

CITY COMMISSION
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
Tuesday, September 13, 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, September 13, 2011 at 6:00 P.M.

PRESIDING OFFICER: The meeting was called to order by Mayor Pro-tem Renfro 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. Evelyn B. Renfro, Mayor Pro-tem
Hon. Steve Green, Commissioner
Hon. Frances Luna, Commissioner
Hon. Freddie Torres, Commissioner

Absent was:

Hon. Lori S. Montgomery, Mayor

Also present:

Juan Fuentes, 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 Pro-tem Renfro called for fifteen seconds of Silent Meditation, and asked that we remember Myrna Baird-Kohs in our prayers along with the family.

Commissioner Luna called for the Pledge of Allegiance.

APPROVAL OF AGENDA: Mayor Pro-tem Renfro called for approval of the Agenda.

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

Seconded by Commissioner Green.
Motion carried unanimously.

RESPONSE TO PUBLIC None.

COMMENT:

COMMENTS
FROM THE
PUBLIC:

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

Mr. Bradley Grower came before the Commission with comments.

CONSENT
CALENDAR:

Mayor Pro-tem Renfro stated they have two items under the Consent Calendar – City Commission Meeting Minutes – Regular – August 30, 2011, & Accounts Payable Report – August 2011.

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

Seconded by Commissioner Luna.

Motion carried unanimously.

DRAFT
MINUTES:

Mayor Pro-tem Renfro stated the following are draft minutes from various boards provided to the Commission for their information, and are non-action items.

BOARD &
COMMITTEE
REPORTS:

Consider Appointments/Re-appointments –

Veterans Park Advisory Board –

Mr. Juan Fuentes Acting City Manager stated the Veterans Memorial Park Advisory Board is recommending the appointment of Tor Roberts as the representative on the board, and designated alternate Mark Theall, and the recommendation is submitted by Ms. Merry Jo Fahl, President of the Advisory Board.

“Commissioner Luna moved approval the recommendation of Tor Roberts and Mark Theall to the Veterans Advisory Board.”

Seconded by Commissioner Torres.

Motion carried unanimously.

Recreation Advisory Board –

Mr. Fuentes Acting Manager stated the Recreation Advisory Board has unanimously recommended the re-appointments of Greg D’Amour and Julie Durham to another term on the board.

“Commissioner Luna moved the appointments of Greg D’Amour and Julie Durham to the Recreation Advisory Board.”

Seconded by Commissioner Green.

Motion carried unanimously.

PUBLIC
HEARINGS:

A Public Hearing will be held to receive public input for the ICIP for FY 2013-2017.

Mr. Fuentes Acting City Manager stated the ICIP has been published, and we have provided copies, and explained what the ICIP is, and indicated the local infrastructure capital improvement

plan is a plan that establishes priorities for anticipated capital projects. He stated the ICIP process encourages entities to plan for the development of capital improvements so they do not find themselves in emergency situations, but can plan for, fund, and develop infrastructure at a pace that sustains their activities.

And stated The Department and Administration (DFA) strongly encourages each jurisdiction to prepare a Five-Year Infrastructure Capital Improvement Plan. (ICIP). He stated the plan includes policy direction, funding time frames, estimated costs, justifications, and the details for each specific infrastructure capital improvement project proposed, by year, over the first five year period.

Mr. Fuentes stated the guidelines encourage public participation, and indicated right now we currently have our 2012-2016 ICIP Plan for public input, and that this is an opportunity for members from the public to comment on any projects that are on the list as well as any projects that they feel should be included in the ICIP Plan, and just as a quick overview under the 2012-2016 Plan...the top five priority projects were the Landfill Closure, Hospital, Transfer Station, Wastewater System Plant Improvements, and the Water Tank Repair, and stated out of those five this year we have funded the Landfill Closure, and in the process of acquiring some Wastewater System Plant Improvements as you will see later on... on the agenda, and that they will be discussing the proposal as well as the Water Tank Repair, and we are also in the process of finalizing the funding for that project, and with that we can open it for comments from the public.

Mayor Pro-tem Renfro asked if there was anybody that would like to speak for or against any of these projects.

Mr. Ron Fenn came before the Commission, and stated he had two proposals to add to the ICIP, and indicated two items that should be placed on the ICIP for future consideration, and that both relate to the appearance and attractiveness of our community, and could affect future growth.

1. The Re-signing of the city's approximately 486 intersections with a view to uniformity, accuracy and completeness of information.
2. The Relocation of light poles from the center of pedestrian sidewalks on our business loop.

Mr. Fenn provided information for the record.

Ms. Sophia Peron came before the Commission and stated she would like to add some comments about the ICIP Plan, and indicated which is one of the biggest expenditures a city makes during the course of the year, and in those documents that encourage how to pass one and how to create one...the public participation part of it is not just half of sentence, and that it's about having workshops...opening things up to the public, and bringing in technical experts, and about rating, and what's important to everybody in town.

Mr. Bradley Grower came before the Commission, and stated there are several projects that need more information.

He stated he agrees that the transfer station is necessary, and believed all parties in the County are working together to move towards that, and thinks it should be the #3 priority of the City, and stated we need to make sure we get more funding and less loans.

He stated the wastewater system plant improvements...also important for growth...has to happen to have the capacity to attract residential development and commercial development, and thinks that should be #4, and the number one issue that I believe...a large number of people in this town on this list want to see is something done about storm drains in the City, and stated it affects the downtown corridor, city streets, and that it increases maintenance costs, and stated eventually it will cost somebody an injury, and he thinks that is the most important capital improvement for making this city work.

Mr. Grower stated he thinks the solar generation plant needs to be moved up on the list because for a 20-year investment on which we are guaranteed to get our money back...we will then have 5-10 years in which we will make straight profit before the solar cells will burn out...20 years and you're guaranteed to make your money back.

He stated the Senior Citizens Complex is extremely important, and is worth pursuing those grants, and keeping it up on the top of the list. And stated he does not understand why...when we don't have a water study finished...there is a water well north on this plan, and what we have seen on the money that has been spent so far to locate water north or town...it has been a losing proposition that has cost a lot of money, and stated they should probably wait until we get the results back from that engineering study, and make a decision according to the recommendations of those people that are being paid as professionals to do that job.

And the partial restoration of the Civic Center that occurred with insurance money that was paid on a claim did a lot to improve the building, and he does not think it is in that bad of shape from what I've seen of it, and thinks we can do it in-house small bits at a time since we do have qualified staff working for the City.

Mr. Grower knows everyone has their pet project, but I think removing the golf course expansion...even the idea of paying for expansion on a golf course that has a hard time paying for itself is a really bad idea.

He stated we could refurbish the parks...the whole park system for that, and he does not understand why we have city sidewalks as a project...I thought we were already doing that...or why is it that only certain sidewalks in the city like the one on new school road is getting laid...I mean if we are just picking and selecting certain areas then that should be based on pedestrian use, and shouldn't be based on who owns the property adjacent...and that it should be a blanket program, and should be done based on usage...just like city streets should have been done by usage, and stated hopefully you will take some of this into account and have the opportunity in the future for more people to give you feedback.

Mayor Pro-tem Renfro stated as far as the sidewalks on New School Road that was a project that was worked out, and that it was in conjunction with the schools for the safety of the school children that walk to and from school, and that it wasn't just a city finance project for schools, and stated the schools chipped in on that.

Commissioner Torres on these projects they are mandated, and stated these have been rated.

No other comments were received, and the public hearing was closed at 6:30 P.M.

JPA – CITY OF T OR C & SJOA: Mr. Juan Fuentes Acting Manager stated they were provided with a proposed JPA between the City of T or C, and Sierra Joint Office on Aging, and indicated Ms. Yvonne Taylor Executive Director, and a member from the board Ms. Kim Skinner were in the audience.

He explained the City's current JPA with SJOA is coming up for renewal, and under the original agreement there was a section... under section 3 which covers the utilities for the facility under the 1997 agreement all of the utilities were being covered with the exception of the natural gas, and in reviewing and proposing/drafting a new agreement for City consideration it was brought to the City's attention, as well as the executive director that was an issue that we needed to be resolved because apparently the original agreement, and indicated we never received a signed copy from SJOA...also even though the 97 agreement stated that the natural gas would be covered by SJOA, and that the City was paying for that utility.

Mr. Fuentes stated the proposal before you strikes out includes natural gas also a utility that can be paid, and that the agreement is for a term of one-year with the option to renew for four additional years, and the recommendation from staff is to approve the proposed JPA, and stated since it has to be renewed on an annual basis that would give staff, and the SJOA the opportunity to re-visit the utilities hopefully with an option that there may be some room for negotiating for some cost sharing of those utilities, and stated now because the new fiscal year has already begun SJOA feels this would create a burden on their current operations because the funding has already been allocated, and I will stand for any questions, and Ms. Taylor is present, and she may have additional information.

Mayor Pro-tem Renfro stated there are other people that use the gas besides the Senior Center...right...

Mr. Fuentes – There is...the main meter for that building that services the SJOA...there are two other organizations that are using some office space...one is the computer lab, and the other is the Health Council, and stated the agreement with SJOA is for that facility, and that there is some question about if the other two entities that are using that facility if an agreement should be between them and the City, or them and SJOA because our agreement is with SJOA.

Ms. Taylor – And this building is on our gas meter. And stated

currently we're paying the insurance for the entire building even though that means we're covering the Health Council, and the community computer lab, and stated they are also doing the supplies, the maintenance for the bathrooms, and stated it's little things you don't think about but you have toilet paper, cleanser, and paying somebody, and indicated they are putting back also, and is we look at it in a year we're going to have to look at re-metering which would be costly, or maybe move the computer lab...I'm not sure what the solution is.

Commissioner Torres – We budgeted the money...the money is there...right.

Mr. Fuentes – That is correct...the current fiscal year's budget does include sufficient amounts to cover what has been historically the usage for what the City has been paying for...so money is in the budget to cover the utilities for this fiscal year.

Commissioner Green...Manager Fuentes what I'd like to also see is that we obviously have made a commitment during budget hearings, and this wasn't discussed in budget requests, and money has been granted, and I just see a note here that they are down 9-10% funding from the State...I think we all agree it would not be morally correct to change the rules of engagement in the middle of a fiscal year, and I would like to bring up the fact that if we are gonna take a look at the impact of utilities to SJOA at some particular point down the road...if that's the will of the Commission that I believe that SJOA should not be singled out as the poster child, but every organization that receives free utilities, free gas we should look at...I also think that as long as we can afford it I realize that dollars are tight, however here's an organization that services the population of our community and county, and I think they do a wonderful job so I would like to make sure as we move forward that we take a look at all the recipients that get utilities paid for.

Mayor Pro-tem Renfro agrees, and that it is something that has been done forever.

Commissioner Luna stated she thinks Domestic Abuse pays for the gas there, and up until July 1 they paid for all of the utilities at that facility as well as the insurance...just like you all do also.

“Commissioner Luna moved approval the JPA as presented leaving the City's payment of their utilities including natural gas.”

Seconded by Commissioners Torres/Green.

Ms. Taylor stated she would like to thank the City for everything they do, and they do appreciate it, and that you serve a lot of people, and it makes a difference in a lot of lives.

Motion carried unanimously.

Mayor Pro-tem stated she would like to ask for some of our people in the audience that are laughing or giggling during the discussions to please discontinue that...that is very rude to the people that are addressing what they are addressing to them, and to us...it's important, so I would appreciate if you all could refrain from that.

Thank-you.

MOU – CITY OR T OR C & E BUTTE: Mr. Fuentes Acting Manager stated the City of T or C and the City of Elephant Butte have been working to draft a Memorandum of Understanding for Animal Control Services, and that this has been an on-going service for the past several years. And stated the agreement before you would call for services to be provided on a cost basis, and explained it will be a \$50.00 per response and/or patrol plus \$25.00 per hour after the first hour, and stated any Court appearances by City staff would be compensated at the rate of \$25.00 per court appearance.

He stated the agreement has been reviewed by our police chief as well as our city attorney, and with that I will stand for any questions.

Commissioner Green – How do these numbers...the dollars that we're talking about compare to last year's MOU.

Acting Manager Fuentes stated I do not have those comparisons, and that he believes when the chief proposed the figures there is a slight increase, and to take into account the fuel charge that has been increasing as well as keeping up with the inflation rates. He stated the figures are higher than they were last year, and indicated these figures both the chief and the city manager from Elephant Butte have looked at it, and came to an agreement that they were reasonable charges.

City Attorney Rubin stated what is also a new charge is that they charge for the court appearance which the old agreement did not have.

Commissioner Luna – They will provide 2 regular patrols per week...and then it says we would be compensated \$50.00 per response and/or patrol...so that means we're gonna make \$100.00 per week.

Acting Manager Fuentes – That is correct.

Commissioner Green – Do we know how long a patrol lasts, and if there on patrol in Elephant Butte but needed immediately here would they automatically leave and come here.

Captain Mullins – Stated the difference on the money is 17.2% increase...last year was \$2,475.00, and with the increase of \$425.00.

Acting Manager Fuentes – To answer Commissioner Green's question...yes that is correct.

“Commissioner Luna moved approval of the MOU with the City of T or C, and Elephant Butte for Animal Control Services.”

Seconded by Commissioner Green.
Motion carried unanimously.

RESOLUTION #07-11/12 – Acting Manager Fuentes stated since 2007 the City has been working with Smith Engineering on the Wastewater Improvement

NMFA
APPLICATION:

Project, and indicated the City went out to bid back in 2007 and awarded an RFP to Smith Engineering for a preliminary engineering report for the improvements needed at the wastewater treatment plant.

He stated Smith Engineering is in the audience and will be presenting a brief power point presentation, and stated the proposal before you tonight is authorization of submitting an application to the NMFA for \$50,000 grant that will be applied towards the preliminary engineering report, and in addition Smith Engineering has indicated there is some additional funding that we could go after through the CDBG Grant for the additional money that will be needed for the \$95,000 preliminary engineering report, and stated for this phase of the project it is only for the \$50,000 for NMFA, and that Mr. David Laughlin and Daniel Boivin will give a brief presentation on this proposed project.

Mr. Daniel Boivin Senior Engineer and Mr. David Laughlin Principal Engineer with Smith Engineering came before the Commission, and indicated they are water/wastewater engineers and are here to present their power point presentation on the Wastewater Assessments for T or C.

He indicated Smith Engineering was a NM based firm, and that they have offices in Albuquerque, Las Cruces and Roswell, and that they recently completed projects in Artesia and Aztec, and mentioned they are the best at what we do in the State of New Mexico.

They explained some of the city's wastewater plant needs and potential upgrades, and emphasized the facility is nearing the end of the functional capability.

"Commissioner Luna moved approval of Resolution #07-11/12 for the NMFA Application."

Seconded by Commissioner Green.

Mayor Pro-tem 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.

CONSIDER –
ICIP FOR FY
2013-2017:

Acting Manager Fuentes stated at this time if there are any additional comments from the Commission...any projects you would like for us to look at and do further research, and stated this item will be back at your next commission meeting for adoption, and re-prioritization of those projects, and at this time if there are any questions from the Commission, and asked if they would like to move some of these projects, and stated they have heard from the public as well.

He stated he wanted to point out a couple of things that were brought up at the public hearing, and explained the way this program is laid out by the State it is an on-line program that we go on, and we start plugging these projects in the different funding sources, and stated the funding sources are identified in this list are

funding sources that are listed under the DFA Program, and it is just recommendation of areas that we can look for the funding, and does not necessarily mean if it's stated in the document...S Loan meaning State Loan means we are getting a State Loan...it means a possible funding source that we could use, and that it does not obligate the City in any way for that type of funding.

Also for point of clarification Mayor Pro-tem did clarify in regards to the school project for the sidewalk, and that it was obtained through NMDOT, and that the superintendent of the school did obtain a grant from DOT for that sidewalk, and stated we are collaborating with them, and that staff is doing the labor, and the school district is providing the funding. And at this point we will open it up for any Commission input on this project.

Commissioner Green stated he had a phone call from a citizen, and he suggested that we have a lot of aging transformers, and under 2012-08, and that his idea was to take the Pole Replacement Program...and as long as you replace poles that would be the time to replace the transformers, and stated it would be cost effective and efficient, and thought it would be interesting to couple it with what we have as #7 on 2013 which is two electrical main feeder upgrades...so we have all of the electrical needs...the poles, the transformers and the main feeders almost grouped together so if we are able and successful to get some capital outlay money we could move that right along until the project would be completed.

Commissioner Luna stated on Mr. Fenn's comment about the sidewalks and poles...I thought it might be the appropriate place to put that with the new pole replacement program, and if not there with the city wide sidewalk we could also address that as pole placement...because I agree unless there are going to be decorative type poles as you see in some main street areas they are an obstruction.

She stated they discussed we would rank them at the next meeting, but those that are complete should we take them off of this before we go to ranking them.

Acting Manager Fuentes stated this is correct, and we will be taking those off, and indicated this is the current list, and that those projects will not be considered since those have already been funded.

Commissioner Luna stated the other thing I thought...we should add somewhere the Spaceport Welcome Center.

Commissioner Green stated that is not going to be our nickel...that's the States nickel, and stated that is a State project.

Commissioner Luna...and the water well north, and at the last ICIP meeting we had discussed a study on that, and I don't know if the word study got added, and she thinks that is what it was supposed to read...not just water well north...I believe it was supposed to be a study...so I think we need to make that correction.

She stated on 2014-2 – Youth Center Improvements...we no longer have a youth center, and I think that should be either construction facility, and that we need to re-word that one also.

And since Mr. Dickson is here...I was wondering...the only thing I see on here is the Airport Fuel Farm...is there a need for any closure of runways...development...new facility...anything out there.

Mr. Dickson stated for the ICIP the fuel farm was the only one that needed to be done right now, and stated we are waiting for federal funding to get anything thing else moving.

Acting Manager Fuentes stated some additional information, and that usually the ICIP in the first year of the ICIP Plan is the critical projects that we need to focus, and prioritize at the next meeting... and that these projects are used when we go out for legislative funding, and that DFA will ask...and the legislatures from the district will ask for...if we go out for transfer station funding they will ask where in the ICIP is that project prioritized...so they become very important at our next meeting that we prioritize the top 5 because those will be the projects as we move forward in the legislative session...when we ask for money, and we want to let them know these are priority projects.

He stated from staff's point of view, and one of the priority projects of course is the transfer station, and indicated we are working with the other municipalities, and because of the funding that is needed for a transfer station if we include this in the priority list, and stated maybe we can get some state funding, and that would reduce what the contribution would be from the local entities, and from staff's point of view it would be the recommendation to the City Commission to make that as a priority.

Commissioner Green asked...is Williamsburg applying for USDA Colonia's money for the transfer station.

Acting Manager Fuentes stated currently we had a meeting last week, and that the Village of Williamsburg is contracting with Gannett Fleming Engineering, and stated they are in the process in seeking some funding for the engineering portion of the transfer station, and after that is obtained they are also going to instruct them to proceed and seek funding from USDA...but that is still yet to be determined, and stated we do have a time frame that we need to move forward on.

Mayor Pro-tem Renfro stated the ICIP will be considered at their next meeting.

OLD BUSINESS: None.

REPORTS: **ACTING CITY MANAGER –**

Acting Manager Fuentes stated he provided his Bi-Weekly Roundup Report, and had a couple of items that he would like to bring up that are not in the report, and that one of the projects the Commission requested is the oil tanker for the street department, and indicated they are working with the State, and that the State is in the process of finalizing their contracts with a vendor that we will be using for purchasing the oil tanker, and once the State awards that contract we will be moving forward with the purchase.

He stated we are in the process of starting the pool cover project, and that Arizon will be coming next week, and that they will do a preliminary site inspection, and preparations for the construction of the pool cover, and stated it is moving as scheduled.

Mr. Fuentes stated on the 40-year water plan, and indicated it is still in the data gathering phase, and that they met with WH Pacific earlier today to discuss some issues, and stated staff is continuing to provide them with the information needed for them to move forward with the study.

Commissioner Green...on the 40-year water study is there any part of that study that is going to physically determine what we have in the ground as compared to what water rights we have on paper... because I am fully convinced that's our future...is that water the availability of it, and I would hope that part of this study, and I don't know how they do this, and that we have to find out what the pumping capacity of our 5,6 or 7 wells are that are close to Williamsburg, and we own 2400 some odd acre feet of water, but that doesn't guarantee that water is in the ground, and I think it is imperative...it's great to have a 40-year plan, but if that plan is going to be built off what we own, and what we can reasonably expect...and that is going to be, and decisions made on that factor among others...and I think it's really important, and he would hope in your communication with the engineering company that they understand that should be part of that 40-year plan.

Acting Manager Fuentes stated I do not have an answer for you at this time, and I will communicate that to our engineers.

CITY ATTORNEY – No report.

COMMISSIONERS –

Commissioner Green – No report.

Commissioner Luna – No report.

Commissioner Torres – No report.

Commissioner Renfro – No report.

**EXECUTIVE
SESSION:**

“Commissioner Luna moved that the meeting be closed for Executive Session – Personnel 10-15-1H(2).” 1. Solid Waste 2. Building Inspector. Purchase, Acquisition or Disposal of Real Property or Water Rights 10-15-1H(8). 1. HSLD, LLC – Airport Property Transaction.”

Seconded by Commissioner Green.

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: "Commissioner Green stated that the Commission was now in Open Session."

CERTIFICATION: "Commissioner Green certified that only matters pertaining to Personnel 10-15-1H(2). 1. Solid Waste 2. Building Inspector & Purchase, Acquisition or Disposal of Real Property or Water Rights 10-15-1H(8) 1. HSLD, LLC – Airport Property Transaction was discussed in Executive Session discussion ensued, and no vote was taken."

Seconded by Commissioner Luna.
Motion carried unanimously.

"Commissioner Luna moved that we continue negotiations with HSLD on the lease of the 19 plus acres, as well as seek clarification from the BLM and FAA on to the land uses, and possibly notify Mr. Neal of such.

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.

EVELYN B. RENFRO
MAYOR PRO-TEM

ATTEST:

MARY PENNER
CITY CLERK

