

CITY COMMISSION
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
Tuesday, April 24, 2012

WORKSESSION

Minutes

TIME & PLACE: The Truth or Consequences City Commission will hold a Work Session on Tuesday, April 24, 2012 at 5:00 P. M., in the City Commission Chambers, 405 W. Third, Truth or Consequences, New Mexico.

Mayor Mulcahy opened the Work Session, and stated the Work Session is to discuss –

- a. City Commission Rules of Procedure
- b. Procurement Policy & Procedures
- c. Funding – Fuel Farm at Airport

Mayor Mulcahy stated he wanted to propose a couple of changes to the **Rules of Procedure**. And stated the first one is kinda tightening up the rules about how to get on the agenda, and wanted to take a look at the opportunity to change the statement...Persons wishing to be placed on the agenda must submit complete written documentation...which is existing now...to a member of the City Commission or City Manager who shall make the determination whether to forward it to the City Clerk to be placed on the agenda, and all requests are due by noon on Thursday prior to the meeting.

He stated the former language was kinda leaving it open to the implication that you could put something on the agenda simply by going down and filling out a form with the Clerk. And the second one was under the Rules of Procedure #17 – Public Comments...I felt like we needed to get rid of this statement 3...it says...all comments made must be constructive, and must be regarding business of the City, and I think that is a high bar to get over particularly for me...so I wanted to ask you indulgence to take at getting rid of that statement...I think we want to be open to comments, and welcoming people who want to speak their opinion for 3 minutes...we all know that you can come up here, and say just about everything without threatening or using vulgarity, and item C...kinda tightening up something that I didn't understand...if any...instead of if any...a City Commission member who votes by abstaining as Commissioner Torres did in our last session will be recorded as neither an Aye or a Nay vote meaning everybody has to vote up here, and I think in the case of a recusal or abstention that we should have the opportunity to do that without contributing to either the pro or nay category, so those are the three things I'd like to open for discussion.

Commissioner Green stated on your first point...Persons wishing to be placed on the agenda must submit complete documentation to a member of the City Commission or City Manager who shall make the determination...**who is who?**

Mayor Mulcahy – A City Commissioner or the City Manager.

Commissioner Green – Okay I just wanted to make sure.

Commissioner Green – I'm a little confused...we'll still have 2...

Commissioner Green – I think the public expects us to say that in the case of recusal, and I don't know if we've gone to that language or if it's in here or if we need to add it, but we should probably...

Commissioner Richer – I guess in an odd instance would a member need to be excused by motion.

Mayor Mulcahy – In a recusal.

Commissioner Richter – But if you are able to abstain because of a conflict...there is no reason for this other phrase in here is there.

Mayor Mulcahy – You're correct...you're correct.

Commissioner Richter – So why don't we strike it.

Mayor Mulcahy – Strike the recusal part.

Commissioner Richter – Yea...shall excuse a member by motion. Is there a reason for that to remain...I'm just asking a question.

Mayor Mulcahy – I'd prefer to leave it in because in those cases where we may have a real serious conflict where a member of this body has to actually leave the room...I'd like that the Commission understands that, and accepts that through motion if possible.

Commissioner Richter – Okay.

Commissioner Green – A City Commissioner member who votes by abstaining doesn't seem good English. It seems to be contradictory either you vote or you don't vote...you can't vote by abstaining...if you abstain it means you don't vote. And the reason I think the only reason you should recuse yourself is because of the direct...or the appearance of a conflict of interest.

Commissioner Richter – You can say I abstain, or can stay silent...either way...if you abstain it should be counted as neither aye nor a no.

Mayor Mulcahy – We need to call it abstain like we did Aye and Nay.

Commissioner Green – And also the first sentence doesn't lead into the third sentence...the first sentence says...every member who is in the City Commission Chambers...there is 5 of us here right now...when the question was put **shall** give their vote that means it's mandatory that you vote, and the only reason you should not be voting if there is a direct conflict of interest, or the appearance of a conflict of interest...everything else I don't even quite understand why someone would abstain other than a conflict of interest.

Mayor Mulcahy – Abstaining is a vote...that's the point I guess I'm trying to make. You have three options here.

Commissioner Green – You're not putting it down...

Mayor Mulcahy – You're putting it down as abstain.

Commissioner Green – Yea but that's not a vote.

Mayor Mulcahy – It is it means I'm either no or yes. It doesn't get counted as...

Commissioner Green – Well silence then. If you have 2 people that vote yes, and 2 people that vote no, and 1 person abstains...

Mayor Mulcahy – Then we got to draw...

Commissioner Green – Then it's a no vote.

Mayor Mulcahy – But it's not like I'm in the room it acts that same way we can look at the language if you want I think you have 3 options to vote...No, Aye or abstain, and they all have meaning, abstain can definitely throw the vote a certain way.

City Manager Fuentes – You want to change it to be a City Commissioner...A City Commissioner member who votes by abstaining will be recorded as neither aye nor nay.

Mayor Mulcahy – I thought it was votes to abstain...or...

Commissioner Richter – A City Commissioner member who abstains would record as either aye or nay.

Commissioner Green – A vote has to be either a raise of a hand or a voice...if you do nothing you're not participating in the vote at all.

Commissioner Whitehead – A City Commission member who abstains will be recorded as not...

Commissioner Green – Well if you abstain you don't have to record it...it's a nothing vote you're just silent.

Mayor Mulcahy – Now you do record it as an abstained...

Commissioner Green – What are we trying to accomplish by changing this...what is your concern Mayor.

Mayor Mulcahy – My concern was that the passive act of not saying anything is not casting any vote even though we organized it to go to an aye by saying abstain I'm saying I cannot or will not vote here, and it's different if not saying anything.

Commissioner Green – I looked in the Roberts Rules of Order, and I couldn't even find a definition for the word...they don't even have it. To me I think there should only be one reason...and that's a conflict of interest.

City Manager Fuentes – The definition of abstain...To refrain from something by one's own choice.

Mayor Mulcahy – This isn't an uncommon practice it just says you cannot vote...you gotta do something here you can't not open your mouth and say...It's up to you guys.

Commissioner Green – I guess I'm just hung up on the word vote and abstain.

Commissioner Whitehead – Yea the wording.

Commissioner Green – If you're voting you're voting...yes or no you can't abstain and vote. To abstain is not a vote as far as I'm

concerned because it's not counted as a vote.

Commissioner Richter – You need to look at the context of this paragraph, and if you read through that the only...it seems to me without the changes of course the only reason that a Commissioner could recuse themselves was by motion from the rest of the Commissioners, otherwise your vote would be if you chose not to vote your vote would be counted as an Aye vote, so you don't have the choice. Say for instance you made a motion to be recused because you had a conflict...and there was no second, and the motion was not passed, so you say well I'm just not gonna vote, however your vote in that instance would be counted as an aye, and I thought that was the reason for putting the abstain in there...in the case that you are not allowed to recuse yourself by motion.

Mayor Mulcahy – Recuse from my understanding, and I hope I'm not too far off means you don't enter into the debate...you're out you can't even get into the debate...you can be in the debate, and at the end of the debate be so uncertain about how you feel you should have the right to say...I don't feel strongly yes or no, and I intend to abstain, and I can say that's my reason, but a recusal is...you're not here...you don't get to talk...you don't get to weigh in on the debate or anything like that, and I think that's where you need to make an explanation. I don't want to muddy the water I just...this comes straight out of the Municipal League...they said you can't have this passive thing where somebody doesn't say something, and the Commission is expected to interpret their vote...they got to vote...they were elected to do that.

Commissioner Green – Actually the last 4 years I don't think there was ever a vote that anyone did not vote one way or another...I'm comfortable with that I just have a problem with the word vote and abstain.

Mayor Mulcahy – I understand the point I don't want to make a big deal out of it...it's the US Congress, State Legislature...it's everybody.

Commissioner Green – And that's where I have the problem, and that we're up here to vote, but you want this in here which gives people...I don't want to vote so it's like you want people to vote, and be engaged but then you're giving them...you've opened up the front door for them, but like I say it's a small point, and we can try and see what happens...but I don't see dead silence here on motions and resolutions.

Audon Trujillo came before the Commission, and stated he got a copy of the ordinance, and is interested in the word abstain...and I don't think it appears in the ordinance at all. And stated the nearest you have is Appearance of Fairness Doctrine, and I think the City Commission would be well served if you put into language specific language that says...when the person recuses themselves what are they supposed to do. I favor if you recuse yourself...you leave the building...you don't hear there is no voice...there is nothing...you're no longer part of that, but all I'm saying is...it's not in here and it's unclear.

Mayor Mulcahy stated we can get rid of Rule 18 Voting (c)...come back and re-write it I don't see it as that big of deal other than the fact the I'd sure like to see that requirement that everybody vote one way or another.

Commissioner Torres – We've never had that problem.

Procurement Policy & Procedures –

City Manager Fuentes stated Ms. Pat Wood Procurement Officer will give a quick over view of the Resolution and the policies that we follow, and stated at the last meeting there was a question about the policies that we follow.

Ms. Pat Wood came before the Commission, and referred to Resolution No. 34-06/07, and stated basically we're adopting new spending limits, and indicated the State changes them, and we were at \$10,000, and it was changed to \$20,000, and stated we do follow State of NM Procurement Statutes.

Commissioner Green stated he wants to understand how we were able to...if we are able to legally keep more dollars in our community to support our local businesses. And I go through the checks as you probably go through...and it makes me sick when I see all this money go out of town, and I realize that we can't support company A if their price is \$1,000 in town, and company B is out of town, and their price is \$731.00. He stated the procurement officers job is to do the best for the City, and get the best value, and the best price for the City, and I had some questions and spoke with Ms. Wood, and I was going through the Accounts Payable, and there was almost \$7,000 that went for tires, and my question was...I thought there was probably government contracts that the government...the State negotiates in those pools, and my question was...we have about 4 or 5 tire distributors...do we e-mail them and say we're looking for x, y, z tire 17 ply...get back to me within 24 hours.

And even if we have a government contract there might be instances where local businesses want to match that price come in a dollar less because they want to show volume to their distributor...you never know what the reason is...so I asked Ms. Wood is that standard operating procedure...even though we have a government contract do we notify the appropriate businesses and give them a chance to participate...worst case scenario we've wasted 24 hours...no one responds.

Commissioner Green – My other question, and I don't know if it is legal or not. Do you think if it is legal it would be worth staff's time to take a look at everything that we have purchased last year...because every month we are purchasing the same things over and over again, and I understand cash flow we don't want to buy a year's worth, and tie up that money for 11 months...I understand that, but is it legal for us to take a look at...analyze what we're purchasing on a regular basis, and then let our local suppliers know these are the items that we constantly purchase, and you might want to think about when you buy to be competitive with some of the big box stores in Las Cruces or Albuquerque increasing your order so that you might be a little bit more competitive, and I don't know if we do that or not, and I don't even know if that is legal.

Ms. Wood stated most of the stuff that we get...for example from Grainger we can't even purchase that here, and that we don't have local vendors that carry that.

Commissioner Torres – Are you talking wholesalers and retail. And stated if you buy from a wholesale company it's gonna be cheaper than buying from retail.

Ms. Wood stated out right to \$1,000 we just purchase, and anything over that then we ask for a written or oral quote... written quotes are anything over \$5,000, and after \$20,000 we have to legally go out to bid. So if it's over a \$5,000 purchase we are getting 3 written quotes and we have to take the best quote.

Commissioner Green – I'm not thinking the big items, but the smaller items...for example...uniforms, and it was Hatch Mercantile, and it was like \$1,600 so I went to Cherill's and asked why didn't you bid on this because I see we do buy from her, and she stated I came in like \$9.00 over. But my point is if we know what we're gonna buy, and have a good idea of what we buy...can we legally go to our local vendors...our local suppliers and say this is what we bought last year, and you participated in some of the orders, and some of them you didn't get, but you might want to consider looking at your buying...how you're buying...what we need, and increase your purchases on those items so your more competitive...maybe some stores don't care how do we keep more money in our community from leaving and going out...and that is the question I'm asking.

Ms. Wood – If you look at the accounts payable, and look at the purchases I would say maybe 75% is bought locally...if we can't get it locally of course we have to go out...but we use local vendors a lot.

Mayor Mulcahy – I think what Commissioner Green is getting at as long as we offer to everybody possible, and I'm just making sure everybody has access.

Ms. Wood stated that is why the State does get a better price, because it is a State price agreement, so everybody in the State can use it, and stated the more you buy the cheaper it is going to be.

Commissioner Green - I would just like to give our local suppliers the opportunity to say no, or to say here is my best price.

Ms. Wood – And we do that.

Commissioner Green – And don't make an assumption that because it's a State contract it's gonna be cheaper...which it probably will be, and want to make sure our local businesses has every opportunity to participate in the purchasing of the City.

Commissioner Torres – Stated I've never had any complaints from any local vendor...never.

Audon Trujillo stated procurement is quit complicated...and is really simple too...bottom line is very reasonable cost that's what you're always after. He stated Commissioner Green was talking about trying to maintain all of the money in town...this about a procurement process, and spending limits...it is not about a procurement policy for the City, and I would venture to say that we could do better in terms of having a procurement policy that allows Pat when she is putting things out to bid to allow a 5, 10, 15% differential for a local Sierra County business that is even though it is 15% more expensive to buy it locally...you can do that.

He stated the other thing you can do is called a blanket purchase order agreement with 2 vendors locally, and have them competed at the beginning of the year so those businesses know that they are

going to have to provide certain items, and stated it really takes a procurement policy, and I don't think we have one.

Mayor Mulcahy stated with my dealings with the Municipal League that as a municipality we follow the State Code...there is no variation.

Mr. Ron Fenn came before the Commission...and had a question about this procurement code in terms of what happens we have the people who look over purchases by the City find things that are very much a miss, and there seems to be no recourse, and stated this has been tried, and I'm sure you all are aware of the Municipal Court fiasco which has cost the City probably a couple of hundred thousand dollars more than it should have, and violated probably a half of dozen sections of our procurement code very specific ones...breaking up codes...breaking up the bids to make them smaller, not requiring multiple bids taking a one bid retail.

And asked where is in this code something that says that if we see a problem...where do we go with it because this has been brought to the City Commission.

Mayor Mulcahy – I would ask you directly to bring that to your Commissioner...anyone of us, and make us aware of that. And that it is our responsibility to you as a constituent to try and understand what your issues are, and I appreciate that you would take the time to look at something like that...and say here is a problem. And I'm sorry I can't go back in time to see what happened, but I would please encourage you if you see these kind of records bring it to your Commissioner...that's why we got elected to represent you.

Mr. Fenn – Is there a policy that you're gonna write that says that if we have these problems, and we bring it to a Commissioner that we can get some kind of satisfaction out of it...that has not happened in the past.

Mayor Mulcahy – We're gonna talk a little bit about it tonight...for myself my office hours are 7-9 every other Friday...and I will listen and I will respond...whether it's what you want to hear or it's not.

Funding – Fuel Farm At Airport –

City Manager Fuentes stated I provided a Commission Action Form in regards to the fuel farm at the Municipal Airport, but first I would like to introduce you to Mr. Bill Slettom our Community Development Director, and Mr. Ed Williams is also here, and that he is presently overseeing the Airport.

He stated that the City will be required to replace the two municipal fuel tanks at the Municipal Airport, and in your packet you have some information that was provided by Mr. Williams about some of the State regulation requirements for replacing the fuel tanks.

City Manager Fuentes stated during the regular meeting of the Airport Advisory Board in March Mr. Huntzinger with WHPacific provided staff a completed grant application with the NM State Aviation Division, and that the application calls for a 50/50 split of the replacement costs of the fuel tanks which is estimated at \$250,000, and stated the City would have to come up with \$125,000, and expressed that we do need those fuel tanks, and it is the biggest revenue generating operations for the Airport.

He stated unfortunately right now the Airport has two funds which do not have the sufficient ending cash balance to out-right contribute the match for this grant, and in the Commission Action Form you will see some alternative ways for financing this project...one of them for example would be the General Fund providing the match...unfortunately the General Fund does not have the sufficient ending cash balance to do that because most of that revenue comes from the Joint Utilities.

City Manager Fuentes stated the other options are the NM Environment Department, and stated they have a loan program to be able to provide the matching funds, and the NMFA also a loan program that provides match...State Grants, and we are already applying for part of that State Grant which is through the Aviation Division for 50% of that, and of course there is the option of going to the NM State Legislature unfortunately that will be in January 2013, and that doesn't guarantee that we will receive any legislative money, and if we do it would not be available until July of 2013.

He stated what we thought about...another means of financing this project since the past 2 years the City has been financing some of its critical infrastructure needs through loans...through NMFA, NM Environment Department and other means, and as an alternative way of financing this particular project could be doing it ourselves...financing it ourselves. And explained using some of the funds that have more flexibility in their ending cash balance to be able to provide the Airport with the funding for the local match, and that in turn what we would do is we would pay back that fund...almost if we were to be loaning ourselves the money, but because we're talking about 3 different enterprise funds, and what I'm proposing if we finance it ourselves instead of going out, and getting a loan through NMFA and pay interest to them...let's do it ourselves instead if we have that availability to do that.

City Manager Fuentes stated in the ending cash balance for the Joint Utility...as of right now we currently have about 2.8 million dollars, so we could essentially finance this project ourselves. And in this proposal for this type of project because it's \$125,000 our Municipal Airport is not a big Airport, but we could manage for example a 20-year loan at 2% interest for example if that's what the Commissioners decided...let's finance it that way ourselves then at the end of the 20 years essentially the Joint Utilities could essentially make about \$27,000 in interest from the Airport for allowing and providing that local match. And in your packet you have a Resolution that would authorize staff to proceed with that concept.

He stated he is moderating it after the NMFA process that we would follow if we went through them to finance this project which calls for a Resolution which would authorize us to submit the application to the NM Aviation Division later on because this will be a 20-year loan if that's the Commissioners wish to do that...because in 20-years chances are none of us will probably be here to see that term of that loan expire. And he would like to see this in the books as an ordinance because that will always be a reminder every year to the Commission, and staff that there is this obligation for the Municipal Airport to pay back the Joint Utility, so that is what I'm proposing, and in your packet you have a draft schedule for \$125,000.00 at 2% for 20-years, and that we're looking at a total payment of \$7,644.00 every year that would come from the Airport to the Joint Utility Fund. And stated this is a new

concept for financing some of our projects, and I will tell you that there are many other needs...small and large that will definitely have to find some way...some creative way of refinancing some of those projects.

City Manager Fuentes stated as you are aware the City has quite a bit of debt already, and if we can do it ourselves, and pay ourselves back the interest then we can essentially create a Revolving Fund that will be used to finance some of our smaller projects, and nothing too big that will be over a million dollars that will deplete...funds but small enough that we can maybe pay within a reasonable time.

Commissioner Richter stated I think this is a great time to start doing something like that...we can start proving that we can take on some of these projects on our own rather than looking to someone else to sustain us. And looking at the budget for 2010/2011 line items we hid all fuel revenue...I just rounded to the nearest thousand...159k...all fuel expenditures, and credit card processing was 145k. so that left...we're off about 14k in that year, and that was only about \$7,600 a month, so just from the fuel sales it looks like we can handle that payment easily, and we'll be self-reliant, and he is all for this, and thanked City Manager Fuentes for proposing this.

Commissioner Torres stated I agree...we don't have to pay ourselves any interest do we?

City Manager Fuentes – Stated no...no I threw that in because I think we want to create a healthy fund that could sustain itself in the future...I'm looking kinda long term...if the City would increase that fund then it would be there for future projects...it may be 2...you all may say 0%.

Commissioner Torres – We could pay it up quickly if we didn't have to pay that interest.

City Manager Fuentes – That's up to the Commissioners.

Commissioner Green – I thought at one time we have an account in New York City with some...are we gonna tap some of that revenue to reduce this payment cost, or are we gonna leave that money sitting in New York.

City Manager Fuentes stated we used that to buy...the account that Commissioner Green is referring to is the account that we use for processing our credit card payments, and essentially anytime a credit card payment is used at the Airport the funds do stay at an off side account, and stated when we buy fuel from that company they deduct it from that account.

He stated that last year we did draw down about \$30,000 from that account...so there is enough there for the Airport to buy fuel...there is a little room but no a lot of room, but we definitely don't want to deplete it, and be so close...we want to have some room, and stated they did use \$30,000 from that account for some of the improvements at the Airport.

Commissioner Green stated on the Resolution...the 3rd Whereas...the governing body intends to undertake acquisition, construction and improvements of replacing the fuel farm at the Truth or Consequences Municipal Airport...does the \$250,000

include the removal of the existing tanks, or is that an additional cost.

City Manager Fuentes stated when the application was prepared, and I can verify with Mr. Huntzinger, but the \$250 was to remove and replace, and this Resolution if adopted would allow us to submit the application knowing that's how we are going to finance that match. And once we know how much we were awarded we will come back to the Commission, and prepare an ordinance that will be adopted with those specific terms, and that this will give us the authority to proceed forward.

Mayor Mulcahy asked if we had any other loans like this to ourselves.

City Manager Fuentes – Replied, “no” this will be the first one.

Mayor Mulcahy asked about the MO fuel...what are we gonna do about that?

Mr. Williams stated the tank will not be replaced...they won't do that. The MO gas we sell a few gallons here and there, but that's about it. And stated that tank has to be replaced.

City Manager Fuentes – Any ideas on the percentage...should we go 2...0?

Mayor Mulcahy – I like 2...we'll go with your recommendation.

City Manager Fuentes – Stated this is on the agenda for approval, and if there are any changes we will make them at that time.

CITY COMMISSION
CITY OF TRUTH OR CONSEQUENCES
Tuesday, April 24, 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, April 24, 2012 at 6:00 P. M.

PRESIDING OFFICER: The meeting was called to order by Mayor Mulcahy 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. John Mulcahy, Mayor
Hon. Sandra Whitehead, Mayor Pro-tem
Hon. Steve Green, Commissioner
Hon. Jeff Richter, Commissioner
Hon. Freddie Torres, Commissioner

QUORUM: There being a quorum present the Commission proceeded with the business at hand.

CEREMONY: Mayor Mulcahy called for fifteen seconds of Silent Meditation.
Mayor Mulcahy called for the Pledge of Allegiance with Commissioner Richter leading the Pledge of Allegiance.

APPROVAL OF AGENDA: Mayor Mulcahy called for approval of the Agenda.
“Commissioner Green moved approval of the Agenda as presented.”

Seconded by Commissioner Torres.
Motion carried unanimously.

COMMENTS FROM THE PUBLIC: (On Agenda Items) Mr. John Prax came before the Commission, and referred to Public Auction listed on the agenda, and respectfully asked the Commission to consider scheduling the auction after June 19th.

Mr. Ron Fenn came before the Commission regarding the scheduling of a hearing for the Buckhorn Saloon.

Mr. Fenn also talked about an agenda item...Response to Public Comment, and stated last week he commented about how long we were gonna have to wait to find out whether or not the city was going to take any action against City Officers, Appointed Officials, Paid Employees who are openly violating our current City Codes, and stated since he is not on the agenda for an answer tonight I'm left with thinking that perhaps nothing is going to be done.

Mr. Bill Buhler came before the Commission regarding the same issue on the Buckhorn Bar, and that his daughter owns the property next to it, and one of the issues she has not been able to rent it is because of the conditions next door.

Commissioner Torres asked to let our attorney respond to some of these people with the concerns of the Buckhorn, and stated we are in the process...

Mayor Mulcahy stated we are going to speak about the Buckhorn on the agenda.

City Attorney Rubin stated I will throw this in and since you asked, and that we have it on the agenda because we have to have a hearing, and Statute requires us to do it this way, and that we'll talk about it when we get to it on the agenda.

Mr. Jerry???(inaudible) came before the Commission, and stated he wanted to complain about the political signs that are still up all over town, and also about the DE-Fennd signs.

Mr. Audon Trujillo came before the Commission, and wanted to speak on the temporary contract for the golf course management, and referred to the current contract expired 3 months ago, and spoke last week about procurement plans, and that this is another one.

CONSENT CALENDAR: Mayor Mulcahy stated they have several items under the Consent Calendar, City Commission Minutes – 3/27/2012, Golf Course Advisory Board Minutes – 3/7/12 & 3/13 & 3/14/12, Airport Advisory Board Minutes – 4/4/12, Recreation Advisory Board Minutes – 4/3/12, and the DAIC Monthly Report – March 2012.

“Commissioner Green moved approval of the Consent Calendar as

presented.”

Seconded by Commissioner Whitehead.
Motion carried unanimously.

NEW BUSINESS: PRESENTATION – DEE WEAR – NMSU EXTENSION AGENT –

Mr. Wear presented a hand-out to the Commissioners, and explained this is a general rough draft, and a schematic of a proposal, and what I want to present tonight is a jest of things of how this got started was about a month ago, and was approached by a citizen of Sierra County, and that he liked 4-H, and liked what we were doing and wanted to help out, and asked how he could help out.

Mr. Wear stated he sat down with this gentleman and showed him his dream board, and that he picked that out from a few different options and decided he liked that most, and wanted to support that, and stated this is a proposed facility, and an expansion of the fairgrounds project, and right now allows us to kinda further our impact and the good things we do for the kids of Sierra County.

He stated right now the County in the long range plan has some property right next to...I believe it is 8 acres or close to it...right next to the existing fairgrounds, and that would be in the westerly direction from the fairgrounds right in front of the City Hall of Williamsburg. And stated the long range plan for now is that he believes that it was originally BLM Land that was donated to the County for use as fairgrounds, and in the long range plan it is supposed to be dedicated for more parking and a rodeo arena, and thinks those are both noble ideas, but I would like to see that ground a little more productive use, and that he does not want to enter into more competition with the two existing arenas that we have in our community.

Mr. Wear stated this proposal would be for a Youth Ag Center, and that this would be a partnership with 4-H and FFA, and that it allows the kids more opportunity to come out and participate, and partake in 4-H and the traditional animal projects. He stated there will be horse facilities, sheep facilities, goat facilities, swine facilities and beef facilities along with the small animals. He stated with that comes the possibility...currently we have animals kinda operating within City limits in different zones...in back yards under exemptions going underneath the radar, and it is my great desire to provide the opportunity to participate in our County Fair, and our livestock auction for kids that live within City limits that do within under covenants, and other codes to partake in that.

Commissioner Richter stated this is a great idea, and that these kids could pick up...otherwise wouldn't have the opportunity to have a 4-H project and FFA project, and learn some responsibility. You mentioned you are fully funded by a benefactor.

Mr. Wear – Yes...the benefactor...it will be a quarter million dollar facility that will bring into the fairgrounds to upgrade it, and allow us to take possible...the donor was very adamant that this needs to a community project, and that the benefactor does not want us naming it after him...he wants this to be our project. He stated the benefactor...he matched for every dollar he donates he wants the community either to donate a \$1.00 to match that. And stated our first year's budget is going to be about \$50,-\$60,000.00, and of that

he matched half of it dollar for dollar, and that he has about \$25,000 that he has already put up, and we have about \$20,000 matched to that as it stands now, and that is just in funds, and does not count any of the time that will get donated with contractors or people working to build this facility...so yes it's partially funded already.

Commissioner Green – On the barns...it says covered barns are those 4 wall sides or just covered on top.

Mr. Wear stated the darker units those will be 4 walled buildings...for the most part. The horse unit...the biggest one on the page it does have open sides for the back half of it...the front and both sides half way down are covered.

Commissioner Green – And I noticed that you have capacity on some of the structures...on the hog barn there is no capacity.

Mr. Wear – The reason I haven't installed the hog barn, and I got push from a lot of people, and that we need a hog barn.

Commissioner Green – I applaud this, and that this piece of property is the only probably developable piece of property in T or C for economic development to use an enticement to bring a business or businesses or to create a campus or a complex that would bring jobs, but I would love, and stated there are smells with animals, and if we put this somewhere on that 35 acre industrial area it diminishes the value...it increases the value for what you want to do, but it decreases the value of that land for its intended use, and I'm wondering would you consider taking this and putting it behind the event center or somewhere in there...you would lose parking, but whatever we do with the industrial park area...we're gonna need parking...and move the parking on that piece of property closest to the fair barn, and then taking this projection and put it on the side...so it would allow the City the opportunity to maximize for everybody that potential 35 acres of land, and yet accomplish what you want to do as well.

Mr. Wear – I strongly appreciate that...and with that comes a need to manage this facility correctly, and I believe we can do that very well...and yes there are smells associated with confined animal operations, and operations that are not managed, and not cleaned...but the true power of 4H is that we challenge our kids to have that fortitude, diversity and dedication to go in there and keep those pens clean, and manage those facilities well, and stated we do have a substantial budget to do this, and I would be more than happy to have this farm as a neighbor in the future. And I can see it go either way, but right now the easiest most feasible, and the most functional position for this farm is on those West 8 acres next to the 35 acre industrial park that the City owns.

Commissioner Green – When you say, and maybe I misunderstood you...it's not part of the 35 acres...this is before the ditch.

Mr. Wear – Yes sir.

Commissioner Green – Asked if he could go out and stake out the area so we can see where it is going to be situated on that property.

Commissioner Whitehead – Great project, and thanked him for his enthusiasm and good luck!

Mayor Mulcahy – This is on County land?

Mr. Wear – Yes sir.

Commissioner Richter – Stated as an individual Commissioner...you have my full support. And stated he is not asking for a hand-out from the City...and that is real refreshing and I applaud you for that.

Commissioner Torres – Stated he will also support this project.

Presentation only.

PRESENTATION – “TV for T or C” –

Mr. John Kaufmann, President Sierra Community Council our local public service organization, and stated we have been involved in various projects over the years.

He stated currently that we are putting all of our time and energy into is TV for T or C, and that TV for T or C is a public access television station that is currently broadcasting out of BAJA Cable Company...the local cable company on channel 9. And we started broadcasting in August 2009, and in August of this year our contract with the City regarding TV for T or C expires.

Mr. Kaufmann stated after considerable amount of discussion we decided that we would formally like to state our desires at this point to re-new our contract and continue with our project. And stated towards that end we've made some plans that we hope will expand our viewership, and bring more people the capability to access our television, and that right now the only people that can view our programs are the ones that have BAJA Cable, and according to BAJA that is about 800 residents which includes T or C, Elephant Butte and Williamsburg.

He stated with the idea of trying to increase that, and making better use of technology that's available to us, and that they have been in contact with the organization that supplies us now with...our provider...they provide our connectivity between our server and BAJA server, and that they have equipment they can sell to us, and one of the technologies that it uses is called streaming technology, and what it really comes down to is once this is in place a person can sit down at their computer...access our website...click on a button, and see channel 9...view our channel 9 programming the same as everybody else does that has BAJA Cable, and the second thing we would like to be able to do is a technology called VOD...video on demand, and what it would be for the users here...you would access our internet site, and there would be a menu there. And what we are thinking right now would be the most appropriate things to put on there would be Commission meetings, sporting events, Miss Fiesta Pageant the Fiesta Parade that sort of thing, and having to wait for it to come on the schedule on channel 9...you would just simple click on a button you would play the video, and watch it right there.

Mr. Kaufmann stated we are hoping with the addition of these 2 systems of being able to increase the viewership, and if they can provide programming on television, and computer it will increase the access...increase the number of people that have access to our programming, and it won't cost the City anything, and that they are looking at about \$10,000 as a one-time buy, and indicated this will

include all equipment, software installation set-up and everything, and in addition because this is service that we're buying we will have a \$250.00 a month subscription charge, and that they will be allowing us to use their entire internet provider system to go out and get on the internet, and stated that will be as long as we continue an operation, and the other money would be a one-time thing.

He stated based on our accounting...let's back up a little to tell you where the money comes, and stated the City of T or C receives a franchise fee from BAJA Broadband every year, and part of that fee comes to us because in affect we're providing programming for BAJA to put on their cable so as payment to us so to speak we receive a percentage of that franchise fee that is paid to the City from BAJA. And based on the first years money that we received from them was about \$16,000 as our share, and stated approximately half of that was spent on equipment, and start-up expenses and so forth, and since then...basically our monthly expenses are paying insurance bills and a few other things...but it doesn't amount to much, and the money that is still sitting...because we get that \$16,000 we get every year, and that they only used a little bit from the first year, and stated there is still two years unused...we figure that there is probably \$30,000 plus in our account with the City, and that this will cover our expenses, and when every year we get more money from BAJA we will always have operating expenses so no taxpayer money, no City money goes towards any of this.

Mr. Kaufmann stated the last point I want to talk about...right now our facility is in a place we call a dungeon which is the basement of the Civic Center that has very poor lighting...almost no electrical power, and poor acoustics, and part of our contract with the City now states what we wanted to do is set up a studio so that citizens could come in, and provide them with cameras and equipment, and do their own interviews, and provide them with an area and the equipment to do that. And stated if they are going to go through with this and increase our equipment power demands we are going to need another place.

Commissioner Green – Great project, and you mention a contract with the City, and asked how long was the original contract...I believe it was 4 years.

Mr. Kaufmann – I believe so.

Mayor Mulcahy – I think it's great, and I think what we want to do is get in touch people, and get them involved with what is going on in the City.

RESOLUTION #30-11/12 – SUPPORTING THE COPPER FLAT MINE AS GENERATOR OF JOBS WITHIN THE CONFINE OS SIERRA COUNTY -

City Manager Fuentes stated at our last meeting we had a presentation from the representatives from the Copper Flat Mines, and before you is a Resolution in support of the Copper Flat Mine Project, and read the Resolution in its entirety, and is available in the Office of the City Clerk for review.

Commissioner Green stated I have two suggestions since this might become a boiler plate for the future for endorsing, and welcoming other economic development. And referred to the 3rd Whereas...I

would like the Commission to consider adding the **appropriate** before the word industries, and the **6th Whereas...** add the wording **in and near** before the word the City.

“Commissioner Green moved approval of Resolution #30-11/12 as amended.”

Seconded by Commissioner Torres.

Mayor Mulcahy responded Aye to a Roll Call Vote
Commissioner Whitehead 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

Motion carried unanimously.

RESOLUTION #31-11/12 – PUBLIC AUCTION –

City Manager Fuentes stated the Resolution before you calls for the authorization of staff to proceed with a public auction with Willard Hall Auctions to sell various items in our inventory. And attached to the Resolution is a list of items, and that they are different departments contributing to the auction.

He stated the bicycles that were mentioned during public comment are also listed, and the police department has requested they be included in the auction list, and that the auction will be held sometime in June along with another auction, and stated the City has used Willard Hall Auctions in the past, and that State Law requires approval from the City Commission, and that they will also be forwarding to DFA for approval along with the State Auditor.

There was discussion from the Commission about donating the bicycles to the gentleman that spoke during public comment, or donating them to the kids.

City Manager Fuentes stated there is an anti-donation clause that would prohibit the City from donating out right to an individual, and stated he will have the option to bid on those items but unfortunately out right donation to an individual or a company...the anti-donation clause prohibits us from doing that.

City Attorney Rubin stated the problem I see I still think it has value and still worth something, and that is where I see the anti-donation clause being a problem.

“Commissioner Green moved for approval of Resolution #31-11/12.”

Seconded by Commissioner Whitehead.

Mayor Mulcahy responded Aye to a Roll Call Vote
Commissioner Whitehead 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

Motion carried unanimously.

RESOLUTION #32-11/12 – APPLICATION FOR FUNDING

FUEL FARM AT AIRPORT –

City Manager Fuentes stated the Resolution before you calls for the City to be able to self-finance the fuel farm at the Municipal Airport, and that the Resolution will allow City staff to use the ending cash balance of the Joint Utilities Fund to finance the project, and the recommendation is to adopt the Resolution authorizing staff to submit an application to the NM State Aviation Division for the 50/50 Grant application in the amount of \$250,000.00, and the match will be \$125,000.00, and that it will be self-financed. And stated the Resolution would cause for a tune of 2% interest for 20 years...a loan from the Joint Utilities to the Airport, and stated the Airport Funds, and the revenues generated from the sale of the fuels at the Airport would be used to pay back the loan for that term.

He stated the annual payment would be about \$7, 645.00, and if approved the recommendation is adopt the Resolution which would be the first step which would allow us to submit the application to the Aviation Division, and at a future meeting they will develop, and draft an ordinance which will come back to the Commission that will spell out the exact amount and terms that will be in our books for that duration of the loan term.

Commissioner Torres – He talked about the interest on the loan, and stated he would go along with it.

City Manager Fuentes stated the proposal is to finance this project, and essentially what I'm looking at...is a 2% be charged to re-pay back the Joint Utility Fund, and indicated we can always set aside a revolving financing fund. And stated the reason for the 2% interest is so that we can grow that fund, and that the City will have the means in the future to finance both small projects, and large projects...so by having that interest there at the end of the 20 years...essentially the fund in the Joint Utilities will be making about \$27,000 in interest from the Airport.

He stated if we start adding up smaller projects it essentially would have...will build up a healthy fund that other departments will be able to tap into with a small fee so that in the future if we need something we can finance ourselves.

Commissioner Torres – That's alright with me...you'd get it paid off sooner without the interest...it's our money either way.

“Commissioner Green moved approval of Resolution #32-11/12.”

Seconded by Commissioner Torres.

Mayor Mulcahy responded Aye to a Roll Call Vote
Commissioner Whitehead 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

Motion carried unanimously.

SCHEDULING A PUBLIC HEARING OF THE APPEAL OF RESOLUTION #24-11/12 –

City Attorney Rubin stated at our City Commission meeting on March 27, 2012 the Commission adopted a Resolution which found

that the premises known as the Buckhorn Bar/Saloon was dilapidated and a dangerous building which the Commission adopted the Resolution which called for the building to be removed.

And pursuant to State Statutes however, and pursuant to the Resolution the landowners had the right to file objections within 10-days of the Resolution being passed. He stated we had a hearing in the City Manager's office, and we gave them in fact after discussing when the 10 days would run...we gave them until this passed Wednesday to file the objections they had, and stated in fact they did file...a reply to their resolution #24-11/12...so I interpret this document to be a what they consider to be an objection therefore it becomes before you to set it for a hearing.

Mayor Mulcahy – What 2nd notice do we need to give for a public hearing in this case?

City Attorney Rubin – If you schedule...I spoke with the Brannon's tonight and asked them when they wanted to do this, and their preference if the Commission wants to do this would be the next City Commission meeting, and advertise as part of the meeting.

Mayor Mulcahy – I would like to schedule at the earliest possible date. I want on record this is a public safety issue...it's not just an architectural problem anymore.

City Attorney Rubin – If you decide to do it earlier...I think we just go with the normal publication process...I don't think you have to go through like a Planning & Zoning issue...I think it would just be advertising the meeting, and then we'll discuss the Battershell Process...I think you have to decide on a date.

Commissioner Torres – I've got a problem with that building because we're gonna have Fiesta here in two weeks, and I don't know if they should re-route that parade because that is about to fall over, and if it falls over it is going to hurt somebody in that parade.

Mayor Mulcahy – I think we should take all reasonable care...we've done that with the fencing.

Commissioner Torres – We put fencing, but that fence is not gonna prevent...

City Attorney Rubin – I was going to say...I think even if you had the hearing tomorrow that the Resolution still calls for 45-day period before the deadline, so I don't think there is anything I can do about...before the parade. I sympathize with what you're saying.

Commissioner Green – This is private property, but because it is such a safety issue does the City have the right to put braces on the front of the building...like we did at the Teen Center to prevent...because right now we having nothing holding the front. And what are the City's legal rights...where we deal with private property that is really a safety hazard, and Commissioner Torres has a very valid point.

City Attorney Rubin – There is actually an emergency provision in our Code of Ordinances which would allow you if you made the determination this is an emergency situation that needs to be addressed immediately...you can take action.

Commissioner Green – And is it our dime or their dime?

City Attorney Rubin – You’re probably gonna have...it would probably pay the initial out right, and I guess depending on what happens with the course of the proceedings you would be asking to be putting a lien on the property based upon whether the actions were reasonable or not.

Commissioner Green - I think that is something we might want to consider...I mean if we are forced to do this time schedule, and we can’t do it before Fiesta...I mean I guess Mr. Williams is our safety officer, and the manager...I guess if they...I would like to know that you feel that we have done the best for the safety of our citizens, and guests who are gonna be here that week-end...if we can do something else let’s do it.

City Attorney Rubin – I want to let everybody know...I’m sympathetic to the comments that are made tonight, but there is a due process that requires we have to follow pursuant to State Statutes, and that this is why you have to allow the landowners to follow the objections which they’ve done, and then give them the hearing, and that is why we have to do this.

Mayor Mulcahy – I don’t know if we need to reinforce the building, but I do believe Commissioner Torres’s comment that we should limit the exposure. And schedule this Battershell Procedure Public Hearing for our next meeting, and let the process run, and then I think we should consider contacting the Fiesta Committee with a letter saying we suggest that we re-route the parade.

City Manager Fuentes stated he would contact the Chair on the Fiesta Committee.

“Commissioner Green moved to schedule May 8th for the Public Hearing.”

Seconded by Commissioners Whitehead/Richter.

Mayor Mulcahy stated we will schedule the Public Hearing for May 8th for the Appeal of Resolution #24-11/12.

Motion carried unanimously.

City Attorney Rubin stated he would encourage them to review the Battershell Procedure.

TEMPORARY CONTRACT FOR GOLF COURSE CONTRACT MANAGEMENT –

City Manager Fuentes stated the contract before you...since the City during their meeting rejected all the proposals that we received for the management of the Golf Course. And stated the contract before you is a temporary contract that will allow us to continue the same terms and conditions as the previous 2007 agreement while we go through the RFP process for another contract...possibly another 4-year contract.

He stated he provided a temporary contract with Mr. Howie Tucker who is present, and also includes as part of the temporary contract the addendum to the contract that was executed back in 2010 as well as the original contract in 2007, and indicated the contract was

reviewed by our City Attorney, and has approved as to form.

“Commissioner Green moved approval of the Temporary Contract for Golf Course Management between the City of Truth or Consequences and Howie Tucker.”

Seconded by Commissioner Richter.
Motion carried unanimously.

PROPOSED ORDINANCE – AMENDING BY ADDING PARAGRAPH (d) TO SAID SECTION OF THE CODE, PROVIDING FOR CHEMICAL TESTING FEES –

City Attorney Rubin stated there is a State Statute which I attached to the proposed ordinance, and read from the State Statute...A person convicted of a violation provisions of the Controlled Substance Act or a person convicted of distribution or possession of a controlled substance pursuant to municipal ordinance shall be assessed, in addition to any other fee or fine, a fee of seventy-five (\$75.00) to defray the costs of chemical and other analyses of controlled substances. So you can it is mandatory we have to have this provision it includes a mandatory provision from our State Statutes.

“Commissioner Green moved approval of the Proposed Ordinance No. 8-119, Be **Amended** by adding paragraph (d) to said section of the code; providing for chemical testing fees.”

Seconded by Commissioners Whitehead/Richter.
Motion carried unanimously.

CITY COMMISSIONERS TO HOLD DAILY OFFICE HOURS AT CITY HALL –

Commissioner Green stated he made a statement about a month ago...a request and it was going to be on the agenda, and there seemed to be some concerns that it might be sending the wrong message to the public that by us as Commissioners having office hours that the public might think that we become the problem solvers, and stated that is not my intent.

He stated we have a City Manager, and is tasked with running this community, and it was never my intent to take away that responsibility, but to possibly be the messenger where people can sit and maybe talk about one of their problems, and then we can go, or the person can go to the City Manager and say there is a situation here to solve it. And he thinks right now in the past the last 4 years I've been meeting at almost every restaurant in town, and I think it's just a level of more professionalism if we have a place that has a desk...that has a chair that we can go and meet with the public, and my idea was...lunchtime and we split it up, and I know the Mayor has his own office hours in another building, but that leaves 4 of us if they wanted to, and I did speak to Manager Fuentes before I even came up with this idea because I wanted him to be comfortable with it. And stated this is not a Commissioner doing something that is not in their job description...it is just being able to meet the public...listen to their concerns, and then go to the Manager, and that it might add a little bit more weight if it's coming from a Commissioner rather than an individual, and I thought...and it has been done in the past, but I thought Monday thru Friday to have hours...12-1, and not interfere with running of City Hall but we have a place where people can come and speak to

us...that's my idea.

Commissioner Torres – We do it all the time everyday...I do it I talk to constituents every day. If you want to do it on Saturday's give him a key to this place, and he can meet them here. I mean I don't want to do it...because it's been done before and didn't work, and you have no authority except to take it to the City Manager which I think if you have any concerns you ought to bring it to the whole Commission so we can work at it. I talk to people all the time who have complaints, and I bring it here or to the City Manager.

Commissioner Richter – I think it has great intent, and I think every Commissioner should choose a manner, time and place to meet with the public. And if we're able to pick up an hour on a certain day here, and there we can sign up, but I don't think we should be bound to such an arrangement...it should be voluntary.

Commissioner Whitehead – I feel that we are accessible on the internet...our e-mail addresses are there if anyone has comments...most of us have cell numbers if people would like to call and talk to us. And that I would be available if someone would call me, and wanted to meet with me...we could either have coffee, or I could meet with them at City Hall...so we could make arrangements for that...I mean we could work it out.

Commissioner Green – And my intent was not to put my fellow Commissioners on the spot or to make it mandatory...I just thought that there is a certain level, and this is what...for the last 4 years...it is meeting people...taking a phone call. And to me it looks more professional, and that it what I was trying to accomplish. I mean obviously we're all accessible to the public that goes without saying.

Mayor Mulcahy – Stated he agrees with you, and that it is our responsibility to talk to our constituents...and they elected us...we are the messengers...we are the people that need to hear what's going on out in the community, and that's why I scheduled office hours. And I schedule them early in the morning because there is no 11-12 for me, but I've had people come, and I prefer not to be at City Hall because to be perfectly honest some of its about City Hall, and some of it is about the people in the next office, and I don't think they feel as comfortable, and reminded everyone I'm available the first and third Friday at the Civic Center.

Commissioner Green – I just wanted to bring it up for discussion to see what my fellow Commissioners felt, and then go back and speak to the Manager.

PRESENTATION – HANS TOWNSEND – NMSA WELCOME CENTER –

Mr. Hans Townsend came before the Commission, and stated that I'm here as the Chamber President, and a business owner in T or C, and stated when you start building by the freeway or put in a major business by the freeway, and sooner or later when you grow, and that we all hope that we are going to grow there are going to be other businesses whatever they happen to be, and those people are going to look at the City, and say where is the most beneficial place for us to put our business, and the most beneficial place is where the most people are or most people go. And if they put the Welcome Center by the freeway we are putting something by the

freeway that is going to attract we hope a lot of visitors.

He emphasized his concerns about the development of the Welcome Center along I-25, and that it could detrimentally effect economic development in the downtown business district. And stated there are alternatives which I've asked the City to consider which are 3 pieces of City land/property that could be offered which are the shutter factory...industrial park land...the land around the VA home, and the old fire station so he would really like the City to contemplate that and look at the alternatives.

Commissioner Torres – I think we're gonna work with the Main Street Program, and that we need to support downtown.

Commissioner Green – Stated he received a phone call from Aaron Prescott who is a member of the Spaceport Authority, and that I posed a question about the anti-donation clause, and I asked how are you coming along with the RFP for the site for the Welcome Centers in Hatch, and in T or C. He stated that is going to be available he believes probably within the first two weeks of May, and I would like to suggest as we did with the...in the past I will be putting in a request to have as an agenda item ay the next City Commission meeting for the City to take a look at what assets it has and to consider if those assets make sense to put forth as part of the RFP that I think the City should be involved so we are prepared when the RFP is let that we are ready to go.

Mr. Townsend – It was mentioned Main Street, and stated they did get a nice grant that will enable them to do a lot of work towards this betterment of the City.

Mayor Mulcahy – Stated this was a planning grant...full scale planning grant for downtown, and I think the City has to step up if they have any money to see if we can't support that organization and allow...not the planning but the doing. Commissioner Green did you say that your conversation with Mr. Prescott was involving anti-donation...are there issues there because you brought that up in the meeting.

Commissioner Green – Yea I did, and actually I would like to see it in writing because they claim that...and I would like our City Attorney to look at this document...basically the State lawyers because basically what they want to do...one of the things they're looking for someone to donate land...so let's say the City donates a piece of property...there is a building on it or not a building on it that piece of property has a value so how do you give something that has value where you're not getting more value back. Well evidently according to the State lawyers that they're dealing with...a City can give to a government entity, and they are not subject to the anti-donation clause...is that...so that's one of their points so that's how Hatch got around some of the land that they were willing to put up, and then the problem was the infrastructure...that's how they got around the anti-donation clause, and stated he was going to send him the ruling of the legalese the people from Santa Fe.

Presentation only.

PRESENTATION – MIKE KERTESZ – WELCOME CENTER AT THE FORMER FIRE STATION –

Mr. Mike Kertesz came before the Commission, and stated he is

here on behalf of the T or C Spaceport Center, Inc., and they have been asked by a lot of people for a plan for what he intended to do, and stated they had a lot of ideas, and meetings with Manager Fuentes, and that we look to you the City to help us in this process.

He indicated in some of the things they brought up in meetings with Manager Fuentes, and that we had some ideas about who the occupants would be...one of them would be the Chamber, and another would be perhaps Main Street, and school activities, and have presented them to the City in the past.

Mr. Kertesz stated in the past they were close in the signing of a lease, and is asking for your support in this endeavor, and how can we do this...and will you support it.

Commissioner Torres – We need to support this, and what do we need to do to get started.

Commissioner Richter – Stated he was looking at the appraisal that was done by Dr. Barrett on the fire house, and that he had some statements in there...in Section 5 on valuation of the building, and he said it was likely that the renovation or remodel costs would be more than the value created, and stated it was built in 1962. And is that old fire station really...it looks to me like after his appraisal that we're jumping a dollar bill to get to a nickel, and I'm wondering if refurbishing this old fire house is really an economically viable option.

Mr. Kertesz – Stated it does have some value, and there were options that were offered, and that this could be phased so that the cost impact could be stretched.

Commissioner Green – I would like to suggest that we wait for the discussion of the lease until we have a discussion at our next City Commission meeting whether this building and the land around it...in our opinion would have the strongest, and the best economic impact for our community as a Spaceport Welcome Center. And if the Commission says yes let's put that forth as a response to the RFP then I would like to suggest to your board...Mr. Kertesz that maybe they take a step back...wait to that process has a chance to finish, and then if doesn't then it would come back to the Commission, and we would determine whether we want to move ahead, and put this type of facility at the fire house.

Mayor Mulcahy – I have to differ Mr. Commissioner.

Commissioner Green – So basically all I'm saying is I think that it might behoove us to wait for 2 weeks...with public comment, and then move ahead.

Mayor Mulcahy – Adding this to the agenda Mr. Kertesz allowed me to go look at this building, and I think we owe the public the truth about what's happening. And stated this is a big ticket item, and my only question to you and to your organization...is where we are going to get the money to rehab that kind of structure.

Mr. Kertesz – Stated one of the concepts was going to be a phase certificate of occupancy, and we would work on getting the doors open quickly to service the Spaceport Authority needs...Step #1, and the rest of it obviously the roof has to be repaired.

City Manager Fuentes stated the previous Commission allocated

\$30,000 now whether that \$30,000 would completely redo the roof.

Mr. Kertesz urged the Commission for their support.

Presentation only.

REPORTS:

CITY MANAGER –

City Manager Fuentes introduced the Community Development Director, Mr. Bill Slettom, and asked that he come up and give a brief introduction about himself, and that his first day of employment was yesterday and welcomed him.

Mr. Bill Slettom came before the Commission, and stated he comes to you from the City of Las Cruces where 5 years he was the downtown development coordinator working as Economic Development Specialist, and that his specific task was to see the implementation of the revitalization of Las Cruces...basically to re-open Main Street. He stated one of the projects that he took on in order to accomplish this was the formation of a tax increment for development district, and that this was the first one in the State specifically dedicated to downtown revitalization which was the intention of that legislation, and that it has been very successful so far. And that he looks forward to working with you, and implementing your plans for downtown and the rest of the City.

City Manager Fuentes reported that the water rehabilitation project is underway, and stated the 3 million gallon tank has been drained, and that they have started reviewing the interior of that tank, and a more detailed report will be forthcoming to the Commissioners, and have also found some extensive corrosion inside the tanks, and that we will need to take some additional action on that tank.

He reported on the Cook Street Pump Station the modification for that station is also underway, and moving quite well.

City Manager Fuentes...for the week of May 7th what would be a good day to hold budget workshops, and that they are in the process of preparing the preliminary budget that they will have for the Commissioners for the work shop.

The Commissioners agreed on May 10th at 4:00 P. M.

City Manager Fuentes stated the Lodger's Tax Advisory Board will meet next week to review the application's that have been submitted so they can submit a recommendation to the City Commission, and stated the deadline for approving the preliminary budget is May 22nd which is our last meeting in May, and if we need to have an additional meeting we have up until May 31st.

CITY ATTORNEY – No Report.

COMMISSIONERS –

Commissioner Torres – No Report.

Commissioner Richter – No Report.

Commissioner Whitehead – No Report.

Mayor Mulcahy – Asked who wanted to be in the parade.

Commissioner Green – Wanted to congratulate MISS FIESTA, Christina Baca our Fiesta Queen, and also all the contestants who participated...and my congratulations to all the contestants they were all winners in my eyes.

He stated over the week-end they were working at the community garden, and Mr. Fenn came by and stated by the way...the Commission Chambers were open, and they called dispatch and an officer came by, and they locked it up.

Commissioner Green also expressed again about the banners, and that he has had enough with the banners and t-shirts, and he wants to support staff and the Mayor...enough is enough already it's over with...and thinks we all should be mature enough to get those t-shirts out of windows...get those banners down, and let's begin to think of what's going to generate more business for our community, and that this doesn't help us at all.

He would also like staff, and that he talked with Manager Fuentes about this, and stated he wants to look at LEDA Act...Local Economic Development Act so we have tools in our tool kit to attract businesses, and obviously we have to bring in the County because they are the taxing agent here in the County, and thinks as we start to move forward, and things start to happen we have to position ourselves not that we react to everything that happens, but we create things that happen, and that one of the things that help us create, and give economic development a leg up is having a Local Development Act in place on our books, and he would like staff, and maybe look at what other communities have.

And the last thing, and I asked for this...it's our website regarding visits here, and what got his attention is you turn the page it says need more traffic...top ten ranking, and my point is how can we drive more people to the Truth or Consequences City website, and if you Google and type in NM Spa's...we have 10 Spa's in our town, and no other community is even close yet our name does not come up, and I don't know how to make that happen...I know there is a way to make that happen, and I would like us to research that.

**PUBLIC
COMMENT:**

Mr. Audon Trujillo came before the Commission, and stated he looked at the Recreation Board meeting that was held at the end of the month, and that I had a series of about 8-9 suggestions, and when I went to that meeting I was told those suggestions were not going to be acted on by that committee, and do not know if those suggestions were sent to you.

He stated he also provided in this box a suggestion for re-writing the Advisory Committee the ordinance dealing with Recreation, and I didn't hear anything about that tonight...and I was expecting to, and I'm not sure what...and that none of the members have any qualifications, and they will be coming up in June, and that a lot of people will be appointed to those advisory committees, and he would like to see some work on your behalf re-writing the ordinances on all the advisory committees, and I feel strongly that is needed.

Mr. Ron Fenn came before the Commission, and stated there has been a great deal of letters in the paper, and Mr. Green has just spoken, and Mr. Mayor has spoken about the De-Fenn Our Community Signs, and I personally as the target of these derogatory signs don't understand why they are still there. And

referred to Section 11-13-2.8 of our City Code prohibited signs...Any sign erected or attached to painted on retaining walls, fences or rocks of natural features...prohibited...okay. Under Section 11-13-2.9 General Provisions Section F...Permits required, has anyone applied for a permit to put up any of these signs...obviously not...is it defrauding the City of revenue that's due them from the sign fees, and they are posting these on walls and fences, and they are just strictly illegal, and why the City doesn't do anything about it...we have 2 Code Enforcement people on our payroll who have yet to bring one person to the docket over a sign issue.

Mayor Mulcahy...Mr. Trumbull, I want to remind you the Rules of Procedure...We will only allow you to speak at the microphone or make any sounds.

Mr. Trumbull – Excuse me...

Mayor Mulcahy – You've been laughing several times this evening, and I ask you to stop.

Mr. Trumbull – Are you telling me I can't laugh...

Mayor Mulcahy – Let me read to you, and I want to enforce these rules of conduct...There will be no demonstrations or outburst during or at the conclusion of anyone's presentation. I consider laughing to be an outburst...I will ask you please to stop.

Mr. Howie Tucker came before the Commission, and also brought up the issue about the website, and that he created a flier for the Golf Course, and that it hasn't been put out yet. And a couple of things...the GRT tax...something about a shirt, and stated you can come by and get a Centennial 1912 & 2012 Fiesta Open Golf Tournament Shirt at the golf shop if you'd like.

He stated they will be having a party for the Fiesta May 4th, and you are invited to the Golf Course at 6:00 P. M. And the Temporary Contract, and that he would like to know when the RFP will be out, and when will the discussion, or the decision on the RFP be made. And he would like to have you at our Fiesta Tournament...and a comment was made by Mr. Torres about changing the Fiesta route, and stated there are a tremendous amount of people that drive up that street every day too...that's pretty dangerous for all the City trucks, and a lot of trucks going through there.

Ms. Malissa Cordell came before the Commission on behalf of Chief Mullins, and stated the last two initial take back for prescription drugs, and on April 28th from 10-2 the T or C Police Department along with the DA will be giving the public an opportunity to prevent prescription drug abuse, and theft in homes for potentially dangerous expired unused prescription drugs, and that they can take them to the Police Department for disposal of them...and that the service is free.

RESPONSE TO PUBLIC COMMENT: City Manager Fuentes stated at their last meeting Mr. Gerald Trumbull asked the Commission two questions...One was on the City Charter, and the other question was in regards to the fees that the City charges for extension of water and wastewater services.

He stated in regards to the City Charter, and this question has been asked numerous times in the past, and staff has researched it

numerous times, and stated the City **does not** have a City Charter, and explained municipalities in New Mexico incorporate themselves by State Statute, and that there are some other municipalities that are incorporated the same way we are but go a step beyond which is to actually adopt a Home-Ruled City Charter, and stated that is another extensive process.

City Manager Fuentes stated he provided a copy from the NMML Directory that shows all the municipalities, and the different forms of governments that they are under, and under the Commission-Manager form of government there are only a few municipalities that have that same form of government that actually have a City Charter or Home Rule...Alamogordo being one of them, and I believe Clovis is the other...so again the City of T or C does not have a City Charter, and that we are incorporated by State Statute.

He stated the other question was in regards to the fees we charge for the water and wastewater services. And the City Commission in 1991 adopted a Resolution setting forth the fees for extending both water and sewer taps to individual properties, and stated throughout the City we do have homes that have septic tanks, and in some areas that the water lines or sewer lines are not near the property, and that it is up to the property owner if they wish to have the services available they can contract it privately, or if they wish the City to extend those services then that is where the fees come in, and that our water and wastewater division will quote the amount of fess that it will take to extend those services, and the same applies for our electric division...so the water and wastewater fees were adopted by Resolution by the City Commission.

EXECUTIVE
SESSION:

“Mayor Mulcahy moved that the meeting be closed for Executive Session – A. Purchase, Acquisition or Disposal of Real Property 10-15-1H(8), 1. T or C Space Center Inc., for the former Fire Station.”

Seconded by Commissioner Green.

Mayor Mulcahy responded Aye to a Roll Call Vote
Commissioner Whitehead 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

Motion carried unanimously.

OPEN MEETING:

“Mayor Mulcahy stated that the Commission was now in Open Session.”

CERTIFICATION

“Commissioner Green certified that only matters pertaining to A. Purchase, Acquisition or Disposal of Real Property 10-15-1H(8), 1. T or C Space Center Inc., for the former Fire Station was discussed in Executive Session discussion ensued, and no vote was taken.”

Seconded by Mayor Mulcahy.
Motion carried unanimously.

ADJOURNMENT:

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

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

JOHN MULCAHY
MAYOR

ATTEST:

MARY PENNER
CITY CLERK