

CITY COMMISSION  
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO  
Tuesday, October 25, 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, October 25, 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:
- 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 Montgomery called for fifteen seconds of Silent Meditation.
- Mayor Pro-Tem Renfro led the Pledge of Allegiance.
- APPROVAL OF AGENDA:** Mayor Montgomery called for postponement of three items on the Agenda. She noted removal of H1, H2 and H3, on the Agenda would be postponed.
- “Commissioner Luna moved Approval of Agenda as amended.”
- Seconded by Commissioners Renfro and Green.  
Motion carried unanimously.
- RESPONSE TO PUBLIC COMMENT:** None.
- COMMENTS FROM THE PUBLIC:** Janet Perone, Board of Advisor for the Bountiful Kitchen, came before the Commission with comments and provided information for the record.  
Carole Wheeler came before the Commission with comments.
- Ron Fenn came before the Commission with comments and provided information for the record.
- Bradley Grower came before the Commission with comments.

Kathy Clark came before the Commission with comments.

Sophia Peron came before the Commission with comments and provided information for the record.

January Roberts, Head of the Design Community with MainStreet made comments to the Commission.

**CONSENT  
CALENDAR:**

Mayor Montgomery stated they have one item under the Consent Calendar, this evening.

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

Seconded by Mayor Pro-Tem 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. Seeing no comments or other questions regarding the minutes they will be filed as presented.

**BOARD &  
COMMITTEE  
REPORTS:**

None.

**PUBLIC HEARING:** None.

**OTHER BUSINESS:**

**CONSIDER-RATIFICATION OF THE SOLID WASTE COLLECITON SITE:**

Acting City Manager Juan Fuentes explained that he would be addressing items on the Agenda #4 and #5 together. First he gave a brief background overview of the issue for the Commission.

He explained that in 2010 the City was awarded a \$50,000 grant by the New Mexico Environment Department for a design and renditure of a Collection Center for Solid Waste. The Grant was applied to the site next to the recycling center, Gordon Environmental, of Albuquerque, conducted the work, and the permit was finalized and the Facility was registered on July 20<sup>th</sup>. He explained that during the first Commission meeting in July, the Commission considered an other site for the Solid Waste Collection Center – which was near the Wastewater Treatment Plant, the Commission was also informed at that time, that Williamsburg – thru their use of Colonia’s Status could use that to seek the funding for the Solid Waste Collection Center; for that site or any other site. He explained that for the past 4 months, the City of TorC – Williamsburg, City of Elephant Butte and Sierra County have been working together to discuss this project, as well as to discuss the status of the funding for this project. He noted that as of this date, funding for the Collection Center through the Colonials Status has not been secured, and yet the closing of the Landfill is scheduled for August of 2012, next year, unfortunately we are running out of time and certainly need to be able to move forward with this project. He explained, that last week on Thursday, October the 20<sup>th</sup>, the City, the Village of Williamsburg and Sierra County had a meeting with Ashley Marks who is the Solid Waste Bureau Chief, she wanted to meet with all the entities to follow-up on the status of this project with the Communities; wanting the status on funding, and deadlines for moving forward with the project. He explained that since we are unable to rely on the Colonials Funding for this Project, we decided we needed to look at another alternative plan which is plan B, for us to be able to move forward, with seeking the necessary funding for this Project. The requirement for closing the Landfill is the responsibility of the City of Truth or Consequences, failure to do so within a timely manor, obviously an administrative order could be issued that

would be applied to the City, so there is the need to proceed and move forward. With that in mind, Mr. Fuentes noted the item on the Agenda, is for the Ratification of the Solid Waste Collection Center, and the reason that is on the Agenda is because we have two sites, the original site-that the study was conducted in, as well as the site next to the Waste Water Treatment Plant. Gordon Environmental did provide a cost estimate, for those two sites – both is in the packets distributed to Commissioners. The cost estimate for the original site, we are looking at approximately one million dollars. The estimate for the site next to the Waste Water Treatment Plant is about one point five million dollars. The difference being the elevation does not exist at the Waste Water Treatment site, there would be a lot of dirt work to be done to bring it to a certain grade level needed for such a facility, along with that there are other issues that would need to be addressed, and would unfortunately increase the cost at that site. We are asking the Commission to ratify which site the Commission would like to seek funding; and the next item, of course, is authorizing Staff to proceed and contact the funding Agencies, we are working with the South West Council of Governments to contact some State Agencies, as well as other funding Agencies that we have used in the past, such as the New Mexico Finance Authority, also contacting the Department of Finance Administration, and possibly contacting the US Department of Agriculture for possible Grants that may be available. City Manager Fuentes noted that in the audience was the Solid Waste Director, Leonard Carrillo, if there were any questions.

Commissioner Freddy Torres asked City Manager Fuentes what his recommendation would be.

City Manager Fuentes explained his recommendation would be to use the original site, next to the Recycling Center; for various reasons; one - because we currently have a Recycling Facility there, we have the personnel already in that location – they are improving on their use of that Facility for their Recycling efforts in the Community. It has the topography need for this type of facility, which would reduce the cost that we need. In addition to that, by centralizing both our recycling efforts as well as our solid waste efforts – that will provide our Department Head and our Staff to be in one location, as apposed to having two different sites, splitting staff and there would be additional operational costs. From the stand point of operation and cost effectiveness, the side that was originally proposed would be the recommended site; it is also the recommendation from both engineers and also the recommended from Ms. Ashley Marks, the Solid Waste Bureau Chief.

Commissioner Green spoke of the need to move forward, that time is running short for the project, he spoke of the difference in costs. He hoped the Williamsburg Trustees understood the bind the City was in, knowing the City must move forward to protect the City.

Commissioner Renfro agreed.

Commissioner Torres agreed, noting that it was mandated, and no longer a choice.

“Commissioner Frances Luna moved for Ratification of the Solid Waste Site, and uses the original site as the new site.”

Seconded by Commissioner Steve Green.

Motion Carried unanimously.

**CONSIDER-AUTHORIZATION TO SEEK ADDITION FUNDING FROM NEW MEXICO FINANCE AUTHORITY FOR PLAN, DESIGN AND CONSTRUCITON OF SOLID WASTE COLLECITON CENTER.**

City Manager Fuentes requested that with the ratification of the original site, he would as the Commission to authorize staff to proceed to with the necessary funding for that location.

“Commissioner Steve Green moved to authorize Staff to seek additional funding needed for the planning, design and construction of the Solid Waste Collection Center from the New Mexico Finance Authority”.

Seconded by Commissioners Luna and Renfro.

Commissioner Frances Luna noted that it is a large amount of money that should have never had to have been spent.

Mayor Montgomery asked is it was possible to use part of the reserves for this in the meantime, while we are applying for funding, and then pay the amount back.

Acting City Manager Fuentes answered yes that was correct, that we would look at all options for funding while we secure funding.  
He also noted that Jan Carrejo the SC Manager also expressed a willingness to work with us to find necessary funding for this project.

Motion carried unanimously.

**RESOLUTION #11-11/12 ESTABLISHING APPROPRIATE GREEN FEES FOR THE MUNICIPAL GOLF COURSE:**

Acting City Manager Fuentes explained that the Golf Course Advisory Board is recommending repealing Resolution #27-10/11 and adopting a new Resolution to make some adjustments to the Green Fees collected at the Golf Course. He noted a representative from the Golf Course Advisory Board was in the audience for any questions.

Golf Course Advisory Board Member Frank Beecroft noted that they had asked for a 7% raise and when asked for it we submitted the total costs which included taxes and any improvement fees, it wasn't understood that way by the Commission and #27-10/11 added taxes and improvement fees over and above that, which made it close to 15%, this one is just asking for the basic 7% that they initially asked for.

Commissioners asked Mr. Beecroft several questions regarding the fees. He noted that now this Resolution clarifies that it included fees and taxes.

Commissioner Green asked about the GRT collection on that dollar.

Mr. Beecroft explained the donation towards improving the Golf Course and makes it inappropriate to get ninety five cents change every time.

Commissioner Renfro questioned the wording of donation, as a charge.

The City match monies were discussed. Acting City Manager Fuentes stated that unfortunately because the fee is included in the Resolution as a sign in fee/improvement fee the Gross Receipts Tax would have to get locked to that fee as well. He noted that if the intent of the Golf Course Advisory Board was to collect it as a donation, then it would have to be removed from the Resolution. If this Resolution is adopted tonight, with this one dollar improvement fee the gross receipts tax would make it 7.625%.

Mayor Montgomery asked if this Resolution was going to be clear enough for everyone.

Wording of the Resolution was discussed.

Mayor Montgomery noted that the way it is worded now, we have 9 holes on the weekdays - \$11.25. That \$11.25 includes improvement fee and taxes; you may not be calculating your taxes correctly if you are assuming that the dollar is going to be back out before you assessed taxes. Depending on the fee you want to get to.

Mr. Beecroft explained the daily fee is \$12.95 and that includes both taxes and improvement fee

Mayor Montgomery asked what the green fee is.

Golf Course Manager Howie Tucker explained the numbers to the Commission.

Acting City Manager Fuentes recommended that for clarification, he would recommend breaking down the fees.

Mayor Pro-Tem agreed that the numbers needed to be broke down so that they could see taxes, improvements, ect.

Discussion ensued on fees/costs/taxes and improvements.

Acting City Manager Fuentes recommended postponing this item to give them time to work out the numbers and make sure the language is there, they will bring it back to the Commission.

“Mayor Pro-Tem Renfro moved to postpone the Resolution at this time.”

Seconded by Commissioner Frances Luna.  
Motion carried unanimously.

**CONSIDER-MEMORANDUM OF UNDERSTANDING BETWEEN THE NM MAINSTREET PROGRAM, LOCAL MAINSTREET PROGRAM AND THE CITY OF TorC:**

Acting City Manager Fuentes noted that in the audience was Steve Buckley & Linda DeMarino, the Manager for MainStreet Truth or Consequences, who would be presenting this item.

Linda DeMarino, President of MainStreet thanked the Commissioners for their support of the Hot Springs Festival last month. She explained that this item explains that MainStreet New Mexico, MainStreet and the City are all on the same page.

City Attorney Rubin noted it was a standard agreement for the State.

Mr. Fuentes explained it included the second year funding for this project.

“Commissioner Green moved for the Memorandum of Understanding between the NM MainStreet Program, Local MainStreet Program and the City of TorC.”

Seconded by Commissioner Frances Luna.  
Motion carried unanimously.

**CONSIDER-AWARDING OF LEGAL SERVICES CONTRACT:**

Acting City Manager Fuentes explained the Legal Services contract with Jay Rubin is set to expire at the end of the month of October; our Procurement Officer issued a request for proposal for Legal Services, which was published during the month of September. Two proposals were received on October 4<sup>th</sup>, only two firms submitted proposals; one by Jay F. Rubin, LLC, the other by Sutton, Thayer and Browne PC out of Albuquerque. He explained that proposals were evaluated based for criteria, education and experience, conflict of interest, proximity of service and terms for billing service. The rates submitted were –JF Rubin at \$160 per hour with an annual adjustment of five dollars per hour. Sutton, Thayer and Brown, depending on the assigned attorney to see to matter, the hourly rate ranged from \$233 to \$191, and other fees apply – from postage, telephone, travel and so forth. Mr. Fuentes explained that staff recommendation is to renew the contract with Jay F. Rubin, who has been the City Attorney for many years and has provided some excellent advice and work, in a timely

and consistent basis.

“Mayor Pro-Tem Renfro moved to award the contract to Mr. Rubin.”

Seconded by Commissioner Freddie Torres.  
Motion carried unanimously.

**CONSIDER-APPROVAL/RECOMMENDATION-TO PURCHASE MOBILE HOME BUILDING FORMALLY CITIZENS BANK BUILDING:**

Acting City Manager Fuentes explained that normally under the small procurement process this could be handled in house -however due to public interest we wanted to bring it to the Commission. Explaining that it was a mobile home building that was used as a Citizens Bank, it's a 1990, 12 x 64, owned by Rosewood Limited Partnerships. Mr. Fuentes explained that the Commissioner's packet had documents on hand regarding the purchase, such as the title and photos that include two offices, a reception area, as well as an operational drive-up window. The assessed value for this mobile building, by the Sierra County Assessor's Office, is valued at \$21,000, as a commercial building. As a residential mobile home the assessed value would be \$5,000.00. The owner of the unit offered to sell to the City for \$5,000. Mr. Fuentes noted two reasons for making this recommendation; during the FY Budget process the City's allocated \$35,000 that was going to be used for remodeling the utility payment office. They have remodeled the work stations for employees, they also added another office, they will be installing some security glass panels – and in addition a security door. The recommendation from the former Utility Office Manager was to replace the drive up window; because it is prone to leaks in rainy weather, it's an older model drive up window – there are no more parts for the window. The opportunity is there to replace with more modern window that will serve the needs of the Utility Office. Mr. Fuentes stated that in addition, the unit would be relocated to the Waste Water Treatment Plant for use by the staff for Office space and to relocate some of the critical computer equipment that is currently housed in a facility that is also in need of repair.

Mr. Fuentes noted that on Thursday the 20<sup>th</sup>, he received a call from Becky Lopez, our budget analysis at the Department of Finance and Administration, inquiring about our proposal. After speaking to her and advising of the intentions were, she felt it was an issue that was up to the Commission to decide, she had no issues about procurement process, and she did not have concerns about the unit itself. Mr. Fuentes explained that this was an effort not only to save costs, by replacing an older window with a newer window, but also to be able to provide some more adequate Office space for staff. He stated that Ms. Lopez had no concerns, and felt the City could move forward if they wished to do so. Staff recommendation is to authorize staff to proceed with this purchase. Mr. Fuentes noted that in the audience was the Waste Water Treatment Plant Manager Jesus Salayandia, if the Commission had questions.

Commissioner Torres noted the cost of the - window alone, makes the purchase a good idea.

Mr. Fuentes stated that we did receive a proposal for a new drive-up window- the cost for that would be \$8,683.00.

Waste Water Treatment Plant Manager Salayandia noted that the Commissioners had pictures; shows equipment that would be devastating if this equipment was to get rain. The building is over 30 years old, and has numerous leaks, although the Maintenance team comes thru and patches leaks.

“Commission Frances Luna moved to authorize staff to seek purchase.”

Seconded by Mayor Pro-Tem Renfro.

“Commissioner Steve Green moved to amend the motion to include “not to exceed \$5,000.00.”

Motion carried unanimously.

#### **DISCUSSION-UPDATE TEMPORARY WELCOME CENTER:**

Commissioner Frances Luna explained that Juan Fuentes was nice enough to take the TorC Spacecenter Incorporated group over to the old Fire Hall, and did a tour. She noted that Sid Bryan is in the audience to answer any questions from the Commission, on the hand out prior to the meeting. She explained that the group is requesting that the City repair the roof, as per the proposal given to Commissioners prior to the meeting.

Mayor Pro-Tem Renfro explained what she saw on the paperwork; clean out facility & scrub rooms, fix floors in training room and kitchen, pant inside and out, installation of windows and doors. She asked who would be furnishing the windows and doors.

It was noted that the Committee would provide windows and doors.

Commissioner Torres noted there are a lot of people working on this, and although he is not able to do a lot of the work, he would be willing to donate \$200.

Mayor Pro-Tem Renfro asked if there was an idea as to the cost. And will the work be able to be done by City Crews?

Acting City Manager Fuentes noted that the City Crews would be doing some of the work. Mr. Fuentes explained the Crew was present during the site visit and they did speak of the bathrooms needing to be ADA compliant. The same Facility Crew will be assessing the work needed to the fix the roof. He also noted that the City would be using anything that could be used from the Youth Center, since it is to be demolished. He spoke of using the wood flooring, and other items that can be used.

Mr. Bryan noted that Nadyne Days has been having continuous conversations with our two Representatives, Diane Hamilton and John Archer Smith, and they are in favor of this, and they thought there was some monies possibly available in Capitol Outlay, since it's a City Building, they could act as a conduit and act that way. He explained that if it is approved, then the City would work on the lease.

Mr. Fuentes stated that one of the things if approved and the Commission authorizes to proceed, would be to develop a memorandum of understanding or a lease for the facility spelling out the exact conditions of who is responsible for which part of the project, defying what the City will be doing and what the Organization will be doing.

“Mayor Pro-Tem Renfro moved to have the City Manager and City Attorney work to produce the proper documentation to be viewed at the next meeting.”

Seconded by Commissioner Green

Commissioner Green asked who the lease would be written to. Asking if the Arts Council or who would be in charge.

Mr. Bryan noted they were trying to get New Mexico Nonprofit number.

Mayor Montgomery asked about the safety issues, before the building is occupied. She believed it was inhabitable at this time.

Acting City Manager Fuentes noted that the building would have to be brought up to

code before the occupancy permit could be issued. His understanding was that some of the interior work will be done by volunteers; they will be seeking out construction firms or anyone who does a specific trade to do the work inside.

Mayor Montgomery noted that the issue to her is: If allow volunteers to go into City Building, and the liability that we are assuming on that, whether it is for whatever – somebody falls on the floor or what-ever.... She would rather the liability sit with the entity that is taking it over and then they can recruit all the volunteers they want, under that entity.

Commissioner Frances Luna agreed. She also believes that the responsibility lies within the entity to get the waiver for any volunteer.

Naydeen Days wondered if the City would still own the building?  
Because they will not be eligible for any funds from the State.

Mayor Montgomery stated the lease would just cover the occupancy. She asked if it was possible to do it that way, do the lease first – then we talk about all that?

City Attorney Rubin replied “Yes”.

Motion carried anomalously.

Commissioner Luna congratulated the Group on their target date of April 2012; it will be open in time for Fiesta.

#### **DISCUSSION: RULES OF PROCEDURES RELATING TO CITY COMMISSION MEETINGS:**

Acting City Manager Fuentes explained that during the last Commission Meeting there was a discussion about visiting the rules of procedures. Mr. Fuentes turned to Commissioner Luna, who had some suggestions.

Commissioner Luna apologized for the timing of her suggesting an alternative to the current public comment procedure, last meeting. She never thought that those who did speak personally against her, she makes a list of things she want to talk about before the meetings, so when she was personally attacked during the public comment time, and her suggestion of an alternative – the two were not correlated. Her thought was to serve as an alternative and need to get more input from the public, and more interaction with the ideas and suggestions, such as the round table in the planning for a comprehensive plan or the dog ordinances workshop, she liked the way the round table worked – people got up and voiced their comments, other people in the audience could voice their sidebar comments. She explained that it also gives the Commissioners and City Staff the option and opportunity to take some of the comments and put them on the agenda to take action on them. She did not intend to silence the public by any means, only to have more interaction with them, so that they could concentrate on the business in the meetings and still have that interaction with the public.

Commission Freddie Torres agreed with Commissioner Luna. Noting it would give people more of a chance to open up.

Commissioner Green thought the Commission had already discussed the matter. Although he doesn't disagree in principle to some of the points Commissioner Luna voiced. He noted that in a workshop forum or setting, that gives the Commissioners as well as the citizens who want to participate, more relaxed- open, the clock is not ticking, and what can you say in 3 minutes.....and get it out fast. He also noted in rules and procedures, in Rule 19, there is one committee “Special Ad Hoc Citizens Advisory Committee”, may be created by the Commission for a particular purpose, Committee Members shall be appointed by the City Commission, the presiding officer



shall appoint the chair of the committee, so it's basically a research – a study – the same type of thing that Commissioner Luna is talking about – that the City is going to be facing – a lot of challenges in the tomorrows to come. He thinks that once and for all we should put in procedures that work for the Commission, that work for the populace, that everyone feels they have the moment in the sun to express their position on a specific agenda item, or something that's going to be down the future. Mr. Green gave an example; being when we changed Cedar and Austin to one way, we had 40 people here talking to us – well those 40 people would have had to wait until the next quarter to speak out. Mr. Green explained that he thought Mayor Montgomery wasn't there, but then rescinded that and we changed Austin and Cedar Streets back to two ways.

He noted that as Commissioners they had the best intentions for the Community, we bend over backwards to do our best to serve this Community, but we don't know all the answers, and if we think we do, then we should probably step down. He noted he was willing to learn, willing to listen, he wants to listen, he hopes the Public is cognizant of the fact that after the fourth person has stood up and said the same thing, they don't have to stand up and say it again. We get the message, we understand, we read the copy of the minutes we're given. Commissioner Green stressed he felt if it works well, someone said that last City Commission Meeting – the Public Comment portion was 13 or 14 minutes, noting he didn't think that's an unusual amount of time to allow our Citizens – who elect us to represent them – to be heard.

Mayor Montgomery noted one of the things they brought up when they were looking at the Rules and Procedures before; she was tasked with getting information from different Cities. And one she thought was still a good model was Santa Fe's. Santa Fe has their Public Input as well as their Public Hearing prior to the City Commission Meeting. She noted she did not like Mesilla's, because the Public Comment is after the meeting; after the Business part of the Meeting, and you can't comment on anything, it's a moot point at time. She noted liking Santa Fe's because they allot – it's a separate meeting, it allows all that input, whatever it is, based on the Agenda and based on whatever Public Hearings that you have going on for that Meeting too. Noting it was one of the options she had brought forth last time.

City Attorney Rubin asked if it was the same evening. Asking if the time frame was something like – 5 PM to 6PM is Public Comment and then the City Commission Meeting would start at 6PM.

Mayor Montgomery stated it was the same evening, but they only focus on the Agenda items, they go thru the motions, they've already heard the Public Hearing, so they have the Pros and the Cons-in the Public Hearing, but that's just removed from the Agenda and they go thru the business of looking at what ever is the information at that point.

Commissioner Freddie Torres spoke of the research received during the interview process for the City Manager, looking at the Cities Agendas there were no Public Comments on any of them.

Commissioner Frances Luna noted that after Acting Manager Fuentes had provided the Commission with the information with the current Policies and Procedures, if the Commission held some feet to the fires – no demonstrations or out bursts, all comments will be constructive and must be regarding the Business of the City, noting that there are times they don't have that; no extensions of time will be given - to any speakers, if it appears a group of speakers desire, one delegate will be elected and any person who violates the Rules of Conduct may have their speaking privileges removed at further meetings as well as – possibly taken out of the meeting. She noted she had mentioned quarterly, but it could be done one meeting a month or every other month, before the meetings.

Mayor Pro-Tem Renfro, asking if she understood correctly; they would have a meeting, we receive Public Input, where it says Public Hearings; to allow the Public Input at our Regular Meetings.

Mayor Montgomery explained that the only thing you concentrate on is, **if** you were to adopt something like that, like Santa Fe; it's two different Agendas; You have the Agenda for the Open Meeting, the prior Meeting, which you call it to order, just like a regular meeting – you have Public Comment, the same way that you would set it up, if you wanted to extend time frames – it would be open to do that. Then anything that's a Public Hearing, you open it up for the Public Hearing portion. Then you close that meeting and open it up the Business Portion and you're doing the Business – the Resolutions, you finalizing the Public Hearing Input, etc, etc, noting it was just one sample.

Commissioner Green noted the one of the problems with that is that your restricting Public Comment and Public Input, with items that are only Agenda Items.

Mayor Montgomery stated that was not what she said; she noted that you open up Public Comment; the Public Comment could be on what ever it is. The Public Hearing would be what is on the Agenda, but the Public Comment is going to be how ever you have lined out, in this case the only thing that can be address is items of City Business.

Commissioner Green asked Commissioner Luna what would be gained from this, besides going thru the machinations that we went thru before, with issues of freedom of speech, the right of Citizens to be heard. He noted that he thought Mayor Montgomery, with all due respect, has been too lenient at times, have bent over backwards. He felt that everyone may not understand that this is a Business Meeting, the City Commissioners and the City Manager and the City Lawyer are conducting the Business of the City. He noted that since the Commissioners do not have 9 to 5 hours, that they have the opportunity to be heard. This is one of the opportunities that the Citizens have the chance to speak to us about items that are important to them. He noted that he did not think they should put a lock on that door. He explained that just like with the Pool Cover, they called in the Ad Hock Committee to do the research and the work – and bring it back to the Commission, instead of having 97 people talk to us, one person speaks for the 97. He noted that this was the finding of the research Committee.

Mayor Pro-Tem Renfro noted that was how it was done when they were working on Wal-Mart; when people were protesting Wal-Mart, the Commission requested that they pick a designated speaker to address/represent the Group. She thought that had worked well.

Commissioner Green agreed, and noted that they could have Committees when needed for hot button issues. He noted that his strongly suggest to keep the situation the way it is done right now, noting that hopefully Citizens will respect time limits, they will respect the gavel, they will respect when someone is talking about a subject or something that is nothing to do with Community life what-so-ever, and move forward.

Commissioner Luna answered that her vision was more input from more public, more interaction with the Citizenry, and the ability to hope for a better system, that was her goal and her thought. She also noted that she respected others opinions.

City Attorney Rubin noted he did not think that Mayor Montgomery had been too lenient, he thought she was doing the best job she could under the circumstances, because the problem with the structure we have is that your not really prepared for what's going to be said; someone steps up to the microphone, and your don't know who is going to say what.

Commissioner Green noted he didn't mean the comment as a criticism, he meant too easy – overly easy, allowing people to push the envelope to a far degree.

City Attorney Rubin stated that's the criticism he has always had, you want to respond to Public Comment, but if you're not prepared for what's being said, it puts you at a disadvantage. Noting that's what he doesn't like about the process.

Commissioner Green noted they only have three minutes.

City Attorney Rubin noted you can say a lot in three minutes.

Commissioner Luna noted the point made; it is a Business meeting and we need to go back to respect.

Commissioner Green agreed.

**PROPOSED ORDINANCE-(For Publication)-AMENDED BY REVISING SECTION 3-94-Providing for Vicious Animals (eliminating sentence #3):**

Acting City Manager Fuentes explained that the Ordinance was pulled from the group of Ordinances regarding Vicarious Animal Code; under the proposed Ordinance the last portion – Section 3-94 was the added language. He read as follows:

“After a judicial determination that an animal is vicious, the owner or keeper of such vicious animal shall turn such animal over to the Animal Control Officer, who shall destroy it humanely.

Mr. Fuentes explained that was the only additional language to the Proposed Ordinance, as seen on the Commission Action Form, the original language that has been stricken out and underlined language that has been added.

“Commissioner Frances Luna moved to approve the Ordinance for Publication.”

Seconded by Commissioner Green and Mayor Pro-Tem Renfo.  
Motion carried unanimously.

**REPORTS:**

**Acting City Manager:**

Mr. Juan Fuentes reported that we are still working on the Geronimo Hot Springs Well; the Crew has gone in and done some work. They have tried to take out some of the silt that has built up, and trying other alternatives to get the well working, like it was before.

He advised he would be attending the New Mexico Infrastructure Conference in Albuquerque, tomorrow. Noting one of his goals is to meet with the Funding Agencies, Jay Armijo – who is with the South Central Council of Governments- will be present during our meeting with the Solid Waste Bureau Chief, that was one of the things we had set out to accomplish, during the meeting, as well as meet with the funding people up there, to see what funds are available, that we can tap into, instead of taking out some additional loan money. He noted that we are working with WH Pacific, hopefully before the next Commission Meeting; we’ll have a final Water Flow Anaya Isis Study for our water project. He passed out a notice/invitation for the ribbon cutting ceremony for the bailer, to be hosted by The Bountiful Alliance. The event will be from 12 to 3, we’ve also invited some of the Elected Officials from the surrounding communities.

**City Attorney Jay Rubin:**

No Report.

**Commissioner Frances Luna**

No Report.

**Commissioner Steve Green:**

Commissioner Green noted the ribbon cutting this Saturday, October 29<sup>th</sup>, at the Recycling Center. Come one call all. Bring your Recyclables from 8 to 10, and then 8 to 12, and then join the party from 12 on.

Commissioner Green had received an email, asking for it to be read, it is from Twila

McBride-from Moon Goddess, down town. The Downtown Merchants will be hosting a safe trick or treating for the families of the Community, on Saturday, October 29<sup>th</sup>, 5 PM until they run out of candy. Los Arcos will be having an adult costume contest that night as well, Bed Roux will have an adult costume contest that night and on Sunday, October 30<sup>th</sup>, from 5 to 7, they will have a children's event. And the MainStreet Organization will have a haunted house on 517 Austin, Friday October 28<sup>th</sup>, Saturday October 29<sup>th</sup> and Monday night, October 31<sup>st</sup> from 7 to 10 PM. The Bountiful Community Garden, this year, gave away 700 lbs of donated fresh organic vegetables to people who came to the garden to pick it up, and what was not picked up every week was donated to Mathew 25, and totaled over 700 lbs.

**Commissioner Freddie Torres:**

Commissioner Freddie Torres noted that since they were advertising the Pine Knot will also have a party on Saturday night.

**Mayor Pro-Tem Evelyn Renfro:**

No report.

**Mayor Lori Montgomery:**

No report.

**EXECUTIVE SESSION:**

“Commissioner Frances Luna moved that the meeting be closed for Executive Session – 1. Personnel 10-15-1H (2); 1. Building Inspector. 2. City Manger Interviews and Possible Contract Negotiations.”

Seconded by Commissioner Steve Green

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 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), Building Inspector. 2. City Manager Interviews and Possible Contract Negotiations were discussed in Executive Session.”

“Mayor Pro-Tem Evelyn Renfro moved to hire Juan Fuentes as City Manager, and direct City Attorney Rubin to write the contract, Mayor Montgomery will sign and it will be effective immediately.

Seconded by Commissioner Steve Green.

Motion carried unanimously.

**ADJORNMENT:**

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

