

CITY COMMISSION
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
Thursday, November 10, 2011

SPECIAL 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 Special Session in full conformity with the law and ordinances of said Commission in the Commission Chambers of said City, on Thursday, November 10, 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. Freddie Torres, Commissioner

Absent was:

Hon. Lori S. Montgomery, Mayor
Hon. Frances Luna, Commissioner

Also present:

Juan Fuentes, 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.

Commissioner Green called for the Pledge of Allegiance.

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

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

Seconded by Commissioner Torres.
Motion carried unanimously.

RESPONSE TO PUBLIC COMMENT: None.

COMMENTS FROM THE PUBLIC: Mr. Ron Fenn came before the Commission with comments.
Commissioner Torres responded to Mr. Fenn’s comment.

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

Sgt. Morgan came before the Commission to clarify the actions that were taken earlier in the day.

Mr. Bobby Allen came before the Commission with comments.

Mr. Audon Trujillo came before the Commission with comments.

Mr. Jason Pierre Representative with Arizon came before the Commission with information regarding the swimming pool cover.

Ms. Lynn Straughn came before the Commission with comments.

Mr. Ron Pacourek came before the Commission with comments.

Commissioner Torres responded to Mr. Pacourek's comments.

CONSENT
CALENDAR:

Mayor Pro-tem Renfro stated they have three items under the Consent Calendar – City Commission Meeting Minutes – Special – October 24, 2011, Regular – October 25, 2011, Accounts Payable – October 2011.

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

Seconded by Commissioner Torres.
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:

None.

PUBLIC
HEARINGS:

None.

OTHER
BUSINESS:

**PRESENTATION AND UPDATE BY WH PACIFIC regarding
the WATER REHABILITATION PROJECT –**

Mr. Tom Knowlton with WHPacific Engineers and Architects from Albuquerque came before the Commission, and indicated they have an On-Call Engineering Contract with the City, and stated one of the task orders that they recently received this year was for inspecting three of the city's water storage tanks. He stated the three tanks they inspected were the 200,000 gallon tank by the Cook Street Pump Station...the 1 million gallon tank up the hill here in the downtown area, and the 3 million gallon tank in the upper zone by the freeway.

He stated what they found was...all 3 tanks require some level of rehabilitation, and that 2 of the tanks they recommend rehabilitating now, and by rehabilitating I mean...re-painting, and some minor

structural improvements...for example the 3 million gallon tank in the upper zone has a ladder that is corroded to the point where it is not safe...so the ladder needs to be replaced, and indicated there is other minor modifications as well as cathodic protection systems being added to the tanks. And the 200,000 gallon tank, and the upper zone 3 million gallon tank can be rehabilitated, however this nice beautiful 1 million gallon tank on the hill with the pretty mural which is the oldest tank in the system is too far gone, and stated they recommend that the tank not be rehabilitated, and that right now it is currently off line...not serving the community because it is so far rusted out on the interior there has been too much loss of steel...it cannot be rehabilitated.

He stated one of the things they were asked to do was to determine...what do we need to do with that tank...should we replace it...in-kind which means just take it down and replace it with the same size tank or do we possibly need a different size tank to serve the city's needs into the near future, and stated they did an analysis of the water system, and the storage tank requirements for the City...and what they determined was because you just built 4.2 million gallons worth of additional storage just 7 years ago, and stated you actually have adequate storage with the number of storage tanks you have in the system...you have 7.2 million gallons worth of storage without this 1 million gallon tank, so our recommendation is that we not replace the 1 million gallon tank we simply take it off line, however with it off line we have some lower pressures...lower flows in the downtown area, and so we established a hydraulic model of the system, and determined with a few minor piping modifications we can actually improve flow to the downtown area with the tank out of service, and our recommendation at this time, and had a hand out for the Commissioners.

Mr. Knowlton stated what is being passed out here is an overview of the costs, and stated the total project funding available currently is \$1,590,000, and our estimated costs which is an estimate of the construction to rehabilitate the 200,000 tank, and the upper zone 3 million gallon tank plus the three locations with the piping modifications...the total costs is \$1.26 million dollars which means there is additional funding still available of \$326,000. He stated in discussion with Mr. Fuentes, and the water department we determined that one of the City's critical pieces of water infrastructure is the Cook Street Pump Station, and that all of the water that goes into distribution here in the City of T or C passes through that pump station...all of the wells feed into the 200,000 gallon tank at that pump station...so in talking to the water department and Mr. Fuentes we considered the possibility of adding another 200,000 gallon tank immediately adjacent to that facility to allow us to have redundancy in the system and to have a back-up water supply in the event that the 200,000 gallon tank has to be rehabilitated or should be taken out of service for some reason, and stated that additional cost would be approximately \$290,000 additional funding over the number that you see...so we would still have about \$36,000 left in funding, and at this time we are not recommending that, and that there be a request to the State for additional funding.

Mayor Pro-tem Renfro stated you mentioned that there is low pressure now in the downtown area, and with the piping modifications that will take care of it, and stated one of her main concerns is because of fire protection.

Chief Paul Tooley stated he has met with these guys...and basically what is going to happen is there going to tie the high end to the low

end so the modifications...we are going to get our water flows even better than they are in those areas at this time, so I think from a monetary standpoint, and which direction they are going to go even though that is a million gallon tank from certain parts of town we can't tap in to the other larger sections that we might need for capacity, and the modifications that we came up with is going to allow us to tap into those if we need them, but it is also going to increase what we currently have in the community as far as fire flow.

Commissioner Green stated on the funding...project funding...funding sources the Water Trust Board \$1,280,000 is that a grant or a loan.

Mr. Knowlton stated it is a combination grant and loan.

Commissioner Green – can you break it down into what proportion what the City is on the hook for here.

City Manager Fuentes stated the grant component is 80%...20% loan component, and as you can see the NMFA PPRF Loan component of \$155,000, and stated before the water analysis that was one of the questions if we needed to replace the water tank obviously that is one of the things that we were looking to see if that was going to be the direction that we needed additional funding, and through this analysis it turned out...I think we can still accommodate and improve our system without having to require additional funding. And stated the original funding will remain in place with the NMFA, and stated what we are going to be looking for, and be contacting NMFA to see if they would allow us to use the excess funding for the 200,000 gallon tank at the Cook Pump Station, and stated NMFA loan and grant component will remain the same...80-20.

Commissioner Green – on the project cost estimated...I noticed that there are two different NMGR, and could you explain the difference.

Mr. Knowlton stated the NM Gross Receipts Tax listed at 7% is for our services since we are based out of Albuquerque, and that our services would be taxed at the Bernalillo Co. rate which is 7%, and indicated that is less than the 7.625% that would be taxed on the construction services portion which would be done here.

Commissioner Green – and at what...if you were given the go ahead what time schedule are we talking about, and do you have to take any of the tanks off line while you do certain things that might put Mr. Tooley and his volunteers hard pressed to service the community if we have an event downtown for example.

Mr. Knowlton stated the tank rehabilitation project for the two tanks...the 200,000 gallon and the 3 million gallon tank is currently designed, and has been reviewed and approved by the State...that's the NMED Construction Programs Bureau, and NMED Drinking Water Bureau, and indicated that project is actually ready to go out to bid just as soon as the funding is closed out at the end of this month, and the addition of the new 200,000 gallon tank, and the piping modifications have not been designed yet because those are currently being discussed and considered, and once we get the approval to move forward we will move quickly so that we can take advantage of doing this type of work during the low volume season for the water systems which is winter time...that's the best time to take these tanks off line and do the rehabilitation. And stated when we take the 3 million gallon tank off line in the upper zone we have

a 1.2 gallon tank adjacent to it which would serve the City and would be adequate during the time that the 3 million gallon tank is off line, and drained and being re-painted. And the 200,000 gallon tank at the Cook Street Pump Station is a critical facility since all of the City's water passes through that tank before going into the system...so currently we had addressed that with temporary water storage tanks, and stated the contractor would have to install a series of small temporary storage tanks on the ground at the pump station site in order to allow the wells, and the booster pumps at Cook Street to operate as they currently do while the 200,000 gallon tank was down, however as we discussed this afternoon if we build a new 200,000 gallon tank immediately adjacent then we can time it such that the new tank gets constructed and put into operation...and then we can take the existing one out of service to do the re-painting, and then there is no interruption of service to the City, and the \$60,000 in costs that we estimate for those temporary tanks would not be needed...so that would be a cost savings to the City, and stated there is a benefit to building another tank immediately adjacent.

Mr. Audon Trujillo asked if we have an empty tank...is it really empty...is there no water in it right now.

Mr. Knowlton – if you are referring to the 1 million gallon tank...it is not completely empty at this time but it is isolated from the system.

Mr. Trujillo – when it is empty is there any possibility...does that deteriorate faster...is it going to be a danger or could that tank be used as a structure...it is a viable thing to do something with that tank or do you have to tear it down.

Mr. Knowlton – the tank is made of steel...it's welded steel...it's painted inside and out, and stated it was built in the late 40's, and on the inside it is very much corroded, rusted on the inside. And the outside from a distance looks very nice...there's a very nice mural on there, and when you get up close to it you see that the paint on the outside is also starting to peel and deteriorate...so eventually the tank is not going to get better over time it's going to get worse over time, and if we leave any amount of water in the inside that will speed up the corrosion process...if we drain the tank, and dry it out that will slow down the corrosion process, but we will never truly stop the corrosion process unless we re-paint it, however we don't recommend that it be used for water storage anymore because there has been such a loss of steel thickness that there is potential for structure instability if it is filled with water.

He stated we have been talking with the City about draining the tank...leaving it in place at the time being because it does have two important radio antennas on there for both the police and the fire departments.

Mr. Tooley – just fire.

Mr. Knowlton – so we don't want to take those antennas down...at some point the tank will probably be demolished in the future, and that antenna would have to be erected as a stand-alone antenna tower at the site. And stated as far as community benefit I would be a leery of having people up around there as a park or whatever.

Mayor Pro-tem Renfro – how long do you think it will last once it is emptied.

Mr. Knowlton – the million dollar question.

Mayor Pro-tem Renfro stated she remembers when that was dedicated...the paintings on that tank, and thinks it is an attraction to our City, and hates to think it is going to be gone.

Mr. Knowlton – it is a very beautiful mural and a wonderful part of the City, and I hate to be the one standing up here and tell you that it needs to come down...I don't think it needs to come down immediately, and stated he did talk to our structural engineering department, and they indicated additional tests could be done to try to determine the thickness of the steel, and try to make an estimate of how much longer they think it might last...it's not an immediate concern, and has been serving the City for 63 years without any major problems, and stated there are noticeable leaks on the tank, and the leaks basically means it's corroded to the point to where you have a pin hole leak and water is coming out through the sides, and that there are a number of areas on the tank on the steel where it has pitted corrosion, so I couldn't tell you how many months, years, decades...it might still last...

Mayor Pro-tem Renfro – so you are working with the City on draining it.

Mr. Knowlton – yes we are taking steps towards mitigating the problem, and trying to determine a schedule or a course of action for the tank and what to do with it in the near future.

Mr. Bobby Allen – my question is...the tank carries a lot of history for Truth or Consequences, and if the tank can be salvaged and repainted I think it's a great thing for the City of Truth or Consequences to try and keep it if any way possible...as long as it's not a hazard to our public.

City Manager Fuentes stated this is a presentation, and that the next item is consideration and authorization to seek additional funding in light of recommendations from our engineers and staff, and that he would like to recognize the work that our staff has done with our engineers, and it is the recommendation to follow WHPacific's report...to do the two tank rehabs, and piping modifications as well as ask NMFA to use the excess funding for a 200,000 gallon tank at Cook Street.

Commissioner Green stated he agrees 100% with Mr. Allen and that it is a great asset and would hate to lose it, and if there is a way we can stabilize it so we have...a concern about the safety factor...I think we should do everything in our power to make sure it stays part of our history.

CONSIDER – AUTHORIZATION TO SEEK FUNDING FROM NMFA FOR the WATER TANK REHABILITATION PROJECT –

“Commissioner Green moved to authorize the City Manager to seek additional funding from NMFA for the Water Tank Rehabilitation Project.”

Commissioner Torres stated he would hate to see it go.

Seconded by Commissioner Torres.

Mayor Pro-tem Renfro stated she thinks our City Manager has heard the desires that we would like to preserve our tank if at all possible.

Motion carried unanimously.

Mr. Knowlton stated that WHPacific is working on the 40-year plan update for the City, and indicated they are in the data collection phase, and that they hope to have that done this month, and have a draft before the end of this calendar year.

CONSIDER/APPROVAL – CONTRACT FOR LEGAL SERVICES

City Manager Fuentes stated at our last meeting the Commission authorized and awarded the legal services contract to Jay Rubin, and the item before them is approval of the actual contract, and that a copy of the contract was provided for them.

“Commissioner Green moved approval of the Legal Service Contract between the City and Attorney Jay F. Rubin.”

Seconded by Commissioner Torres.
Motion carried unanimously.

City Attorney Rubin thanked them and that he is looking forward to continue their relationship.

CONSIDER /APPROVAL – ORDINANCE (FOR PUBLICATION) – ZONING CHANGE FROM T-1 TO RCPUD

Mayor Pro-tem Renfro stated she would like Mr. Rubin to explain...and that there might have been some questions on why we did not have a public hearing on the recommendation of the Planning & Zoning Board, and stated she would like our City Attorney to explain why we are going this route.

City Attorney Rubin stated the common practice of our Commission, and actually as substantiated by our zoning code is that when you change the ordinance...the zoning in a particular area you have to do it by ordinance, and stated what we did after the recommendation came from Planning & Zoning Board we prepared this ordinance that basically is in conformity with the recommendation they got from the Planning & Zoning Board, and stated the plan would be is if you approve this for publication tonight...which you have a proposed ordinance in front of you and approve it for publication then you would come back for the final hearing in two meetings from now which would be the first meeting in December then we would have the public hearing at that point.

He stated any time you want to pass an ordinance it does require a public hearing, and my judgment and my recommendation to Mr. Fuentes is that it would not make sense or serve a purpose to have a public hearing tonight, and then come back later on with the ordinance, and then have a public hearing later on...I think really that would actually serve to delay things so my recommendation is to do it in this process.

“Commissioner Green moved for publication of the proposed ordinance from T-1 to an RCPUD of 230 acres of land belonging to Mitchell Brown, President, the Shepards Group Inc., and Managing Member for Rio Vista Land Co., LLC. Representative is John Roberts.”

Seconded by Commissioner Torres.
Motion carried unanimously.

City Attorney Rubin let me also take this opportunity to repeat a piece of advice I gave at the last meeting. And at the last meeting

we already had acknowledged receipt of the Planning & Zoning minutes where they had already had a full Battershell Hearing at that level, and he believes they are still going to have to do another Battershell process hearing when this comes back for the meeting in December, however I think you can limit it because I think you can at least advise the public that you have read and familiarize the minutes of the Planning & Zoning Board meeting, and request that the comments to be made at the next go around would either be new comments that had not been received, or someone to change something that they said, and I'm looking that I think you can probably limit the scope for the next public hearing.

Commissioner Green stated I would like to take exception with that thought...I don't think we should ever limit comment, and I think we all might agree that the minutes that we receive from some of the advisory boards are not exactly word for word...as they might have spoken for 4 minutes, and we have 3 words that they said. And stated I would not like to trample on the rights of the public to be heard if it takes a little bit extra time...so be it...I think it's just part of open and transparent government...that's just my opinion.

City Attorney Rubin – and that's your discretion actually you can do that...maybe I was drifting my comments more to the public than I was to the Commission...maybe I guess if someone...I was really just trying to discourage repetitive comments...if someone says something that's in the minutes, and stated the minutes can be inspected by members of the public as well, and if they are already in the minutes...and we're gonna trust that the Commission has read those minutes I would really not see reason for someone to stand up and say exactly the same thing again...that is all I was trying to drive at. And stated I'm not at all trying to limit someone's right to speak...that's not what I was driving at...at all.

CONSIDER/APPROVAL – RECOMMENDATION OF ALTERNATE JUDGE –

Judge Sanders came before the Commission and stated she was hoping to bring this some time back when I received application's for the Alternate Judge, and stated there were a few things that she and Mr. Fuentes had to go over, and they decided to move forward with this.

She stated when the advertisement went out for the Alternate Judge for the Municipal Court...I had two responses...one was from Ms. Caroline George from Monticello, and the other one was Josie Zamora from T or C, and stated Ms. George was automatically disqualified because she is not a resident of the municipality, and stated that Ms. Zamora has experience, and that she has served during Judge Hawkin's term as an Alternate Judge before I came along, and she submitted an application, and my recommendation is that she be appointed Alternate Judge for the Municipal Court.

“Commissioner Torres moved the recommendation of Ms. Josie Zamora, Alternate Judge for the Municipal Court.”

Seconded by Commissioner Green.
Motion carried unanimously.

**OLD BUSINESS -
CONSIDER – RESOLUTION #11-11/12 – ESTABLISHING
appropriate GREEN FEES for the MUNICIPAL GOLF
COURSE –**

City Manager Fuentes stated at our last meeting there were questions regarding the proposed resolution for the golf course fees, and the action from the Commission was to revise the proposed resolution, and provide more detail and breakdown what the base fee would be...the tax would be the total fee as well as those items that would include the government improvement fund fee.

He stated in the resolution you see the same breakdown...the three columns, and stated the fees that do not change, and only the government improvement fee applies to only certain categories. And indicated there was also a question about the 7.625% vs. the 5%, and that the 7.625 obviously applies to most of the fees, and those fees are collected by the golf course manager...the 5% is only charged to the \$1.00 fee that is actually received by the City, and stated there is a governmental gross receipts tax and that is the 5%, and stated he wanted to clarify that issue, and that Ms. Stark is here for any questions.

“Commissioner Green moved to approve Resolution #11-11/12 which will repeal Resolution #27-10/11.”

Seconded by Commissioner Torres.

Commissioner Renfro responded Aye to a Roll Call Vote
Commissioner Green responded Aye to a Roll Call Vote
Commissioner Torres responded Aye to a Roll Call Vote

Motion carried unanimously.

REPORTS –

CITY MANAGER –

City Manager Fuentes stated in your packet you have his Bi-Weekly Managers' Report, and stated a couple of new items he wanted to make announcements. The Main Street Program, and stated he has been informed by Mr. Steve Buckley Manager for Main Street Truth or Consequences that NM Main Street Resources Team will be in town next week, and that they will meet at the Main Street Gallery for the downtown master plan, and it will be November 16th at 11:30-1:45, and that an invitation is being extended to all the elected officials.

He reported staff has been approached to consider relocating a large flag pole from the old Armory to the Triangle Park.

Mayor Pro-tem Renfro stated that would be great, and that should would like to reiterate at one time we used to fly flags all around that park on legal holidays, and indicated for a number of years it hasn't happened, and that she asked once before under a city manager, and thinks they did it for the next holiday, and then that was it so if the Commissioners agree it would be good if you would look into what has happened or why it isn't being done.

City Manager Fuentes stated one other item there was a presentation at one of our previous meetings regarding the use of the old fire hall for a Space Center...Visitors Center, and stated the Commission directed him to draft a lease proposal...lease agreement, and indicated it has been presented to the group for their review as well as City Attorney Rubin, and stated they are still working on a final draft and that is currently on going.

CITY ATTORNEY- No report.

COMMISSIONERS –

COMMISSIONER GREEN-

Commissioner Green stated he is sad that Lynn is leaving staff, and that she has been the chair of the recycling committee...Bountiful Alliance, and stated she worked with Manager Fuentes and Ray Chavez, and Leonard and his crew to put together the ribbon cutting ceremony that they did for the bailer which was great, and thanks all the citizens that participated in that event, and thanked her and wished her the best of luck in her travels.

He stated he would like to ask City Manager Fuentes...I would like to have a discussion of recycling put on the next city agenda...and if you think it would be helpful I would like to see a workshop before the meeting with this transfer station looming on the horizon with a long haul of 150 miles going South or North, and with \$25.00 a ton tipping fees we have got to try to control our costs at our end, and stated this is one of the instances where the citizens if they get involved can really keep prices down...otherwise it's not gonna go down to Las Cruces or Socorro by itself...so I think we have a window of opportunity until a transfer station opens up of education, information of how we can do it better, and possibly taking small trailers and putting some of the older dumpsters, and get the high school involved and let them paint it, and put these trailers around the City to bring recycling to the community, and I think we can do a better job, and control the cost, and would like to start that process at the next meeting.

COMMISSIONER TORRES- No report.

COMMISSIONER RENFRO – No report.

ADJOURNMENT –

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

APPROVAL –

PASSES 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 B. PENNER
CITY CLERK

