

CITY COMMISSION
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
Tuesday, March 13, 2012

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, March 13, 2012 at 6:00 P.M.

OPENING CEREMONIES: Commissioner Green and Commissioner Torres at this time recognized Evelyn Renfro as a team and a member of their group with a token of appreciation, and thanked her for what she has done for the City, and wished her good luck.

She stated she has enjoyed working with you all and wished them the very best of luck and thanked them.

ADMINISTRATION OATH OF OFFICE: At this time Honorable Judge Thomas Pestak Administered the Oath of Office to the newly elected officials.

Beatrice Sanders, Municipal Judge
Sandra K. Whitehead, City Commissioner
Jeff L. Richter, City Commissioner
John A. Mulcahy, City Commissioner
Steve Green, City Commissioner

PRESIDING OFFICER: The meeting was called to order by Commissioner Torres 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. Steve Green, Commissioner
Hon. John Mulcahy, Commissioner
Hon. Jeff Richter, Commissioner
Hon. Freddie Torres, Commissioner
Hon. Sandra Whitehead, 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: Commissioner Torres called for fifteen seconds of Silent Meditation.

Commissioner Green called for the Pledge of Allegiance.

APPROVAL OF
AGENDA:

Commissioner Torres called for approval of the Agenda.

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

Seconded by Commissioner Richter.

Commissioner Mulcahy stated he would like to ask for a motion on the agenda, and I'd like to ask that we consider moving H-6 to category G as a public hearing this evening...consider approval of the MOU with the South Central Solid Waste Authority up to category G Public Hearings.

City Attorney Rubin asked City Manager if they would be addressing that issue tonight.

City Manager Fuentes stated the purpose of this would be to give the public an opportunity to comment under this item, and indicated the item would still remain under H-6...but we want to have an opportunity to hear from the public, and when they get to the item H-6 based on the comments or any questions from the Commissioners then we can decide whether to move forward or to postpone it.

City Attorney Rubin stated I think the concern I have with the public hearing tonight...there was not proper notice given to do that...so if you're gonna have a public hearing it should be done at another meeting...people can still comment on it during the public comment section if that's satisfactory. If you're gonna make this a public hearing issue...I'd prefer you did on a future agenda...that way you can advertise it.

Commissioner Green stated if it would be appropriate that under H Other Business...it says discussion/and/or approval...we don't have to approve anything tonight...we're not mandated to do anything...we can just have a discussion among ourselves, and then we can honor Commissioner Mulcahy's desires to have a public hearing at some later date when it's noticed, and published so the community understands what this is, and then they'll have the opportunity to speak with a little bit more than 3 minutes...and to prepare their concerns after they hear some of the discussion that goes on tonight...but we're not mandated to take a vote tonight at all.

City Attorney Rubin – That's a fact.

RESPONSE TO
PUBLIC
COMMENTS:

City Manager Fuentes stated at our last meeting we had a representative from the Moose Lodge who came before the Commission about their electrical project, and I wanted to inform the Commission that I did meet with a representative last week, and they requested to come before the Commission to address their project at this meeting, and he decided to postpone his request until the next meeting.

He stated he provided them information we had on file in regards to his project, and wanted to inform the Commissioners that they may be forth coming at the next meeting.

City Manager Fuentes stated he would like to share with the Commissioners and members of the public, and indicated there is a box next to the podium, and stated that will be for any comments that members of the public like to leave with commissioners, and ask them to put them in the box...and also there are forms and pens for people to make any comments...and questions, and that will help our staff to reply back to the public, and at the same time give us the contact information for the reply, and that we'll share those with the Commissioners as we work those responses.

Commissioner Mulcahy stated he wanted to thank you (City Manager Fuentes) for offering the public the opportunity to write down what they want in case they don't want to get up in front and speak.

COMMENTS
FROM THE
PUBLIC:

Mr. Howie Tucker Golf Pro came before the Commission with comments, and provided the Commission with a brochure.

Mr. Walter Armijo came before the Commission with comments regarding item H-6 on the agenda.

Ms. Linda DeMarino came before the Commission with comments.

CONSENT
CALENDAR:

Commissioner Torres stated they have two items under the Consent Calendar – City Commission Minutes – Regular – 2/28/2012, and Accounts Payable Report – February 2012.

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

Seconded by Commissioner Mulcahy.
Motion carried unanimously.

DRAFT
MINUTES:

Commissioner Torres stated the following are draft minutes from various boards provided to the Commission for their information, and are non-action items.

Commissioner Green stated on the Golf Course Advisory Board they are talking about a recommendation for a contract renewal... and I was wondering what is the due date on the end of the RFP for the contract for the golf course.

City Manager Fuentes stated I believe it is this month around the 20th - 21st is when the RFP's are due, and stated an evaluating committee will be evaluating the proposals, and then submit a recommendation to the City Commission.

Commissioner Green stated on the Public Utility Advisory Board I see that we are shy one member...the seat that was vacated by Millie McLeod are we still advertising for that position.

City Clerk Penner – Continuously.

Commissioner Green – And we've had no nibbles...okay.

BOARD &
COMMITTEE
REPORTS:

None.

PUBLIC
HEARINGS:

None.

OTHER
BUSINESS:

Re-organization – Selection of Mayor & Mayor Pro-tem

“Commissioner Torres stated he would like to nominate Commissioner Steve Green.”

Seconded by Commissioner Green.

“Commissioner Richter nominated Commissioner John Mulcahy.”

Seconded by Commissioner Whitehead.

Commissioner Torres stated he would call for the vote.

City Manager Fuentes stated...for clarification Mr. Chair...is my understanding the nominations are for which of the positions.

Commissioner Torres for Mayor.

City Manager Fuentes – So we have two nominations. Okay. So Jay we would have to take a vote on the first nomination.

City Attorney Rubin – Yea...that’s what I would do...that’s what I think you would do...you should vote on the first nomination, and then vote on the second nomination.

Commissioner Torres...okay for Commissioner Steve Green...raise you’re right hand.

Commissioner Green – Voted Aye.

City Attorney Rubin – Then I think you have to say Vote in Favor, and then all opposed.

Commissioner Torres – All in favor.

Commissioner Green – Aye.

City Attorney Rubin – The minutes will reflect that you’re raising your hands, but the minutes need to say if you’re voting in favor or opposed to a particular motion...so if you have a motion to nominate Commissioner Green...I take it...I assume we had a Yes Vote from Commissioner Torres and Commissioner Green, and we’re saying who is opposed to it.

Commissioner Green – Stated in making a motion isn’t there room for discussion.

City Attorney Rubin – Sure. Of course.

Commissioner Green – So I would like us if we...so we do this right...I would like for discussion if that is okay with my fellow Commissioners and Commissioner Torres.

Commissioner Green:

I have served on this board for 4 years, and I have served this community for 12 years, and I will serve under whatever Mayor that you decide to choose...however I think that although John has great qualities and I admire his qualities...I don't think he has the experience as of yet...he hasn't been around that long to do the job that the community expects a Mayor to do, and I'm not gonna hold John's job against him as a negative...but he does have a job that is reality. I unfortunately or fortunately as the case might be don't have a job...my job is representing 7,351 people of this community...I've done it, and I think I've done admirably well...I would like to continue to do it, and between the two of us I think I'm the best qualified to be Mayor of this community, and I would ask the three Commissioners who feel that I cannot do the job to maybe take a big minute to think about it and reflect on this...and this really has nothing to do with friendship...I think this is about who can do the job for this community...who got 808 votes as compared to 359 or 75 votes whatever it might be. Obviously John is known in this community...I think I'm known better...no matter how hard you work there is no guarantees in life and I'm not gonna ever say I am deserving to be the Mayor of this community, but I think I'm the right person to be the Mayor of this community. And thanked them.

Commissioner Mulcahy...Mr. Chair...Thank you Commissioner Green...and you have done a tremendous job...you have brought the facts, and have brought the homework to this bench, and have represented the City very well. I think the difference between you and me in this situation is...I'm gonna run this meeting with the rules of procedure as dictated by the City of T or C...we're going to do the City's business...we're going to do it efficiently...we're going to do it accurately...we're going to do it transparently. I represent a new day for this Commission, and I want to...to my fellow Commissioners...I want to bring that new day...I will bring...and I will bring business sense to what we're doing here, and no reflection on you personally Steve, but one of the reasons I ran for this job is to make a change. And thanked them.

Commissioner Green stated I don't want to get into a rebuttal, but I would just like to remind Commissioner Mulcahy that the gavel was not in my hands.

Commissioner Torres – All in favor for John.

Commissioner Whitehead – Voted Aye.

Commissioner Mulcahy – Voted Aye.

Commissioner Richter – Voter Aye.

City Attorney Rubin – So vote wise there was a motion made and seconded that Mr. Mulcahy was going to be Mayor and it passed by 3-2.

It was agreed that it passed by a vote of 3-2.

At this time it was turned over to the new Mayor...Mayor Mulcahy.

Mayor Mulcahy stated the next item of business is selection of

Mayor Pro-tem.

“Commissioner Richter nominated Commissioner Sandra Whitehead.”

Seconded by Commissioner Green.
Motion carried unanimously.

Mayor Mulcahy stated...There is no greater honor than to serve at the people’s request...I’m very proud to be a member of this Commission, and I am further honored to be chosen as your Mayor.

It is my sincere intention to serve the citizens of Truth or Consequences who elected all of us up here to conduct the City’s business in the most inclusive and efficient way possible. To this end I want everyone to know that I intend to follow the City Commission Rules of Procedure to the letter, and I will require in this procedures that all parties present shall respect everyone whether they are here in this room or not.

Mayor Mulcahy stated the voice of the people have been loud and clear in this recent election...I want to announce that for myself and for my fellow Commissioners we are ready to get to work with the most transparent way possible. And thanked them.

Presentation by Officer Stufflebean and the K-9 Program –

Officer Stufflebean with the T or C Police Department came before the Commission, and that he is the new Canine Officer for the City of T or C Police Department.

He stated in 2007 the police department presented a proposal to the Commission to add a narcotic K-9 to the department, and indicated they accumulated approximately 25 narcotics cases and seized \$54,757.00 which was used for much need equipment.

Officer Stufflebean stated that K-9 “Bram” was retired when his handler left in March of 2011, and he was allowed to go with then K-9 Officer Apodaca. He indicated on February 11th 2012 he went to Los Lunas and received and trained a certification and narcotics detection with the North American Police Work dog Association which is a National Organization, and stated they are trained in and certified in four of the controlled substance disorders, and also learned and trained in...environments, and in 2010 obtained his handler certification and his first narcotics certification with his dog “Kuma”.

He stated the canine is a very important tool in fighting the war on drugs in the City, and there are very many methods that we use to find drugs, and with the assistance with properly trained and motivated K-9 team, and stated they can start and make a big difference, and that they can do this through vehicle stops, dog searches, and whatever is in their powers to help the process in taking drugs out of this community.

Officer Stufflebean stated that most everybody met “Kuma” on their way in to the meeting tonight, and the vest that he was wearing was donated by Susie Jean with the K-9 Program from Socorro, and that the cost of the vest is about \$1,500.00.

Commissioner Green stated he would like to point out and the rigorous training that you and “Kuma” have gone through, and I just noticed only one missed total overall for all odors attempted to be certified in, will be permitted for a successful pass certification, and if I had to live by those rules...I’d still be in the third grade... so we have a great handler and a great dog, and we wish you the best of luck.

Captain James Morgan stated most of the training that Officer Stufflebean and “Kuma” have received, and that Officer Stufflebean has acted on his own behalf on his own time, and that this goes to show what he is willing to do for this community.

Consider/Approval - Out of State Travel for Police Department Staff –

Captain Morgan came before the Commission, and stated they were provided information regarding the training for police department staff out of state travel, and they have money in the budget for this training.

He explained what this training will allow the department to do... specifically Ms. Cordell, and that it will help them identify problem areas within the city, and allow them to become more proactive in dealing with those issues before they actually become issues and get out of hand.

Captain Morgan stated that it is an overall Crime Analysis and statistical training seminar, and it tracks crime rates, patterns, monitor crime trends, prepares statistical crime reports, and enhances community policing programs that they already have in place at this time, and may also identify other programs that we might develop.

Mayor Mulcahy asked if they needed to approve this for this expenditure.

City Manager Fuentes stated yes, and that practice in the past is for the City Commission to approve all out of State travel, and that all in-state travel is approved administratively through my office.

Mayor Mulcahy asked what travel method would she be using... driving or flying?

Captain Morgan stated she would be driving.

“Commissioner Torres moved approval the Out of State Travel for the Police Department Training.”

Seconded by Commissioner Green.
Motion carried unanimously.

Consider/Approval – Application for LEPF, FY 2012/2013 – City of T or C Police Department –

Captain James Morgan stated that the Law Enforcement Protection Funds are monies that communities receive throughout the State, and explained that these monies are determined by populace and

are actually classed. And stated the funding that the departments are eligible for is outlined in State Statutes, and are rated by class and accordance with population established by the most recent and completed census.

He stated in this case the City of Truth or Consequences falls into Class 1 population is 0-20,000 and is eligible for an allocation of \$20,000.00. And stated the City of Truth or consequences has 15 officers that are currently certified and commissioned which makes the department eligible for an additional \$9,000.00 because they received approximately \$600.00 per certified officer, and that it requires Commission approval.

“Commissioner Torres moved approval the Application for LEPF, FY 2012-2013.”

Seconded by Commissioner Green.

Commissioner Green...maintain the balance of the peace officers survivors fund...do we have that in the City of T or C...we would never want to use it obviously, but do we have such a fund...

Captain Morgan stated that is actually handled by the State.

Commissioner Richter stated under this there is \$17,000 item here, repair and purchase of apparatus and equipment...does that include patrol cars?

Captain Morgan – Yes your Honor...Commissioner it sure does, and stated we're looking at trying to purchase at least one new car per year, and that right now we have 3 vehicles with over 100,000 miles on them, and that they are reaching their usability as a safe law enforcement vehicle.

Mayor Mulcahy stated he would like to compliment Chief Mullins and yourself.

Motion carried unanimously.

Consider/Approval – Amended – Animal Shelter Contract for Services –

Captain Morgan stated before he begins on the 2nd paragraph... Beginning fiscal year 11-12 that should read fiscal year 12-13.

He stated for animal services the City currently pays \$2,500 each month for services from the Sierra Animal Shelter for housing, feeding, adopting and final disposition of all impounded and unwanted animals. And indicated this fee hasn't changed since 2006.

Captain Morgan stated that Dr. Danielle Dawkins is in the process of purchasing the Animal Shelter and clinic, and that she is willing to continue without interrupted services, and that the only differences in the fees is an addition of \$500.00 a month for a total monthly fee of \$3,500 a month opposed to \$2,500.00. And explained the additional \$500.00 a month is to cover disposal fees, and an increase in the base rate of \$427.43 per month, and stated the terms and conditions and scope of work are not changed except

for compensation and method of payment, which breaks down the fees.

He stated another reason for the increase in fees is how they are going to dispose of the animals at this point, and that they are still in discussion and looking as to what we're gonna end up doing with the animals that have to be put down, and with the transfer station coming in we're gonna have to find other means...whether the animal shelter is going to have to contract out or we're gonna have to come up with equipment in order to do it in house, and at this point right now \$3,500.00 is the best deal around.

Mayor Mulcahy stated it is a \$500.00 increase in disposal fees.

Captain Morgan stated it is going to cover the disposal fees, and an increase in the base rate.

Mayor Mulcahy – So the increase in the base rate is another \$500.00.

Captain Morgan – It's gonna be \$500.00 overall period per month...yes sir it actual \$1,000 increase per month.

Mayor Mulcahy – So why did the shelter service fee go up another \$500.00.

Captain Morgan – There has been no increase over the last 6 years, and that they have actually incurred the fees, but haven't transferred them to the City.

Commissioner Green...Is it safe to assume since there never has been a disposal fee before that the animals were disposed of in our landfill.

Captain Morgan – That's correct.

Commissioner Green stated I would like to suggest to my fellow Commissioners that this contract takes effect July 1...our landfill is still open July...it is still open in August it's not due to close until the last of August, and if we're not ready for with the transfer collection station, and that I would like to see this contract, and I have no problems with Dr. Dawkins increasing fees after 6 years, but I think the \$500.00 should come into effect after the landfill is closed and our transfer station is open.

Captain Morgan – Stated but the transfer station from my understanding will not take carcasses.

Commissioner Green – I understand...I want the disposal fees to come into effect when our landfill is closed, because right now we'd be paying for services that we're not receiving...that she's not delivering because right now she's not charging or Dr. Cardwell is not charging for disposal of the animals, and ending up in the landfill, and all I'm saying is that we would be paying in July for something that is still available to the shelter to use our landfill in July and August. And stated it's only a difference of \$1,000 but still \$1,000.

Commissioner Torres – Stated I would like to wait until the

budget...

Commissioner Richter – This \$500.00 item for disposal of carcasses how was that arrived at.

Captain Morgan – Based on the information that I have at this time...we're gonna incur costs...it's just a matter of how much and when.

Mayor Mulcahy stated I would like to call for a motion if I can is there a motion to approve this increase.

“Commissioner Green stated I'll make a motion so we can get to discussion.”

Seconded by Commissioner Torres.

Commissioner Green stated he has a question on the letter it refers to these projected fees are dependent on the anticipated full participation of the County of Sierra for the same fee amount, and asked Captain Morgan if this has been presented to the County, and how have they ruled.

Captain Morgan stated at this time I do not know.

Mayor Mulcahy stated I don't feel personally that we have enough information about the costs...we've seen a \$500.00 increase in the services, and in all respect to the Animal Shelter I would like to... the City doesn't have a lot of money here, and to have a 40% increase it's pretty extraordinary, and I'd like to ask that Dr. Dawkins come back with more information.

Chairman Armijo from the County stated that the County maintained the same contract with the Animal Control, and that they didn't change anything.

Commissioner Torres stated he agrees that they need more information.

All in favor please say Aye – No response.

All Opposed – All Voted Nay.

Consider/Approval – MOU – South Central Solid Waste Authority

–

City Manager Fuentes stated we had a request from the Chair Person Commissioner Armijo asking the Commissioners to postpone this item, and schedule a work session...work shop with the County and other entities to discuss the Solid Waste Collection Center, and the proposed MOU based on that request Commissioners, and in your packets you have some background information, and at this time I would like to recommend to the Commission that this item be postponed, and that we schedule a work session with the County, and other entities to better address this issue.

Mayor Mulcahy stated this is a very time sensitive situation, and that we move very, very quickly here, and I do believe it is very important that we have a public hearing about this, and I think some of the Commissioners have some other comments about

where we go with that.

“Commissioner Whitehead stated since most of us are new on the Commission that we review this, and request that we table it for the moment and get together at the work shop with the County and see what we can do with it and go forward.”

Seconded by Commissioner Richter.

Motion carried unanimously.

Commissioner Chair Armijo stated with all due respect I will instruct our manager get with your manager to collaborate and come up with a quick meeting.

Consider/Approval – Discussion – Consider scheduling a Work Session –

City Manager Fuentes stated the reason for putting this on the agenda is to ask the newly elected Commissioners and Commissioners as a whole of a date, and time that would work for everybody. And explained what he would like to do is take the opportunity, and since we have 3 new Commissioners to have a work session where we can have all our department heads come before you and make a presentation to give you all a sense of who they are...what they do, also to give me as well an opportunity to give you all an over view of some of the major projects that we’re currently working on.

He stated we are starting the budget process, and that will also entail some public input as well as reviewing the individual department budget submittals, and I would like to ask the Commissioners what would be a good time, and date for you all to do this, and he has asked the departments to prepare a 15 minute presentation with a 5 minute Q & A by the Commission, and may be looking at a 4-hour time frame, and in addition to that to have a separate work session for the Solid Waste Station.

Mayor Mulcahy stated maybe we could meet next Thursday... sometime in the afternoon.

Commissioner Torres suggested that the new Commissioners take a tour of our facilities such as the sewer plant, landfill, airport...so we know what we’re talking about.

CITY MANAGER –

REPORTS:

City Manager Fuentes stated he is providing the Commission with a copy of the Sub-Recipient Grant Application for FY 2012/2013 as part of the budget process. And stated the City in the past has been awarding approximately \$100,000 to different organizations for their activities, and that there is an application process, and that in the past there have been questions about having some additional requirements for the application, and that he would like to give you an opportunity to look at the application, and if you feel we should make any changes we’ll add some sort of provisions...maybe some in-house services that could be provided by these organizations, and now would be the time to include those items, and they would like to get these applications out by early next week, and understands the short notice, but if you have any questions or suggestions or amendments to this application please let me know.

City Manager Fuentes stated he provided his weekly/bi-weekly round-up report of my activities for the last two weeks, and that he provided those on a regular basis, and if you have any questions on any of the items listed please feel free to contact me.

He stated the final item that I have, and I do want to address this because it was in regards to an article that was published last week in regards to our audit that listed 11 findings, and I think it is important, and wanted to ensure the Commissioners and the members of the public that the way it was perceived in the article was **inaccurate**, and I think when a statement is made in an article that the real story is that the City had a lot of findings 11...well if you look at the actual audit which for members of the public it is on line, and made available on our website. And the page under our audit...page 107 lists that out of the findings that were listed about 5 of them have been resolved last fiscal year which was 2010/11... and the other findings...some of the other finds have already been resolved this fiscal year. And I wanted to share with the Commissioners, and the public that the City is doing a good job in overseeing and managing the finances of the City, and wanted to commend them, and recognize their hard work, and stated we oversee a budget of thirty million dollars, and that our staff is very dedicated.

Commissioner Green asked if City Manager Fuentes could give an update on where we are with the pool.

City Manager Fuentes stated the status of the pool project...it is scheduled to open in early April, and what we are looking at, and obviously we're gonna open up without completing the pool cover project, and that we are working with an architect to come up with the final RFP requirements that we need, and that there are still some issues that need to be resolved as we have been reviewing the original RFP there are other issues that have surfaced that need to be addressed, and that we certainly want to do it right this time, and want to use an architect to assist us in preparing an RFP that is going to address all the issues, and that we have a scheduled meeting with WHPacific, and have an architect on board that we will be meeting with to discuss the project, and as more information becomes available I will bring back a full report to the Commission.

Mayor Mulcahy stated as a new commissioner I would like to know the real significant things in that audit of the 11...of the remaining 1 or 2 whatever the issue was.

City Manager Fuentes stated let me go through some of the items... under our audit page 107, and the most significant finding that will entail some work, and additional staff time is in regards to the capital assets, and stated the system that the city currently has an inventory asset system that lists all of our small equipment in assets, however the system that the city has been using for years is not necessarily serving its purpose, and that there are a lot of items listed that have been carried on for years that need to be taken off, and the auditors have recommended that we look for a new system that will allow us to identify, and tag all of our individual assets... and so the issue that we have now is finding an inventory asset system that's gonna work for us, and stated that will require

additional personnel as we're gonna have to inventory everything that the City has and verify those items...where the locations are at and be able to identify the value for those items...so that is one thing that will require some additional assistance.

And stated some of the other findings that are listed are in regards to the IRS audit that the city had last year, and that was in regards to the pre-tax deductions for employees that were under the insurance plan that should have been tax-free, and that we were charging the employees tax, and that they were paying tax on the health insurance, and they should not have been, and that has already been corrected this year, and the other was the employer vs. independent contractor issue...again that was another issue raised by the IRS audit that has also been corrected this year. And this year you have other items such as the collateral of public monies which has been corrected during the 2011 audit, and we have the legal compliance with the adopted budget that has also been corrected, and the travel and per diem has also been corrected, and disposition of city property has also been corrected.

Mayor Mulcahy...I'm glad to hear about the ones that have been resolved...I was wondering about the others, and I appreciate your information on that.

City Manager Fuentes stated on the other issues that remain outstanding is the accounting activity public money deposits, and the financial statements and disclosures, and there would be about four that we will need to work on this year.

Commissioner Green asked how we did with capital outlay.

City Manager Fuentes stated with capital outlay...and I'm very happy to report to the Commissioners and the public...Governor Martinez did not veto our capital outlay request for \$400,000 for the solid waste collection center, and that this was a collaborative effort by the County as well as the City of Elephant Butte, and the Village of Williamsburg, and I'm glad to report that the \$400,000 will be coming soon, and unfortunately that money is not available until July because of the process that it goes through the State, and the grant agreements that need to be in place.

Commissioner Green stated he has had a couple of calls about what happened to the fountain next to the museum...there is a sign that says no water.

City Manager Fuentes stated they have been looking at that for several months, and the issue that comes up...is for some reason the water level has dropped over the last year or so...and when the fountain is on there is not enough water in the well to continue to operate, and so what is happening we're burning up the pump, and we don't know possibly because of the drought that the water table has dropped in that location, and we've been trying to find alternative ways of continuing to make that well operate, and they are continuing to work on it.

City Attorney Rubin stated I would like to welcome the new commissioners on board, and I'm looking forward to working with the entire commission and have a successful tenure together.

Commissioners –

Commissioner Green stated he wanted to echo Judge Pestak’s remarks, and that he wanted to thank all of those who ran...I think it’s just wonderful speaks with the type of people that we have living in our community who wanted to serve, and I would also remind those and those who did run that we do have boards that need to be filled, and that it is a wonderful way to start getting involved in governments of your own community.

He stated we will need to have someone appointed to the JPC, and that Commissioner Torres and myself serve on that, and that we need three...we need one more, and talked about the Public Utility Board...Sierra Higher Education Board needs someone appointed, and possibly...the Clerk’s office is doing a list of all the boards, and where they might be vacancies, and then we’ll probably make that announcement. And stated he heard on NPR that the Federal Government is looking at funding some major road construction projects throughout the country, and bring the money into the States, and I know we had our downtown Interstate bypass engineered, and we did \$700,000 worth of paving through ARRA money...I would like to see and ask Manager Fuentes if we could pull out that original engineering report, and see how far it went because if it went further then we paved \$700,000 worth...we are shovel ready. And stated Secretary Dominguez of NMDOT in Santa Fe, and Mr. Love in Deming should be made aware of that... that if the State gets money...we are ready to have that Interstate bypass paved which impacts all the citizens, businesses that have potholes in front of the highways...so it might be something that we might have an opportunity to get ahead of the curve.

Mayor Mulcahy stated I would like to say Thank-You to all of you that are here tonight, and hope this is a trend, and get a lot of people here every other Tuesday night.

Commissioner Richter – No report.

Commissioner Whitehead – No report.

Commissioner Torres – No report.

None.

OLD BUSINESS:

EXECUTIVE SESSION:

“Commissioner Torres moved that the meeting be closed for Executive Session – Pending or Threatened Litigation 10-15-1H(7), 1. Toomey vs. City of T or C, 2. Buckhorn Saloon.”

Seconded by Commissioner Whitehead.

Mayor Mulcahy responded Aye to a Roll Call Vote
Commissioner Green responded Aye to a Roll Call Vote
Commissioner Richter responded Aye to a Roll Call Vote
Commissioner Torres responded Aye to a Roll Call Vote
Commissioner Whitehead responded Aye to a Roll Call Vote

Motion carried unanimously.

“Commissioner Green stated that the Commission was now in

Open Session.”

OPEN MEETING:

“Commissioner Green certified that only matters pertaining to Pending or Threatened Litigation 10-15-1H(7), 1. Toomey vs. City of T or C, 2. Buckhorn Saloon – Jim & Bettie Brannon, owners were discussed in Executive Session discussion incurred but no vote was taken.”

CERTIFICATION
:

Seconded by Commissioner Torres.
Motion carried unanimously.

Buckhorn Saloon –

“Commissioner Green moved that they authorize City Attorney Rubin to move forward and bring back a resolution to the Commission at their 3/27/2012 meeting.”

Seconded by Commission Richter.
Motion carried unanimously.

Toomey vs. City of T or C –

“Commissioner Green moved that they authorize City Attorney Rubin and Manager Fuentes to proceed with mediation with City vs. Toomey.”

Seconded by Commissioner Torres.
Motion carried unanimously.

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

ADJOURNMENT:

PASSED AND APPROVED this ____ day of _____,
2012 on motion duly made by Commissioner
_____, and seconded by Commissioner
_____, and carried.

APPROVAL:

JOHN A. MULCAHY, MAYOR

ATTEST:

MARY PENNER
CITY CLERK

