

**NOTICE** is hereby given that the City Commission will conduct interviews at 5:30 P. M., for the Sierra Vista Hospital Governing Board.

Mayor Montgomery stated they have one interview Mr. James Hunt, and asked Mr. Hunt to tell them a lit bit about himself, and asked his interest on why he would like to serve on the Hospital Governing Board, and there were also questions by the Commission.

CITY COMMISSION  
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO  
Tuesday, August 9, 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, August 9, 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, Mayor Pro-tem  
Hon. Steve Green, Commissioner  
Hon. Frances Luna, Commissioner  
Hon. Freddie Torres, Commissioner

Also present:

Ellen Lindsey, Acting 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 Luna moved to approve the agenda as presented.”

Seconded by Commissioner Green.

Acting Manager Lindsey stated that City Attorney and staff recommend removing item H-11, and indicated that HSLD wishes

to exercise their option and submitted a letter to that affect this afternoon, and respectfully request this item be presented at the August 23<sup>rd</sup> meeting.

“Commissioner Luna moved to approve the agenda as amended.”

Seconded by Commissioner Green.  
Motion carried unanimously.

**PRESENT-  
ATION –  
CERTIFICATES:**

Mayor Montgomery and Acting Manager Lindsey presented several certificates, and Acting Manager Lindsey stated the City Commission is presenting several certificates of appreciation to individuals who assisted with the incident of April 24<sup>th</sup>, 2011 involving Margaret Salcedo.

Dispatchers – Ann Hankins & Candy Torres

Truth or Consequences Police Department – Officer James Harrington, Officer Paul Wolfe, Sgt. Ted Ontiveros, and ACO Officer Roy Schoendradt

NM State Police Officer – Spencer Roberts

Emergency Medical Technicians – John Palmerin & Javier Marco

Witness – Laura Russell & Jamie Sanders

Las Palomas Fire Department EMT – Kevin West

Elephant Butte Fire Department First Responder – Carlos Padilla

**RESPONSE TO  
PUBLIC  
COMMENT:**

None.

**COMMENTS  
FROM THE  
PUBLIC:**

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

Mr. Charles Kuhne came before the Commission with comments.

**CONSENT  
CALENDAR:**

Mayor Montgomery stated they have two items under the Consent Calendar – City Commission Meeting Minutes – Workshop & Regular – July 26, 2011, & Accounts Payable Report – July 2011.

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

Seconded by Commissioner Luna.  
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 he would like to make a comment

about the Airport Advisory Board...and a special thank-you to the newest member of that board Gerald LaFont, and indicated he was sworn in, and that he donated furniture for the Airport, and stated he felt that was really wonderful, and thanked him for his donation.

BOARD &  
COMMITTEE  
REPORTS:

None.

PUBLIC  
HEARINGS:

None.

APPOINTMENT  
– SVHGB:

Acting Manager Lindsey stated they interviewed Mr. Hunt prior to the regular meeting this evening, and indicated she has a memo from the City Clerk's Office who spoke with Mr. Warren Cross, and stated he was interviewed in September of last year and that he is still interested in the position, but did not feel that he should be re-interviewed.

“Commissioner Luna moved the appointments of Mr. Jim Hunt and Mr. Warren Cross to fill the vacancies of the Governing Board.”

Seconded by Commissioner Green.

Motion carried unanimously.

APPOINTMENT  
– SJOA:

Acting Manager Lindsey stated that Ginni Jones term on the SJOA Board of Directors expired June 30<sup>th</sup>, and that the board notified Ms. Jones that her term had expired, and the board solicited names, and that Mr. George Shaw responded, and was interviewed and is a resident of Truth or Consequences, and has volunteered as a driver, and is an active participant in fund raising events and other senior activities, and staff recommends the appointment of Mr. George Shaw to the SJOA Board of Directors, and stated Ms. Yvonne Taylor is in the audience if the Commission has any questions of her.

“Commissioner Green moved for appointment on the recommendation of the SJOA Board of Directors to appoint Mr. George Shaw to the board.”

Seconded by Commissioner Luna.

Motion carried unanimously.

DWI  
TREATMENT  
CONTRACT:

Acting Manager Lindsey stated that DFA as part of their audit several months ago recommended that the treatment portion of the DWI Program be expanded. And that Ms. Phyllis Meece, DWI Coordinator approached Rod Merta of Rio Grande Psychological Services about providing outpatient alcohol and drug group treatment for DWI offenders.

She stated the treatment length and the type will be determined by Dr. Merta based on initial intake sessions and on-going assessment of progress, and that he will provide a detailed monthly report and invoice, and stated the term of the contract is for one year terminating on June 30<sup>th</sup>, 2012.

Acting Manger Lindsey stated that the DWI Program will pay Dr. Merta \$25.00 an hour per person/per group session with a contract total not to exceed \$5,000, and stated the patient's primary insurance will be billed first, and then the DWI Program will pay any existing balance and co-pay to the contractor. She stated the

format of this contract is one that is recommended by DFA, and that they have administratively pre-approved the contract, and staff recommends approval of the contract with Dr. Merta dba Rio Grande Psychological Services, Inc., and that Phyllis Mecca is here, and she and I will answer any questions that the Commission has.

“Commissioner Green moved approval of the contract between T or C/Sierra County DWI Program, and Professional Services Contract with Rio Grande Psychological Services, Inc.”

Seconded by Commissioner Renfro.  
Motion carried unanimously.

DWI  
PLANNING  
COUNCIL:

Acting Manager Lindsey stated that DFA also recommended as part of their audit that the DWI Task Force be dissolved and reformed as a DWI Planning Council, and indicated the Planning Council will serve to assess and identify needs and gaps in the community with regards to planning, coordination, treatment, prevention, evaluation, compliance monitoring, screening and enforcement of the DWI Program.

She stated individuals were solicited from city and county officials, DWI program and service providers, law enforcement, court officials, alcohol counselors and therapists, school administrators and local leaders. And stated before you...you have a list of interested individuals, their role in the community and attached is their member information sheet, and staff recommends approval of the individuals interested in serving on the DWI Planning Council, and stated Phyllis Mecca is available for questions...she or I.

Commissioner Green asked how long is the appointment for...is there a time limit or is it open ended.

Ms. Mecca replied, “it would be for one year.”

Commissioner Luna stated she noticed there was no one from the Sheriff’s Department did they not show any interest...or...

Ms. Mecca stated they did not show any interest.

“Commissioner Green moved approval the appointments to the DWI Planning Council.”

Seconded by Commissioner Torres.  
Motion carried unanimously.

RESO.# -  
05-11/12:

Acting Manager Lindsey stated the New Mexico Commission on Public Records has developed and issued records retention and dispositions schedules for municipal records.

She stated that the City Clerk did some research, and the Municipal Clerk’s Handbook recommends municipalities adopt retention schedules by resolution, and that the State Records Center and Archives provides a retention time table as an example for us to follow, and in the interest of sound records management principles the City Clerk has established these procedures, and schedules for the retention and disposition of municipal records of the City, and staff recommends approval of Resolution #05-11/12.

Commission Green asked if someone was interested they could go

to a specific website and see what the period of time that the municipalities require to hold that document for...is that correct.

Acting Manager Lindsey – yes they could, and that I have that information available here.

“Commissioner Luna moved approval of Resolution #05-11/12.”

Seconded by Commissioner Renfro.  
Motion carried unanimously.

ALTERNATE  
JUDGE:

Acting Manager Lindsey stated at this time there is no alternate judge for the Municipal Court, and indicated that Judge Sanders is requesting the City Commission begin the process for choosing and appointing a part-time alternate judge with a 6-month probationary training period.

She stated after the training period Judge Sanders would like the Commission to consider a per-day salary for the alternate, and that she will bring that back at a later time, and recommendation from staff is to advertise for a part-time alternate judge.

“Commissioner Renfro moved to advertise for a part-time alternate judge.”

Seconded by Commissioner Luna.  
Motion carried unanimously.

GRANT – NM  
AGING:

Acting Manager Lindsey stated these funds were approved by the legislature during the 2010 Legislative Session, and the New Mexico Aging and Long-Term Services Department is offering funds to the SJOA, and indicated the first grant is for \$126,000 to purchase and equip vehicles, and the second grant is for \$10,300 to purchase and install meals equipment at the Senior Center, and staff recommends acceptance of the capital appropriations grants from the NM Aging and Long-Term Services Department to SJOA.

She stated Ms. Fuentes is in the audience and also Yvonne Taylor if the Commission has questions.

Commissioner Green...the \$126,000 is that going to be replacing vehicles or adding to an existing fleet, and if it's gonna replace vehicles what happens to those vehicles.

Ms. Taylor stated they will replace them, and indicated the City owns them or have them auctioned, and stated she has to get approval from the State to do that.

Mayor Montgomery stated or the City could deploy them elsewhere.

“Commissioner Green moved approval Acceptance of Capital Appropriations Grants – NM Aging & Long-Term Services.”

Seconded by Commissioner Torres.  
Motion carried unanimously.

GRANT – POOL:

Acting Manager Lindsey stated in 2008 the City received a grant of \$100,000 to plan, design and construct a cover on the municipal swimming pool, and indicated in late 2009 these funds were reverted back to the state.

She stated during the 2009 Legislative Special Session these funds were swapped from the General Fund to Severance Tax Bond funding, and stated the City has received a grant agreement from DFA Local Government Division for \$100,000 to be used for the swimming pool cover project, and staff recommends acceptance of the State Appropriation Grant in the amount of \$100,000.

Commissioner Green stated he noticed there is a termination for cause or early termination for convenience, and stated I'm quite sure staff has already thought about this...you can date back retroactive to October 31<sup>st</sup>, 2009...so any of the engineering fees that we have already paid for...let's get this \$100,000 in the bank first because they might pull this money from us like they did last year...and we'll worry about the loan we always can spend...because we have a period of time, but I would put the reimbursement for those canceled checks...and whatever the requirements are...let's get that money in the bank real quick.

Acting Manager Lindsey stated that Mr. Fuentes and I have already discussed this.

“Commissioner Green moved Acceptance of 2009 Legislative Appropriation Grant in the amount of \$100,000 to plan, design and construct a cover over the municipal swimming pool.”

Seconded by Commissioner Renfro.  
Motion carried unanimously.

RESO.# -  
06-11/12:

Mr. Juan Fuentes, Finance Director came before the Commission, and stated briefly to follow-up on Commissioner Green's question, and stated he did ask the contact person at the State about using that \$100,000 for prior expenses, and they indicated because we already closed the fiscal year...the good news is we still have an outstanding balance that we are going to start drawing down on this grant first after it has been approved tonight, and indicated the next payment request will come from this grant, and that they will be using that money before we use any of the loan money, and that they will get it spent this year.

He stated the Resolution before them is to account for these two grants as well as a budget adjustment in the Police Department, and indicated the Recreation Fund is being used to account for the revenue and expenditures related to the swimming pool cover, and with this \$100,000 they are including it in the Recreation Fund, and stated they are also asking a transfer in and out as a cash flow...transfer loan from the Joint Utility. Item #2 – It is the cash flow temporary loan to the Recreation Fund that will be an in and out, and by the end of the fiscal year we will be transferring all of those funds back to the Joint Utility. Item #3 – Senior Grant, and indicated this will account for the \$126,000 and the \$10,300 of the Aging and Long-Term Services Grant Agreement. Item #4 – Police Department, and stated this is one of those recurring budget adjustments that they were doing all of last year...it is activity from some grants that the police department is working under, and that they are adjusting their personnel activities to reflect that reimbursement.

“Commissioner Luna moved approval of Resolution #06-11/12 for budget adjustments.”

Seconded by Commissioners Renfro/Green.  
Motion carried unanimously.

ICIP – 2012-2016: Acting Manger Lindsey stated they have the list of the ICIP for 2012-2016, and indicated that staff will begin preparing the ICIP for 2013-2017 for submittal to DFA at the end of September, and stated this is for their review, and staff recommends a couple of options, and that they can prioritize the list this evening and schedule a public hearing for August 23<sup>rd</sup>, or they can bring this back at the August 23<sup>rd</sup> meeting to prioritize the list and schedule a public hearing sometime in September.

Mayor Montgomery stated they should follow the same process that they did last year...is publish the list...the existing list with directions on what the ICIP...the Infrastructure Capital Improvement Plan means, and allow for public input which is what they did last year, and then compile it and take a look at it at the next meeting, and that would be one of my recommendations.

The Commission agreed.

**REPORTS:**

**ACTING CITY MANAGER –**

Acting Manager Lindsey stated she would like to respond to Mr. Kuhne, and stated she spoke to Peter Baca last week about the level of the pond, and indicated at this time it is not the pump that is failing it is the level of the river.

She stated the Bureau of Reclamation is letting just a small amount of water out until the 12st of August...then they are going to increase the flow which will bring the level of the water up to where our pump can pick it up, and then at the end of August they are going to put the dam up by Rotary Park which will keep that level of the water high so our pond will have water.

Commissioner Torres stated they have a well at the park...why couldn't we use that to fill the pond.

**CITY ATTORNEY –**

**COMMISSIONERS –**

Commissioner Luna stated she would like a status of the condemnation on the Buckhorn Bar. And also if they could have the street department take a look at street signs...on Marie & Parway...the spelling is **Paraway**, and stated there are other street signs that are in desperate need of new letters, and also on 8<sup>th</sup> & Oak it is faded, and in addition trying to give directions in town someone mentioned that none of the stop lights have the street markers on them...and thinks they have to call the Highway Department for that...but if we could request they put 3<sup>rd</sup> & Date, and Ashbaugh & Date, and 9<sup>th</sup> & Date...but something.

Commissioner Green – No report.

Commissioner Torres – No report.

Commissioner Renfro – No report.

Mayor Montgomery – No report.

**EXECUTIVE SESSION:**

“Commissioner Green moved that the meeting be closed for Executive Session – 1. Personnel 10-15-1H(2); Contract – City Manager, 3. Purchase, Acquisition or Disposal of Real Property or

Water Rights 10-15-1H(8); HSLD – Lease Proposal.”

Seconded by Commissioners Luna/Torres.

Mayor Montgomery responded Aye to a Roll Call Vote  
Commissioner Renfro responded Aye to a Roll Call Vote  
Commissioner Green responded Aye to a Roll Call Vote  
Commissioner Luna responded Aye to a Roll Call Vote  
Commissioner Torres responded Aye to a Roll Call Vote

Motion carried unanimously.

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

CERTIFICATION: “Commissioner Green certified that matters pertaining to 1. Personnel 10-15-1H(2); Contract – City Manager, 3. Purchase, Acquisition or Disposal of Real Property or Water Rights 10-15-1H(8); HSLD – Lease Proposal, were discussed in Executive Session, discussion ensued, and no vote was taken.”

Seconded by Commissioner Luna.  
Motion carried unanimously.

City Manager Contract –

“Commissioner Luna moved to direct City Attorney Rubin to draft a 1-year contract with Ellen Lindsey.”

Seconded by Commissioner Green.  
Motion carried unanimously.

HSLD – Lease Proposal –

“Commissioner Luna moved to direct City Attorney Rubin to obtain a one page document regarding the HSLD Proposed Lease that we may submit to the FAA for discussion and approval prior to entering into any discussions with HSLD on the actual lease.”

Seconded by Commissioner Green.  
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 PENNER  
CITY CLERK