioner Green – is there any legal way for us to look for restitution back from the prisoners once they are released.

Chief Gallagher – that's a good question...Jay...any idea?

City Attorney Rubin – Stated I am aware actually that I believe there are a couple of other municipalities that do have or attempting to pass an ordinance in their particular districts to seek recoupment, but I don't know where it got...I can look into that for you.

“Commissioner Luna moved approval of the JPA for Prisoner Care between Sierra County and the City of T or C.”

Seconded by Commissioners Torres/Green.  
Motion carried unanimously.

NM TOURISM DEPT. – COOPERATIVE MARKETING GRANT: City Manager Weiser stated this item is very similar to what they looked at our last meeting, and indicated this one does apply to the Main Street Grant, and that it has to do with the State having to cut back on the tourism budget from 740,000 to 500,000 for us and many other jurisdictions were affected by this, and that this will mean about \$744.00 loss.

He stated an e-mail was published on December 8<sup>th</sup> and that the cut-off was December 1<sup>st</sup>, and stated there were some bills that were paid between that we lost out on, and indicated there are sufficient funds within the lodger's tax to cover this.

Commissioner Green referred to the page for the contractor, and that the area code is wrong.

“Commissioner Green moved approval of the NM Tourism Department Cooperative Marketing Grant Agreement.”

Seconded by Commissioner Torres.  
Motion carried unanimously.

REPORT YOUTH CENTER: – City Manager Weiser stated that a couple of months ago staff noticed that there was some fascia rock on the inside of the building that was loose, and actually falling out on the sidewalk, and in their inspection noticed there was rust in the vertical structure members of the Community Youth Center Building.



He stated they went in the inside and noticed evidence of movement from the inside of the building, and stated they closed the building at that time, and also noticed movement over the next several days increased where two of the structural members had moved closer to the street, and stated at that time they completed a task order with WHPacific to provide a structural engineer report, and that they were provided with the report on the building.

City Manager Weiser stated they do show in the report that it can be repaired if they wish to expend the money...for roughly \$500,000 is their estimate to repair the building, and in addition there is an estimate of \$150,000-\$200,000 to bring the building up to ADA Compliance, and they are looking at total expenditures of somewhere between \$650,000-\$700,000.

He stated in checking grant opportunities or loan opportunities stated there are very few grant opportunities out there, and stated he contacted Clyde Hudson with USDA, and that they are eligible for a small grant, and can get up to 50% of what the State was allocated under that grant program, and that the State was allocated \$190,000 so the maximum that we could get is \$95,000, however it's up to half of what they have left available, so if they only have \$50,000 available...it's \$25,000. And stated they do have a loan program where they could borrow the money, and they can pay it back over 40 years, and would take some special financing with them at 4 1/2% interest, and at 4 1/2% interest with that kind of money you're looking at a monthly payment of roughly \$3,000 a month for 40 years.

Commissioner Torres – What is going to cost to tear it down?

City Manager Weiser – The engineer's report...\$100,000.

Mayor Montgomery – That's if we do it?

City Manager Weiser – No if we have somebody else do it.

Mayor Montgomery – But we can do it?

City Manager Weiser – We can do parts of it...yes. Facility Staff recommends we do some salvage...a/c units are reasonably new, and kitchen equipment that is serviceable and they would take that out.

Commissioner Luna stated she would love to take credit for the idea...however my wonderful daughter stated they haven't been skating forever, and she replied they had closed it because it was going to fall down. She asked...why can't we skate at the Armory, so my thought is there some way they can be creative and turn the old Armory building into the Youth Center...move the DWI offices there, and that their job is to prevent DWI, promote all these great things to youth...then the building could be ran as the Youth Center much more...it would be open much more than it was previously because there would be someone there to man it, and staff is already at the DWI office 8-5 Monday-Friday, so that would allow that.

And indicated she knows they have a contract with DAIC for those offices, however if we move the DWI Offices into the DAIC offices are we could kinda flip them.

Mayor Montgomery stated she thinks that was part of the concern

when we were talking about moving something in there before was that conflict...that potential conflict with DAIC, and the confidentiality and those issues.

Commissioner Luna stated...but if we swapped them there might be some way...

Mayor Montgomery – I think it would do...in the short term, but I really do think in the long term we need to look at a recreation...I think we need to continue the work that Patti started with the Senior Recreation...youth center, and we talked about the indoor pool.

Commissioner Luna stated we have lots of land up there, and there are lots of things we can do, and I think that would be a temporary solution as we have summer coming up and DWI could man it 8-5 Monday thru Friday.

Mayor Montgomery stated we should direct staff to do some...put some ideas, and bring it back at the next meeting.

“Commissioner Luna stated reluctantly moved to follow the structural engineer report, and tear down the Community Youth Center.”

Seconded by Commissioner Green.  
Motion carried unanimously.

**OLD BUSINESS:** Mr. Juan Fuentes, Finance Director came before the Commission, and stated this Resolution is again before them, and indicated there were two issues discussed at their last meeting...one was an addition in the language of the Resolution to include the City Clerk Treasurer which has been done, and also Commissioner Green brought to his attention the estimated cost did not add up, and that he contacted the engineers, and they acknowledged it was an oversight, and referred to the Commission Action Form the actual amount is \$560,120, and stated they have a CD in the amount of \$313, which they will be using towards the financial assurance requirement, and stated that every year they will budget a certain amount to reach that goal of the \$560,000, and any annual adjustments that are required.

Commissioner Green to Mr. Fuentes...just a suggestion...if the whole packet went to Santa Fe, or is this just in-house.

Mr. Fuentes stated this is information for them.

Commissioner Green stated to keep our records clean...referred to attachment J.1 – Task Closure Construction...we should get rid of that \$149, and change, and that it should be \$299,420, and then the numbers will add up.

Mr. Fuentes – and it is and I apologize, and I do have the current one, and stated it has been changed.

“Commissioner Green moved approval of Resolution #17-10/11.”

Seconded by Commissioner Torres.  
Motion carried unanimously.

**REPORTS:** CITY MANAGER –

City Manager Weiser reported that the first two items deal with the

swimming pool, and the first one...during the health department inspection last year they were told that they needed to re-route the drain from the swimming pool, and could not route that directly to the Rio Grande River, and that it had to go through some sort of treatment process, and stated they completed that Monday, and that when they drain the pool it will go into the sanitary sewer. And stated the second one Juan and I have been reviewing the bid on the pool, and stated he has one more conference call tomorrow morning with them, and will bring that back to them for their approval at our next meeting.

On Carrie Street stated that one of the property owners has been out of town, and have just returned, and they are trying to set up a meeting with all of the affected property owners so they can get that issue ironed out between all the property owners, and then bring it back to them for a resolution.

City Manager Weiser reported on the phone system as they have had difficulty calling in to City Hall, and stated the phone system is elderly, and indicated they received 3 bids on replacing the system, and that they are replacing it at City Hall and the HR Building, and they will look at replacing the system for the police department if they have funds available at a later time.

On the tennis courts they have put up the posts for the fencing, and stated the electrical is just about complete, and ready for inspection, and have installed the footing and cable to attach the cables, and stated the next step is when it cures then they will come back and complete the fencing, and put the surfacing on the courts.

The ball field lighting...all the support poles foundations are in, and stated they are finishing up some electrical work, and they will start erecting the poles.

CITY ATTORNEY – No report.

COMMISSIONERS –

Commissioner Luna stated she received an e-mail, and some pictures from an individual who lives on Palo Verde regarding a home that was severely damaged by fire in November 2010, and indicated the home has been sitting vacant, and the roof of the home is coming off, and earlier it came off and City crews had to deal with material that came off.

She stated a letter was sent to Mr. Friberg requesting something be done, and he wrote back to them that the property owner was working on the matter, however the structure has been condemned, and apparently the police are being called when the owner works on it...but only on the week-ends.

Commissioner Luna stated this is one of six properties that I could account for off the top of her head that have been damaged by fire...that either nothing is being done or a very slow process, and she thinks they need to come up with a time line...some kind of time frame for them to make improvements...get it back up, and showed the pictures, and that the roof is going to blow off, and that the pictures were taken on Sunday, and was not blowing like it was yesterday or today, and stated that it is only going to get worse.

She stated I don't know what we need to do to get on top of this...if it's the fire chief or fire safety, building inspector, police chief,

public safety...whatever it is we need to get on top of these things, and also referred to the house on Riverside, Rodeo Arena Road, and the motor home that caught fire at Cottonwood RV Park, and stated those are all three places that people see driving to the lake. You have the Red Haven, Buckhorn Bar and Andy's, and that Andy's has done a little bit, but we need to get on top of this.

City Manager Weiser stated he agrees with her, however 3 of the units that you mentioned have either...they're still under investigation for a cause of the fire, or have just been released so that the insurance companies can come in and do the work. And stated the one on Palo Verde...the property owner has received his money from the insurance company, or at least that is what he has told Charlie, and trying to find a contractor who will do the work for the money that he has available.

Commissioner Luna stated...I don't know, and that it would look awfully tacky...maybe some tires on top of the flapping metal might soothe the neighbors nerves, and keep the City from having to spend tax-payer's dollars to clean up the mess.

Commissioner Green stated a follow-up on his last report, and that he forgot to mention something on his visit to SJOA, and that Mr. Brad Grower has written the Commission...is that would it be possible to come up with times that City Commission meetings are shown on Channel 9 on the Public Access, and that both papers could print it the way they do a television print out.

Commissioner Torres – No report.

Mayor Montgomery – No report.

**EXECUTIVE  
SESSION:**

“Commissioner Luna moved that the meeting be closed for Executive Session pertaining to Personnel 10-15-1H(2) 1. Officer Manuel Torres, Purchase, Acquisition or Disposal of Real Property or Water Rights 10-15-1H(8) – 1. Airport Property.

Seconded by Commissioner Green.

Commissioner Montgomery 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 SESSION:**

“Mayor Montgomery stated that the Commission was now in Open Session.”

**CERTIFICATION**

“Commissioner Green certified that only matters pertaining to Personnel 10-15-1H(2) 1. Officer Manuel Torres, Purchase, Acquisition or Disposal of Real Property or Water Rights 10-15-1H(8) 1. Airport Property were discussed in Executive Session, and discussed ensued, and no vote was taken.”

Seconded by Commissioner Luna.  
Motion carried unanimously.

Mayor Montgomery stated there is no additional information on the personnel matter, and the Airport Property that they continue to make progress, and will be looking forward to a report at the next meeting.

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

APPROVAL: PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2011, on motion duly made by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and carried.

\_\_\_\_\_  
LORI S. MONTGOMERY  
MAYOR

ATTEST:

\_\_\_\_\_  
MARY B. PENNER, CITY CLERK

