

CITY COMMISSION
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
Tuesday, April 26, 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, April 26, 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. Evelyn B. Renfro, Commissioner
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, and stated if they would keep in your thoughts those families that were touched by tragedy this weekend.

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 Renfro.
Motion carried unanimously.

RESPONSE TO PUBLIC COMMENT: None.

COMMENTS FROM THE PUBLIC: Mr. John Mulcahy came before the Commission with comments.
Ms. Alma Grantham came before the Commission with comments.
Ms. Janice Gray came before the Commission with comments.

Ms. Yvonne Taylor came before the Commission with comments.

Ms. Kim Skinner came before the Commission with comments.

Ms. Linda DeMarino came before the Commission with comments.

Ms. Linda Williams came before the Commission with comments.

Mr. Ron Fenn came before the Commission with comments.

Commissioner Renfro stated she would like to respond to that, and indicated the property that Mr. Fenn was referring to was deeded to the City for recreational purposes only.

Mr. Gerald Trumbull came before the Commission with comments.

Ms. Sophia Peron came before the Commission with comments.

Ms. Eve Elting came before the Commission with comments.

Mr. Bradley Grower came before the Commission with comments.

Mr. Don Stallman came before the Commission with comments.

Commissioner Green stated he would like to respond, and that he does not agree with Ms. Peron's statement...It's something that we just have to live with...that we don't have to live with it, and he concurs with Brad Grower's position that one of the responsibilities of government is to provide for safety of its citizens. And stated he has personally been in the City offices at least twice and possibly more than that today, and he knows that the manager is working on this, and is talking to the police chief...and we are aware of a situation that exists in our community, and he wants the citizens to rest assured that this is front plate discussion...we're gonna deal with it...we're gonna make it right, and we're gonna do something that is fair and rational and reasonable to all the citizens so they feel comfortable walking the streets of T or C.

CONSENT
CALENDAR:

Mayor Montgomery stated they have three items under the Consent Calendar – Minutes - City Commission Workshop – April 7, 2011, City Commission Meeting – April 12, 2011 and DAIC Monthly Report – March 2011.

“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.

Commissioner Green stated for the Golf Course Advisory Board...he thinks the Manager would probably like his name spelled correctly. And on the Airport Advisory Board there is a typo on the last page the date should reflect 2011.

Commissioner Renfro stated on the Recreation Advisory Board minutes she noticed there was a report by Mr. Baca regarding the basketball program, and would like to have the City Manager check with him to see if they can schedule in the past...there had not been

a conflict...you had the basketball season and then you had the soccer season, and stated this year both programs are in conflict with each other, and thinks that needs to be checked into and corrected.

BOARD &
COMMITTEE
REPORTS:

None.

PUBLIC
HEARINGS:

Submission of application to DFA for a Small Cities CDBG Grant Program – Mr. Tony MacRobert, SCCOG –

Mr. Tony MacRobert Grant Administrator with SCCOG came before the Commission, and stated he is here for the submission for a planning grant for CDBG, and passed around a sign in sheet.

He indicated in order for the City to qualify for future Community Development Block Grant funds stated they will have to have an update on their comprehensive plan, or a new comprehensive plan, and went on to explain the criteria which includes the program objectives, eligible applicants, eligible activities/categories, ineligible activities, program requirements, and application requirements.

Mayor Montgomery at this time opened it up for discussion from the Commission.

Commissioner Green stated they are past 5 years with their comprehensive plan, and that they have to do it.

Mayor Montgomery stated there has been discussion going on about getting the comprehensive plan for some time now, and knowing that the planning grant money was available, and that the Commission has requested that they go forward with a planning grant through CDBG.

Mayor Montgomery opened the public hearing and asked if there was anyone who was for the City applying for the planning grant, and there were several who came before the Commission to express their comments.

Mayor Montgomery asked if the grant would cover both the comprehensive plan and the update of the development of codes and ordinances.

Mr. MacRobert stated within a comprehensive plan you can add certain elements.

Mayor Montgomery asked if there was anyone who would like to speak against the comprehensive planning grant application, and no comments were received the public hearing was closed.

RESOLUTION
#21-10/11

Mayor Montgomery stated they heard the comments from the public, and that they heard Mr. MacRobert's presentation.

Commissioner Green asked...is this a slam dunk, or is it a competitive market out there that there is a possibility that we won't get the grant.

Mr. MacRobert stated in the past...as long as there surveys are rating and fit the criteria...it is pretty much a 95%, and stated the description in need, and that is where he will come in...and has

already started the survey methodology and will be working with the City Manager as well.

Commissioner Green asked...is there a time limit when you expect the grant to go in.

Mr. MacRobert stated he is looking at...no later than a month...possibly two weeks.

“Commissioner Renfro moved approval Resolution #21-10/11 – Authorizing 2011 CDBG Planning application.”

Seconded by Commissioner Torres.
Motion carried unanimously.

REPORT
DIANNE
PREISSER
TOURISM
DIRECTOR:

- Ms. Kim Skinner Chairperson for the Sierra County Tourism Board came before the Commission to introduce Ms. Dianne Preisser the new Tourism Director.

Ms. Dianne Preisser Director of Tourism came before the Commission to give a brief report on her accomplishments for the last couple of weeks, and presented the Commission with an update of everything she has done, and encouraged the Commission to get in touch with her.

She stated she hopes to come before the Commission on a quarterly basis.

Ms. Preisser stated there is a journalist that is visiting T or C in May, and indicated he writes for all kinds of magazines, and is coming to investigate various story angles.

She also reported that lodger’s tax is up in T or C, Elephant Butte, and all of Sierra County, and provided them with numbers included in her report, and stated she is sending travel guide requests via e-mail and postal mail, and stated that would be done weekly.

RESOLUTION
#22-10/11:

City Manager Weiser stated that the friends of Lee Belle Johnson have worked very hard over the last year and a half collecting memorabilia and placing it in the Senior Recreation Center.

He stated the friends of Lee Belle Johnson came before them to have the name changed to the Lee Belle Senior Recreation Center, and they indicated their mission has been accomplished, and stated they would like to ensure that this memorabilia is protected and placed for viewing for generations to come, and they have asked for a resolution from the City accepting their donation so it will be available for the future.

“Commissioner Green moved approval Resolution #22-10/11.”

Seconded by Commissioner Renfro.
Motion carried unanimously.

ALTERNATE
SPACEPORT
SITING
COMMITTEE:

City Manager Weiser stated that Commissioner Green asked that this be placed on the agenda.

Commissioner Green stated that the County has appointed two representatives for the County on the MOU that Spaceport America signed with Sierra County, and that he represents the City of T or C, and assumes they will have meetings soon to come up with recommendations, and that the ball will be in the court of the

Spaceport America, and he thinks it is important in case of illness and over such a short period of time, and if he would not be able to attend meetings it would not serve the City of T or C and our citizens well, and thinks it is important that he has an assistant/associate...a back-up, and that is why he asked that this be put on the agenda.

“Commissioner Renfro stated she would like to nominate Commissioner Luna as the alternate.”

Seconded by Commissioner Green.

Motion carried unanimously.

DISCUSSION – Commissioner Green stated he hopes this starts a dialogue amongst
COMMISSIONER the Commissioners, and thinks it is important to start a dialogue on
GREEN: what are the duties...what are the roles, and what are the responsibilities of a Commissioner, and indicated when Mayor Montgomery, City Manager Weiser, and he were in Santa Fe he realized that he had been going the last 3-4 years, and that there wasn't one face that he remembered because it is a new regimen, and no money in Santa Fe he thinks it would behoove our community to have volunteers or appointments to different Cabinet Secretaries, and elected State officials that we call on a regular basis, and knows that SCEDO puts on the dinner once a year, but in the middle of a legislative period...that's not the time to get your message out there...if you haven't done it ahead of time then it doesn't make any sense, and read off several descriptions and stated all these impact our community potentially in a good way or a negative way, and he thinks now is the time to start to till the soil, and start to make relationships with the appointed designates, and the elected designates in Santa Fe...go to their homes, offices and develop a relationship so they understand what our challenges are, and what are goals are, and that when money comes available...we're not starting from ground zero and have already cast some dies already, and stated this is where his thinking is.

He stated he would love to have two Commissioners but in different election periods assigned, and he would love to do tourism...and would love to do all of these but this is not a one man show...this is a five person show, and with the City Manager it is a 6-person show, so my thinking is...this way you have people who don't want to run for election or lose if they're running for election at least you have continuity of someone there for another 2 years, and they'll have a chance to introduce the new person, and he thinks it's a sophisticated world...a complicated world...a competitive world, and he thinks that we don't get to call the shots.

Commissioner Green stated we have a new governor and cabinet secretaries, and thinks it is a great time to build those types of relationships that hopefully will bring back some bacon back to the community when money is available.

Commissioner Torres is that talking to your Senators and Representatives...

Commissioner Green...Commissioner Torres – I'm talking about Smith, Hamilton, Fischmann, Udall, Bingaman and all of the cabinet secretaries...that we really should have a relationship with so we can give them a call...I want to have that type of relationship with the people who are in power...but you don't have it now.

Commissioner Torres – but you're by passing your Senators,

Representatives.

Commissioner Luna – I think if we could come up with a list of them, and those of us that do desire to join in with Commissioner Green's efforts, and thinks that will be fine.

Commissioner Torres – I just don't want to step on somebody's toes...our Representatives, Senators...those people in Santa Fe really don't like...I mean I've been up there several times, and we've had some City Commissioners, County Commissioners...they go up there and the Governor...they're tired...we got a lot of work to do...we've got things to do...you hear them say...here they come again.

Commissioner Renfro – you can't become a pain in their sides...so just make sure whoever decides to do all this...don't do that.

Commissioner Torres – you can go up there on your own anytime you want to, but I don't think the City should be spending the money to take the trip.

Mayor Montgomery – I think it's important that in all of our business lives that what we do is that we remain in contact with those individuals. I am lucky enough to have a good working relationship with Senator Smith and we talk quite frequently about Veterans, and when Veterans come up we talk about T or C...so there is that opportunity there.

She stated she has contact with other departments that I happen to work for and we continue to talk about T or C and the things that are going on, and I think that building those things around our day to day businesses is vital...both of our businesses as well as for the community, and stated it is a very good opportunity for the Commissioners to exercise that occasionally in Santa Fe...and there is no reason why we can't be in contact with them routinely e-mail or telephone...I think that is the key to keeping on their radar. And I think there is things to be had on both sides of this table of course, and I would recommend that the Commissioners start maybe an e-mail notes to the people that they are interested in...if they're interested in Tourism you start off with the Tourism Department, and I think the City Manager is interested in other departments that affect the City directly.

Commissioner Green stated as just to possibly sway some of your concerns Commissioner Torres...I wasn't thinking about a weekly or a monthly...I was thinking in the back of my mind maybe twice a year, and I think it's important to go up there not with your hand out, but just to meet them so they can put a name with a face and a face with a name, and they begin to understand our community, and that's what really I'm talking about is that when in two years when there is some money the ground work has been laid, and I disagree with you...I think that you can go up to Santa Fe for a little bit amount of money...you can stay at Motel 6 for \$35.00...and I think it is money well spent building those relationships over...let's face it...if Governor Martinez does a good job and her Cabinet Secretary is going to stay up there...they're gonna be there for 8 years...that's a life time, and this is not an attempt to step on anyone's toes not at all...this is to not only relieve the burden of what the Mayor is doing to spread out the work amongst the entire Commission #1, and also to have different faces of the community represented at these meetings.

Mayor Montgomery stated one of the most important things is that we continue to invite them to special events...every time there is something going on in T or C they should get an e-mail of an invite from the Commissioners...some will make it...some won't, but the thought is that you're inviting them and making them a part of the community...I think that is the key to get the dialogue started.

FIESTA PARADE ENTRY: Mayor Montgomery stated they have the entry for the Fiesta Parade, and asked the Commission if they would like to participate.

Commissioner Luna stated she believes she can get a vehicle.

Mayor Montgomery stated they would meet at the Veterans Home.

OLD BUSINESS: RESOLUTION #20-10/11 – Amending, repealing and enacting certain sections of the City of Truth or Consequences Personnel Rules and Regulations.

Mr. Juan Fuentes, Finance Director came before the Commission and stated the proposed resolution amends certain sections of the personnel rules and regulations.

He stated at the last meeting the Commission requested an amendment to the original language in Section 1.3. And explained the original language called for employees who request for tuition assistance to reimburse the City on a pro-rated basis if they leave employment, and stated the new language requires the employees to reimburse the City at 100% if they leave employment within 1 year, and indicated the other sections remain the same.

Commissioner Green stated he thinks there is a typo...Under 2.2...the employees **is** changes, and should that be changed.

Mr. Fuentes stated the word **is** should be deleted.

Commissioner Luna referred to 3.2 the second line...**workweek** is one word, and she believes its two. And referred to the bottom if the holiday falls on an employee's regularly scheduled day off...we're talking about the observed holiday...not the actual holiday...correct...

Mayor Montgomery – it should be the observed holiday.

Mr. Fuentes – the observed holiday...that is correct.

“Commissioner Luna moved approval Resolution #20-10/11.”

Seconded by Commissioner Renfro.
Motion carried unanimously.

REPORTS: **CITY MANAGER –**

City Manager Weiser stated that City Hall and the Police Department have received numerous phone calls, e-mails, and letters concerning the tragic events of Sunday. And stated by far most of the phone calls have expressed concern, sorrow, shock, etc., etc., on the events.

He stated because this situation is still under investigation for that reason any comments from the City at this time would be inappropriate, and could damage or compromise any future legal action to be taken, and appreciates the expression of concern, but

our comments will be muted if any at all at the present time.

City Manager Weiser stated they are still seeking volunteers to serve on the Sierra Vista Hospital Governing Board, and that if anyone is interested please contact the City Clerk's Office, and stated they have the issue that the governing board is looking for as far as an applicant.

He reported the recycling company has started the removal of the debris at 3rd & Date, and stated that the sign will be one of the last items removed as they are using that to help with the loading process.

City Manager Weiser stated that Mr. Gil Avelar has done one walk through at the tennis courts, and indicated they found a couple of items that need repairing, and they hope the final walk through will be later this week or early next week.

He stated the lights at the ball field and the parking lot have been tested and the ones in attendance were impressed with the quality of the light, and the comments were...there was no more shadow.

City Manager Weiser reported on the pool cover...schedule as far as construction and installation was submitted and approved, and stated that the manufacturer is working on their end of it.

He stated 3 of the burned structures they have discussed in the past have been demolished, and that two of them have been cleaned up, and the third is awaiting availability of a large dumpster. And reported one of the commercial properties they have been working on to clean up has recently sold, and stated the owner has been out of town, and has expressed by phone his plans to probably replace, possibly rebuild that property, and will get his perspectives to us in May.

City Manager Weiser stated there is still one property on the State Historic list that we've had verbal assurance will be removed and that Mr. Charlie Friberg is working to get that in written confirmation.

He stated at the workshop for siting the collection station he was asked to facilitate a meeting with the County, Village, and Elephant Butte, and stated the first meeting took place last week, and they divided up some duties, and stated he is to research two locations that were mentioned at our meeting, and that they are in that process, and stated the County is going to look at a governance board and how that can be set up, and the Village of Williamsburg is going to look at see if there is a possibility of using their Colonias status to help with the funding, and stated they will meet again he thinks next week Tuesday, May 3rd.

City Manager Weiser stated last Thursday he was in Santa Fe with representatives from WH Pacific, and that they were making a presentation in front of the Water Trust Board on the rehabilitation of our 3 water tanks, and stated they are asking for 1.2 million dollars for that project, and they had questions concerning maintenance be part of our rate structure, and funds put aside for that, and stated the chairman did bring up the proposition, and did ask, and Mr. Todd Phinney made an appropriate answer, but his question was...what is the...if the rehabilitation of these 3 tanks is 1.2 million dollars what would it cost to replace those 3 tanks, and his comments was somewhere between 2 ½-3 ½ million dollars to

replace...so you're getting 2-1 or 3-1 on your money.

He stated he will be out of the office Thursday for a mandatory training session in Albuquerque, and will be out tomorrow to take his wife to the doctor for a 2-week check-up.

CITY ATTORNEY – No report.

COMMISSIONERS –

Commissioner Renfro – No report.

Commissioner Torres – Stated he is glad to see the old Conoco Station gone, and stated when you go down 3rd Street that is going to be the main street going to the Spaceport...that street is getting terrible...there is junk on the left hand side where that drug bust was a couple of weeks ago, and I don't know if it's a wrecking yard or what it is across the street from the Laundromat...that rock house...some of those cars are jacked up, and you go down the street at that trailer park half of those trailers are not skirted, and RV's hooked on to it...it's filthy dirty, and I think our code enforcement needs to go and pay them a visit.

He reported on Carrie Street they had an accident this week-end, and stated there is rocks on that street, and if you get a kid with a dirt bike or 4 wheeler there are going to get hurt on that street, and the City is going to get sued...we've been talking about this for the last 3-4 months and nothing has been done...until somebody gets hurt...they just throw rocks...I don't know who done it, but there was ties, and they took them off now they have big boulder rocks in the middle of the street...somebody is going to get hurt.

Commissioner Green...following up on Commissioner Torres about safety, and stated he has received calls recently about the cross walks that the paint is basically gone...especially when you are trying to cross at Foch and Broadway...that is just an accident waiting to happen, and suggested they send a letter to NMDOT and copy Secretary Dominguez so he knows this is an ongoing problem.

He asked how we are doing with the hydrology study.

City Manager Weiser stated he had the opportunity to spend about 4 hours with WH Pacific last Thursday, and they discussed that and where they are at with that process, and stated they are in the information collection mode, and stated they are meeting again in a couple of weeks, and they will be down to get the final maps and get that process going.

Commissioner Green stated he received two e-mails...one from Mark Trujillo who is North American Tour Trade Director for NM Tourism Department, and stated Gina Kelley and Kim Skinner had worked for about a year to bring 19 tour bus operators in our community...and stated they were here for about an hour and 15 minutes, and stated part of the e-mail reads...the FAM Tour was a great success, and an honor to have Mayor Montgomery say a few words at the luncheon, and that the group was honored that two City officials greeted them...WOW, and please extend my deepest gratitude to Mayor Montgomery and Kim for all their hard work and assistance in making this a successful FAM Tour.

He stated in the group there was an independent travel writer who

had never been to T or C or Southern New Mexico, and read from an e-mail...from Bob Vernon...thanks for your hospitality during our visit...don't know about you but I haven't been able to stop talking about our time in Truth or Consequences including the Spaceport America visit truly a highlight of our trip. PS, if all goes according with the Spaceport it looks as if T or C will be a boom town before long I wish you the very best of luck.

Commissioner Luna stated that first I would like to give KUDOS to two of the City Employees...Dave & Steve attended AG Day and gave a very much appreciated demonstration on mosquitos, and that it was hard to corral 2nd & 5th graders attention, and thinks they did better than any other exhibits and it was very nice, and just wanted to give KUDOS to those employees.

She stated she thinks they need to look at possibly dissolving the P & Z Board, and the building inspector position...maybe looks towards hiring a planner to oversee the permits, and have the Commission hear the requests, and have State Inspectors do the inspections...hopefully this can...this will move to become more streamlined and user friendly as we seemingly had problems over problem just repeated, tirelessly. And indicated that the planner can also focus on updating the codes, and work on the building codes, and hopefully we can get things back in line and move forward from there.

Commissioner Luna stated she would like an update on the meeting with DFA in regards to the DWI Program from the letter dated April 22nd...it looks as though the funding for that maybe questionable.

City Manager Weiser replied that he would get it to her.

Commissioner Luna – can you get it to us here.

City Manager Weiser – I'll get it to all of you.

Mayor Montgomery stated she is also going to mention the gas station on the corner of 3rd, and that she has been after the staff for years on getting that removed it's taken us a long time...but I will leave the staff alone now, and I'm very, very happy that it is gone...that eyesore was quite horrendous I think.

She stated she would like to thank the owners of the TD Refrigeration building they have done remarkable work in getting that cleaned up, and that it looks very, very nice now, and stated you're gonna have a challenge to get in the building right next to it removed from the historical registry because that is not easy to do.

Mayor Montgomery stated one thing she would like to have staff follow-up on, and that she has sent some e-mails about the flood maps, and indicated she has received call after call on those flood maps on the projects for the Morgan Street project, and that they need to be re-done to get those properties...

Commissioner Torres stated he thinks they have updated them because they took mine off...I got a letter I don't have to buy flood insurance anymore.

Mayor Montgomery – you did...okay so we need to follow-up and find out which ones were removed, and which properties were not removed because that last phase I don't think it was done, and so

that maybe what is holding some of that back, but I need...

City Manager Weiser – is that through FEMA.

Mayor Montgomery – Yes...Comment on your comment about the dissolution of the P & Z, and the replacing of the building inspector...I agree that there should be some type of a planner position for the City...I have been preaching for a long time...you know about us doing our own inspections and getting people that are qualified that work for the City to do those inspections so that we can get the money in the City coffers for that...we should be doing the mechanical and the building inspections for the State...not the State...we shouldn't...I don't think...I think the money should be staying in T or C, so I would continue to push for licensed individuals that can do that kind of work for the City, and last but not least I need all you guys to give money to Mary for Friday's workshop so they will have goodies during the workshop.

EXECUTIVE
SESSION:

“Commissioner Green moved that the meeting be closed for Executive Session pertaining to Purchase, Acquisition or Disposal of Real Property or Water Rights 10-15-1H(8) – 1. HSLD – Airport property.”

Seconded by Commissioner Luna.

Commissioner 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 SESSION:

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

CERTIFICATION

“Commissioner Green certified that only matters pertaining to Purchase, Acquisition or Disposal of Real Property or Water Rights 10-15-1H(8) – 1. HSLD – Airport property postponed from 4-12-2011 was discussed in Executive Session discussion ensued, and no action was taken.”

Seconded by Commissioner Luna.
Motion carried unanimously.

“Commissioner Renfro moved that the City Attorney be instructed to send a letter of notification...per City Attorney Rubin...a notice of condemnation to the HSLD, (Commissioner Renfro), and also that City staff proceed to get an appraisal on the property.”

Seconded by Commissioner Luna.

Commissioner Green asked does the FAA get a copy of that...do they need to get a copy of that so they know what we're doing.

Mayor Montgomery stated...actually I think that is probably a good idea so they know that we're...

City Attorney Rubin – I'll do it.

City Manager Weiser...Dumas Slade as well...WH Pacific.

Mayor Montgomery – so you’re gonna copy the FAA, WH Pacific, and their Attorney.

City Attorney Rubin – and Greg Neal.

Motion carried unanimously.

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

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

LORI S. MONTGOMERY
MAYOR

ATTEST:

MARY B. PENNER, CITY CLERK