

CITY COMMISSION
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
Tuesday, May 8, 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, May 8, 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

Also present:

Juan Fuentes, City Manager
Jay Rubin, City Attorney
Mary B. Penner, City Clerk

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

CEREMONY: Mayor Mulcahy called for fifteen seconds of Silent Meditation.

Mayor Mulcahy called for the Pledge of Allegiance with Commissioner Whitehead leading the Pledge of Allegiance.

APPROVAL OF AGENDA: Mayor Mulcahy called for approval of the Agenda

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

Mayor Mulcahy stated he would like to pull something off the Consent Calendar to take a look at it briefly, and that would be the minutes of the DWI Planning Council of January 25th, 2012, and would like to have a discussion about them.

“Commissioner Green moved to pull D-3...DWI Planning Council minutes of 1/25/12 for Commission discussion.”

Seconded by Commissioner Torres. .
Motion carried unanimously.

Mayor Mulcahy stated tonight we are going to have a public hearing, and would like to explain the process and described the

Battershell Procedure, and stated they will use the Battershell Procedure as a guideline.

He stated this is not a Planning & Zoning Battershell situation, and that this is quasi-judicial procedure about the Resolution #24-11/12 regarding the Buckhorn Saloon, and indicated this is a public hearing to appeal the Resolution. And stated he would like to be clear about the participants in this, and that everybody understands how this is going to work.

Mayor Mulcahy stated the agenda topic is the appeal of the Resolution for the demolition of the Buckhorn, so therefore the proponents of this appeal are the people who want the Buckhorn to be left intact...the opponents of the appeal are the people who want the Buckhorn...the Resolution to stand, and have the Buckhorn Saloon demolished. And stated the proponents and opponents must be people who have direct financial interest in the Buckhorn, or are directly affected by the Resolution to demolish the Buckhorn...so there are 4 categories of people in this process...there is City staff who will make a presentation...there are the proponents...the qualified proponents...the qualified opponents, and there is the public. He stated the public is anyone else in this room that would like to present on the subject...all these categories each person who is a proponent or opponent or staff may be cross examined in the following order; 1st by Commissioners, 2nd by City staff, and then 3rd by opposite parties whether you are a proponent...it would be the opponents if you are an opponent...it would be the proponents, and stated the public may be cross examined by any of the four parties in this category. He stated all of those giving testimony will be sworn in by the City Clerk, and all the testimony will be limited to the discussion of this Resolution, and limited to the Resolution and the Buckhorn Bar, and stated he would like the cross examination to be polite and professional in all cases, and I'm gonna ask that we do this exactly as the rules state which means that if you have a question of the Commissioners I'd like you to ask me personally, and I will ask the Commissioner myself.

He stated he is going to take a few minutes to allow to sign in that wants to be one of those 4 categories...so we're gonna need City staff, opponents, proponents, and any public that would like to speak in this process to go ahead and sign these forms.

**COMMENTS
FROM THE
PUBLIC: (On
Agenda Items)**

Mr. Ron Fenn came before the Commission, and read a letter, and spoke regarding item #7 – Resolution #34-11/12...Asking to approve transferring of funds now held in CD's to a State Investment Pool, and provided information for the record.

Ms. Sophia Peron came before the Commission...Demolition by Neglect, and stated it is applicable to the Buckhorn, and provided information for the record.

Mr. George Bolling came before the Commission, and had comments regarding the swimming pool.

Mayor Mulcahy reminded Mr. Bolling that this topic was not an item listed on the agenda, and that he is welcome to speak on the portion of Comments from the Public later on.

At this time Mayor Mulcahy asked that everyone that was going to speak during the public hearing to stand, and prepare to take the oath, and asked that they raise their right hand.

City Clerk Penner administered the oath:

“Do you swear to tell the truth, the whole truth, and nothing but the truth.”

CONSENT
CALENDAR:

Mayor Mulcahy stated they have several items under the Consent Calendar – City Commission Minutes – Regular – 4/10/12, City Commission – Work Session – 4/19/12, DWI Planning Council – 4/16/12, Public Utility Advisory Board – 4/16/12 & Accounts Payable.

“Commissioner Green moved approval of the Consent Calendar, D -1, 2, 4 & 5 as presented.”

Seconded by Commissioner Torres.
Motion carried unanimously.

Mayor Mulcahy referred to item #3 under the Consent Calendar, DWI Planning Council minutes of 1/25/12, and I call this particular item to the Commissioners attention because they reference Amy Claesson in the minutes, and stated she is not listed as being present at that meeting, and I would like to ask what procedure we need to do to amend that.

City Attorney Rubin stated we would not approve them, and ask the Planning Council to submit amended minutes.

Commissioner Green – Just a point of clarification...you’re saying that Amy Claesson was there but not listed as being there.

Mayor Mulcahy stated she’s listed twice as quoted in the minutes, but I do not see her in the roll.

“Commissioner Green – Stated I would like to have a motion that the Commission accept the meeting minutes of April 16th, 2012 from the DWI Planning Council, and send back the minutes of January 25, 2012 for correction so that the voting members, and attendees appear properly”

Seconded by Commissioner Torres.
Motion carried unanimously.

PUBLIC
HEARING:

APPEAL OF RESOLUTION #24-11/12 – RE: BUCKHORN SALOON –

Mayor Mulcahy asked City staff to make their presentation.

City Manager Fuentes stated in the audience there are members that will be assisting me in my presentation or answering any questions.

And indicated that Ed Williams our Risk Manager, Charlie Friberg our Building Inspector, and also a representative from the fire Department, and provided some additional documentation, and stated this is part of the file that I will be presenting in regards to the appeal of this resolution. He stated there is several

correspondence, and documents that will show the subject property of 307 Main Street known as the Buckhorn Saloon is in disrepair to the point of being rehabilitated thus recommendation of demolishing this building.

City Manager Fuentes stated the City has been meeting with the Brannon's on several occasions in hopes of trying to reach a resolution, and indicated in May of 2010 the City once again began the process of addressing the situation of the Buckhorn Saloon, and back in May 6, 2010 staff began to send letters and correspondence to Mr. Brannon regarding the code violations...specifically on the subject property at 307 Main Street. And presented the history of this case, and this started in May 6, 2010 with the building inspector notifying Mr. Brannon. Shortly thereafter there was correspondence; June 2010, also in August 2010 the building inspector received a letter from Dorothy Victor, Historic Preservation Specialist with the State of NM Historic Preservation Office, and they are in charge of overseeing all of the historical buildings in the State of New Mexico, and in her letter, and correspondence back and forth with staff she made the assessment that the subject property...307 Main Street had lost a significant amount of its structural, and architectural integrity...thereafter September 22, 2010 the building inspector mailed a letter to Mr. Brannon inquiring the status of the building in hopes of keeping the communication open to find some resolution, and again in April 21, 2011 the building inspector notified Mr. Brannon that the allotted time for renovating the building by a structural engineer had expired...so we continued the correspondence back and forth with the property owners. In April 28, 2011 the building inspector wrote a letter to Ms. Jan Biella from the State Historic Preservation Office requesting in view the status of the subject property and in the State of New Mexico some of these historical buildings are either classified as...significant contribution for their historical significance or they are not contributing anymore. In May 10, 2011 the building inspector received a letter from the State Historic Preservation Office affirming the City that the property...**the property at 307 Main Street following a fire back in 2005 has lost structural and architectural integrity, and no longer contributes to a historic significance of the historic district.** On June 14, 2011 the building inspector received a letter informing the City from the Cultural Property Reviews Committee that reviews all these requests from entities requesting that a particular property that may have classified as...significance to take a look at it again to see if it continues to provide that contribution, and stated the Cultural Property Review Committee completed that...**the building at 307 Main Street has lost integrity of design material, workmanship, feeling and atmosphere, and unanimously voted to change the property's status from contributing to non-contributing to the Historic District.** And following shortly thereafter on September 27, the building inspector mailed some information to Mr. Brannon sections of our code, and the building inspector was informed that the Brannon's were going to try to work with a structural engineer to hopefully maybe come up with a plan, and so he did follow, and provided some information from our City Code.

He stated as you will see on November 4th the City received from Mr. Brannon a plan for restoration of the Buckhorn Saloon which included a letter from a structural engineer, and some bullet points

on a five-step plan, and stated as of today we have not received an actual plan on how that building will be restored. On December 13, 2011 our fire chief wrote a memo to my office notifying me of his concern regarding the life safety issue that the subject property was posing for the residents of T or C, and for neighboring properties, and shortly thereafter on December 14, our City Attorney Jay Rubin also notified the Brannon's that they had agreed to secure the subject property, and that they were also going to affirm that this was a safe location...again nothing was done since that letter. On February 9, 2012 I received another memo from our Risk Manager Ed Williams also notifying my office of a public safety concern regarding the subject property. On March 27th a Resolution was drafted declaring the subject property in dire disrepair, and recommended that the building be demolished by the City, and stated due to the process we have in our code we did have a follow-up meeting with the Brannon's, and staff to review the record, and after the meeting I reaffirmed my position that this is a building/property that needs to be demolished because of the condition that it is currently in, and stated he wants to show them also for the benefit of the public of what you really see, and that it doesn't give justice when you see the building from the outside, and you really have to see what's really going on in that building, and at this time went through the power point to show several pictures of the inside of the building, and indicated these pictures were taken back in May of 2010, and in the pictures the back portion of the building there was graffiti, and stated this building makes it an unsafe place for our youth to be back there. And stated this is the record on file that he would like to submit for your consideration.

Mayor Mulcahy asked the Commissioners if they had questions from staff.

Commissioner Torres – Stated it is a safety concern to me...it's an eye sore...it's a safety hazard.

Mayor Mulcahy stated let me redefine our role here, and that it is the role of the City Commission to serve as unbiased decision makers, and stated we already have a Resolution, and that we want to listen to the testimony, and to consider what is ahead of us which is the appeal of the Resolution.

Commissioner Richter – No questions.

Commissioner Green – I'm here to listen.

Commissioner Whitehead – No questions.

Mayor Mulcahy – No questions.

Mayor Mulcahy stated we have two proponents here for the appeal of this Resolution, and they are Jim & Bettie Brannon. And stated it is their opportunity now to come and ask questions of staff to cross examine them to get answers to some of the questions.

Mr. Brannon stated he is not sure he has any questions of the, at this time, and asked if he could delay...possibly.

Ms. Brannon – Asked if we don't have any questions now, and that

they will be able to speak, and stated then she is waiting.

Mayor Mulcahy stated this is the opportunity for the opponents to come and ask staff questions, and the two opponents at this point are Bill & Susan Buhler, and this is the opportunity to ask staff questions or cross examine.

They had no questions.

Mayor Mulcahy stated this is now the opportunity for the proponents to make their presentation.

Mr. Jim Brannon came before the Commission, and stated that they bought the Buckhorn several years back with the idea of restoring the building as they did not want to see another historical building taken down. He stated because of other financial obligations they did not have the funds, and the means to do anything with the building, and also because of the downturn in the local economy.

He stated when the fire occurred they kinda lost heart to do anything, and that several factors came into play there. And stated when things came about with the City we started re-visiting things, and indicated they have made applications for a non-profit status in order to obtain some grants to restore the building, and that they are still working on that, and that they needed time to get all of that accomplished.

Mr. Brannon stated what they would like to do if they could is go ahead, and do the repair on the parapet wall, and remove the sign, and replace it with a frame structure on the front wall, and then the next step would be with some grant monies repair the roof, and some of the exterior, and then the interior would be the last part of any renovation, and also take care of any safety issues. He indicated the issue with the parapet wall actually did not occur until the building that was attached to the Buckhorn was torn down, and when it was torn down the Buckhorn sustained some damage in that area which continued to get worse.

Mayor Mulcahy stated he would like the Commissioners if they would approve a 5-minute limit on testimony. And it was the consensus of the Commission that would be fine.

Ms. Brannon came before the Commission, and stated she would like to read the structural engineers report dated October 12, 2011 from Robert T. Blanton, P.E., Civil Structure Engineer from Las Cruces. (Complete copy attached hereto and made a part hereof.) And made the comment...and I agree it's a mess., and stated that was a report that was possible that we could bring it back to historical significance.

She stated our request if the parapet could be removed...the front stabilized, and the sign removed that we would like to have time to get the necessary grant to preserve and restore our 100-year old building, and that a licensed contractor, and Southwest Signs have been working together for us to begin the process, and that they tried to get this done before Fiesta...and they are not ignoring it, and they are not rich people, and just don't have the money to go out and do it...so we do apologize. And stated the key words are 1) Make it safe, 2) Time for grants, 3) the historical building will

encourage tourists to come to our community and downtown. And...please I urge your consideration to save our most special historical building to preserve, and restore for our future citizens and past citizens...Thanking you in advance as a past 13-year member of Sierra County Economic Development, Lodger's Tax Board, and present Vice-President of Chamber of Commerce... Realtor, and property owner of multiple real estate in the City, Truth or Consequences I feel we personally have an investment in our town of T or C, and I urge you to please consider us having time for the grants...Thank You All!.

Mayor Mulcahy asked the Commissioners if they had any questions.

Commissioner Green – Stated he appreciates that they are trying to save a piece of our community and history, and that he has some points of clarification...since the building has been de-classified as a historic building in your presentation to the City you talk about preservation grants are available from Federal and State sources... are those grants still available now that it's just a regular building, and not a historic building.

Mr. Brannon – Replied “some would be, and some would not.”

Commissioner Green stated he noticed in your presentation you talked about \$55,000 to do phase 1...how close are we with \$55,000 because that might be important in our decision making this evening...how current is that \$55,000 quote from your engineer.

Mr. Brannon – It's not entirely current...I guess, and actually let me change that a little bit...at this point phase 1 would be repairing the parapet front first of all, and that they could probably handle that right now...and as far as the roof that would have to be later waiting for more funds.

Commissioner Green – You mentioned a little time...what does that mean?

Ms. Brannon – I would like to get...what you see in that picture corrected as soon as the contractor and Gustin can do that work.

Mr. Brannon stated as far as the immediate safety issue of the parapet wall that could easily be accomplished I would say within 30 days...hopefully more like a week to 15 days.

Commissioner Green – In the letter that Bettie read from your engineer...Mr. Blanton he talks about the renovation will be extensive it is my opinion that the building can be restored, and the historical significance can be maintained. Has he given you any idea of what you're talking about dollar wise, and what we don't need is another boarded up building that might be safe downtown that doesn't serve the community at all...so what are we looking at here to make that building viable and useful.

Mr. Brannon – Overall the total project...we may be looking at a couple of hundred thousand but I'm talking from start to finish type thing. And again if we can get the front secured. And then start working on the rest of it over a period of time, and once we get the

project started it wouldn't be like we just board it up, and forget about it...it would actually move forward...but I can't really give you a time frame because obviously there is so much to be done it's gonna extend over at least a year or so.

Commissioner Whitehead – No questions.

Commissioner Torres – Well we still have an issue with a fire hazard, and the graffiti in the back...what are we gonna do about that.

Mr. Brannon – As far as fire hazard...any building in town is potentially a fire hazard. And we have tried to keep the kids out as best as we could, and maybe put a chain link fence between the two buildings to try to keep the kids out, and he hasn't seen recently any real activity from the kids.

Commissioner Richter – No questions.

Mayor Mulcahy stated he appreciates your attempt to restore a historical piece of evidence, and people have called him the last several days. And he received your 9-page reply, and appreciates you sending, and that it had a lot of good information...what it didn't have in there any denial that I found that this was a dilapidated and dangerous building, and may I assume that you believe it is a dilapidated, and dangerous building at this point and time.

Mr. Brannon – Well I wouldn't call it...I'm not gonna call it a dilapidated building...it's a building in need of repair, and stated there is some potential danger with that parapet wall...as far as the rest of the building I don't see there is any real potential danger on the rest of the building.

Staff & City Manager Fuentes – No questions.

Mayor Mulcahy stated the opponents now have the opportunity to cross examine who are Susan & Bill Buhler.

Ms. Susan Buhler – Wanted to know before the fire did you have any insurance on the building?

Brannon's – No. And stated it is almost impossible to get insurance on a vacant building.

Ms. Buhler – What repairs have been made since the fire?

Mr. Brannon – We have removed most of the debris...of stuff you saw in the pictures, and cleaned...and not a whole lot that you can do in the way of repairs.

Ms. Buhler – When did you place the sign...building under restoration.

Mr. Brannon – I don't remember exactly...that was one of the things the Commission requested after one of our meetings.

Ms. Buhler – Who placed the orange barrels, and closing off the sidewalk?

Mr. Brannon – To my knowledge someone from the City.

Ms. Buhler – Do you think it is safe for people to walk in the street in front of the Buckhorn Bar?

Mr. Brannon – I personally don't know that it's not safe...I can see where people would be scared.

Ms. Buhler – If somebody got hit by a car would you feel responsible.

Mr. Brannon – If somebody got hit by a car...No.

Ms. Buhler – You wouldn't feel responsible.

Mr. Brannon – How does that relate to me?

Ms. Buhler – You do own the property.

Mr. Brannon – I'm not forcing them to walk in the street.

Mayor Mulcahy – Getting hit by a car...I don't know the relevance of that.

Ms. Buhler – How long do you expect the downtown area, and the City to wait while the restoration job is being completed.

Mr. Brannon – As long as it takes...I guess...like I say I don't know exactly how long it would take from start to finish.

Ms. Buhler – How long has the Buckhorn Bar been vacant.

Mr. Brannon – Don't know exactly the year.

Ms. Buhler – 15 years.

Mr. Brannon – Probably.

Ms. Buhler – It's gonna be 20. What use have you made of the building?

Mr. Brannon – We actually used it for storage, and had the AA group was meeting in there for several years.

Ms. Buhler – When they fought the fire were they able to go inside.

Mr. Brannon – Some of the firemen did come in in fact they axed the front door down...so they had access to get into the building... yes.

Mr. Buhler – You stated that the building was put up in 1912... actually no buildings were put up in the town of Truth or Consequences in 1912, and that T or C didn't begin as a town until after the Dam was finished...and then they moved some buildings in. It was probably built in the 30's, and it is an old building, and when it had the historical status that would have been the proper time to put forward with grants, and get something done with this building...why didn't you do it at that time when it had historical

status.

Mr. Brannon – Well primarily because we didn't have the funds available funds or the time, and actually I didn't know that the status had been removed until then the City Manager took it upon himself to do that.

Mr. Buhler – Well you don't have the funds to do it now so nothing's changed for you, and at the time it had the historical status wouldn't that have been the proper time to have obtained grants, and done something with the building.

Mr. Brannon – It possibly would have...you might be correct.

Mr. Buhler – What type of rodents occupy the premises?

Mr. Brannon – None.

Mr. Buhler – You're sure of that?

Mr. Brannon – I'm 100% sure yes I have seen no rodents of any type.

Mr. Buhler – Have you noticed the graffiti on your building, and its spread to the building next to it on the back of that building.

Mr. Brannon – I have seen the graffiti.

Mr. Buhler – Are you aware that same artistic type of writing is placed on the building next door.

Mr. Brannon – I'm aware of that.

Mr. Buhler – Let me finish my question, and it was necessary to repaint the back of that building to get rid of it. Are you aware of that?

Mr. Brannon – I have no way of being aware of that...no. I am aware however of that type of artistic writing all over town.

Mayor Mulcahy – Okay I think we've established there's graffiti on the building.

Ms. Brannon – The reason we're saying it was built approximately 1912-1913 it came from the museum...we have all the pictures, and they're dated as Star Saloon 1913 it's right in the bottom right hand corner.

Mr. Buhler – I'll have to say you're incorrect on that...there were no buildings in Truth or Consequences in 1912 or 1913...it didn't begin as a City with buildings until after the Dam was completed.

Mr. Buhler – There was a letter written to you by the City Manager that stated certain conditions of the building...do you find anything that is not correct in that letter.

Mr. Brannon – I'm not sure which letter you're referring to.

Mr. Buhler – I have it here it's in the file...dated the 18th of April.

City Manager Fuentes – It's in your packet.

City Attorney Rubin – You're talking about the April 19th, 2012 letter.

Mr. Buhler – That's the letter. Did you read that letter, and state if there is anything incorrect in that letter...Mr. Brannon please.

Mr. Brannon – First of all I must state this is the first time I've seen this letter.

Mr. Buhler – None the less is there anything in that letter that's not correct.

Mr. Brannon – Yes.

Mr. Buhler – What would that be?

Mr. Brannon – Well let's see for one thing here that I acknowledge the current conditions of the building is dangerous.

Mr. Buhler – Do you deny that?

Mr. Brannon – I'm not...no I'm not denying it, but I did not say that I agreed that it was dangerous...I said I see that there is some potential danger there, and I do realize the need to address that.

Mr. Buhler – Is there anything in that letter that is not correct...in your opinion?

Mr. Brannon – Actually to be entirely sure I would have to stand here and read through this Bill, and I don't think everybody wants to stand here all night and read.

Mr. Buhler – But...speaking would you say it was a correct statement.

Mr. Brannon – In general...yea.

Mr. Buhler – Thank you.

Mayor Mulcahy – You and Ms. Buhler have the opportunity now to make a presentation. And we have a Resolution to demolish this building, and tonight we're talking about whether to appeal that Resolution.

Ms. Buhler read her statement about the Buckhorn Bar Building:

My building at 303 Main sits on the right side of what used to be the Buckhorn Bar Building. And the roof of her building was used to fight the fire in 2005 that destroyed the building at 307 Main Street.

The building that used to be the Buckhorn Bar has been going downhill for a long time long before the fire happened. I understand that a homeless vagrant was living in the building, and started the fire, and it is time for the rubble to be hauled away, and a new beginning needs to take place. The community and my property

have suffered from a neglect of the owners of 307 Main, and the property values around 307 Main have decreased by its deplorable condition, and has not been able to rent my building because of this situation...insuring my building is also ongoing problem for me. Graffiti that is behind the building at 307 Main has spilled over onto my building...I've had to re-paint the whole back side of my building. My sidewalk is now not accessible to the public...people walking out into the street to get around the Buckhorn Bar. I spoke with Paul Tooley the Fire Chief two days ago...he gave me permission to quote him..."he said that the building at 307 Main is a complete fire hazard, and un-restorable, and that he took the State Fire Marshal to see it, and he said this has to come down." In the 15-years that I have been involved with my building I have never seen one person next door, and it has been boarded up for a long time...I have never seen any renovation take place as stated on the front door.

I'm in the process on working on my building re-painting, and improving it, and I urge the City Commissioners to act now...not to delay this matter any longer as the condition of this building affects the entire community, and thanked them.

Mr. Bill Buhler came before the Commission, and stated he has lived in Truth or Consequences since 1956, and since coming here, and he has had different properties in the downtown area, and have worked to improve them, and that he had a law office at 418 Main Street, and 303 Main that is owned by Susan Buhler was renovated to rent to the Forest Service which they utilized for many years, and my next project was 122 Broadway where the Boys 'N' Girls Club is now, and it was renovated for the Welfare Department, and the County Health Department which they rented for approximately 20 years. He stated the Museum was a big project it comprised 4 City buildings that we re-modeled, and ultimately made into a 1st Class Museum, and that several buildings were removed across the street from the museum, and the new bank was started up, and that I was the organizer of that, and it's now the Compass Bank. And after working to improve buildings in T or C for almost 50 years I cannot understand why the Brannon's have left the Buckhorn Bar deteriorate so badly that it has become a safety and public problem.

He stated he was present when the fire happened in 2005, and I watched the flames go up through the roof...the fire chief said that they were unable to fight the fire from inside the building because of all the crap...to use his expression inside the building they could not fight it adequately inside...so they went up on top of Susan Buhler's building, and fought the fire from there. And I don't think anything was done to repair or fix the building after the fire, and that this is a public safety issue...it's a fire issue, and stated the Brannon's have had so much time to do something...they've had years, and now they ask for the possibility of a grant of sometime in the future...if you'll extend their time on the possibility they might get a grant...I ask you to take action tonight, and thanked them.

Mayor Mulcahy asked the Commissioners if they had questions of Mr. Buhler or Susan Buhler.

No questions from the Commissioners.

Staff had no questions.

Mr. & Mrs. Brannon had no questions for the Buhler's.

Mayor Mulcahy stated the next step is to have the public come up.

Ms. Nadyne Gardner Daves came before the Commission, and stated she is here because of concerns about the closeness of the Geronimo Springs Museum to the aforementioned building. And indicated they have spent a great deal of money which Mr. Brannon helped us raise to keep the building of the museum in good repair, and stated they have millions of dollars-worth of artifacts in that museum that we cannot afford to buy insurance enough to cover if that catches on fire, and yet we sit here with a fire hazard with one building in between, and a lot of brush that could come right to the log cabin...and all the things that you people of this community have given to the museum to save, and in our hands for safety is at risk. And I think it's time that we have to get the building down if it cannot be fixed immediately.

Commissioners/Staff/Mr. & Mrs. Brannon – Any questions of Ms. Daves.

No questions.

Mr. Trevor Bush came before the Commission, and stated he has been a member of this community off and on since 1990, and went to high school here and graduated here. He stated about a year ago I noticed that the building next door to the Buckhorn was demolished, and I didn't know it was under threat of demolition, and does not know the full history of why that building was demolished. That alarmed me to the Buckhorn which I saw the sign on the building saying that it was also condemned, and I think T or C like small towns considers itself to have a historic downtown, and so once a City starts demolishing all the old buildings they have an attachment to the history of the town...then you lose the historic downtown...you cease to have a historic downtown, and what are you going to put in place of the Buckhorn, and how is it going to remain a historic downtown if you continue to remove all the old buildings. And agrees that the building does present something of a hazard, and it does need a lot of renovation to be viable, and thinks to make the Buckhorn a viable building that could serve the downtown, and also T or C at large. And stated downtown is the heart of the community.

Commissioners – Any questions for Mr. Bush.

Mayor Mulcahy stated I certainly understand what you are saying, and can't say I don't agree...I agree personally.

Mr. Bush – So I think the reasonable thing is if you were to give the Brannon's a very specific deadline...30 days...45 days whatever that would happen to be, and that you have to do this, this and this, and if this, this and this is not done then we will demolish the building...make it very specific...so I think that would be reasonable...you extend...essentially what I'm saying is give the Brannon's a reasonable period of time to fix the problem.

Mr. & Mrs. Brannon thanked Mr. Bush.

Bill & Susan Buhler – No questions.

Mr. Ed Rodriguez came before the Commission, and stated he has been a firefighter, and Wild Land Firefighter, and that I make assessments in the wild land situation, and that we have 30 seconds to make an assessment on buildings, and someone made a comment about the museum, and stated the Buckhorn is not a savable building in a wild land aspect with all the brush, and the growth around it, and that we could not save that building.

Commissioners...questions.

Staff...questions.

Mr. & Mrs. Brannon questions for Mr. Rodriguez – So you're saying the brush, and stuff would present problems if there were a fire?

Mr. Rodriguez – That would be the leading flame of the fire to get into the building.

Mr. Brannon – I'm just trying to understand where you're coming...okay so basically the brush, and stuff is all in the rear of the building...so you're saying you would not try and save the front of the building because of the brush in the rear?

Mr. Rodriguez – If the fire was in the rear...we already had trucks backed up...we had to bring the truck down the hillside to that area, and it was very hard for firefighters to get back there.

Mr. Brannon – There is no access back there to any of those buildings.

Mr. Rodriguez – That's why we have 4-wheel drive.

Mr. Brannon – I just want to understand your statement.

Ms. Brannon – Are we responsible for the brush behind the Buckhorn.

Mr. Rodriguez – Correct.

Ms. Brannon – Do I have brush back there now?

Mr. Rodriguez – Yes.

Ms. Brannon – We're responsible for that brush.

Mr. Rodriguez – All property owners are responsible.

Bill Buhler – Do you agree with the fire chief's statement?

Mr. Rodriguez – Yes.

Mr. Tom Sullivan – I'm a concerned resident of T or C, and that I have lived here all my life, and I was just going to ask that all due process and consideration be given to preserving and restoring the history of a community, and I'm just asking and I'd like to echo Mr. Bush that just perhaps a very definite short period of time be

given to these people to make it safe, and to begin to show some actual improvement on that building.

Any questions Commissioners.

Any questions Staff.

Any questions from Mr. & Mrs. Brannon.

Any questions from Bill & Susan Buhler.

No questions.

Mr. Scott Ekman came before the Commission, and stated he is for saving the building...I go on vacations to see historic buildings, and would not want to come to this town, and see brick buildings and something put in its place. And we do need to save our historic buildings, and Jim & Bettie need to work...get it done, and stated the whole City knows it needs work. He referred to the wire holding up the wall, and indicated that wire is a stabilization wire for the sign, and that the wall is holding itself up, and let's get it safe, and start working on the rest.

Any questions Commissioners.

Any questions Staff.

Any questions Mr. & Mrs. Brannon.

No questions.

Ms. Buhler – Do you know what the other buildings consisted of?

Mr. Ekman – What other buildings.

Ms. Buhler – Next to the Buckhorn Bar.

Mr. Ekman – The last I knew was a refrigeration company.

Ms. Buhler – It's just a wood shell...it wasn't even a building.

Ms. Sophia Peron came before the Commission, and stated she would like to make a few comments about grants for historic preservation, and indicated she has been in the historic preservation business since 1990, and I know that even at that time there were no grants...and there are no grants now...there are grants for big projects...there are historic tax credits that's when you do a project like the Albuquerque High School. And that she does agree with the gentleman...Mr. Bush about saving history...it's very, very important, but there is a toss-up...now if this building is torn down then I want the Brannon's other building over by my place also torn down because it is falling apart...neglected and a horrible problem. I want 301 Joffre torn down...that's an open building that I complained about last month, and haven't heard an answer, and that there are dozens of buildings in this town that need torn down at the same time, and if the Brannon's building is torn down that is selective enforcement...that's not proper.

Any questions Commissioners.

Staff questions.

Mr. & Mrs. Brannon questions.

Bill/Susan Buhler questions.

No questions.

Mr. Paul Gartman came before the Commission, and stated he wanted to echo Mr. Bush's sentiment, and that he pretty much said everything I've got to say. And stated the building does need repaired, and once that building is gone...it's gone forever.

Any questions Commissioners.

Staff questions.

Mr. & Mrs. Brannon questions.

Bill/Susan Buhler questions.

No questions.

Mayor Mulcahy stated he wanted to thank everybody for participating in tonight's process. And at this time the public hearing was closed at 7:50 P. M.

DISCUSSION/ACTION – APPEAL OF RESOLUTION #24-11/12 – BUCKHORN SALOON –

Mayor Mulcahy stated the first item of new business is the action to discuss the Appeal of the Resolution for the public hearing that was just conducted. And we have heard tonight testimony about what should or should not happen with this Resolution, and I would like to find out your thoughts about what has happened tonight.

Commissioner Green stated the building itself has not served this community forever so the idea of talking about the historic remembrance, and whether it can be saved I don't know I'm not an engineer, and whether the Brannon's can raise the money I don't know. And I want to refer back to...and just a comment and Mr. Brannon stated the April 19, 2012 he never received, and that in the future we should use registered mail, and referred to Section 4-226...it is incumbent on the City to provide health, peace and safety of its citizens, and its residents, and surrounding property owners...that is what we are tasked to do, and I think that is why we unfortunately or fortunately we pass this Resolution, and I don't see anything that has happened, and I'm a little surprised that the Brannon's when they were notified of this that they didn't at least show intent to improve the situation, and make it better...and nothing has been done.

Commissioner Whitehead – I appreciate the fact that there is a lot of us in here that would like to restore the building. It has sat vacant for many years...nothing has been done, and again it is an eye sore...it is a fire hazard...I just feel that we need to get this project taken care of and take it down.

Commissioner Torres – I hate to see it go, but I owned a building that Mr. Buhler owned, and I hated to see that go...it was the Turtle Back Inn...but it was time to go, and now we have a nice Alco Store there so Mr. Buhler knows what he is talking about when he talks about old buildings, and I've seen a lot of old buildings go down...you hate to see them go but they've got to go. This building got to go it's a safety, and a fire hazard.

Commissioner Richter – I believe testimony has proven that there has been sufficient time for renovation...improvements made, and know it's a matter of health, safety and welfare of the citizens, and I think we need to move on with this.

Mayor Mulcahy stated it is very encouraging to have people come up here and say...we hate to see it go...we would like to do what we can do to do that...just give them some more time. And if you look through the reports, and through the history of this...time is way past...we have given years to try to resolve this issue, and I'm of a mind it can't go down fast enough simply because, and I appreciate from the Buhler's prospective they could of made this an economic issue, and you really made a good point about the fact that in my mind this is truly a public safety issue.

“Commissioner Green moved that we affirm, and enforce the Resolution #24-11/12 pertaining to the Buckhorn Saloon.”

Seconded by Commissioner Whitehead.

City Attorney Rubin stated I use the word affirm the Resolution, and let's have the minutes reflect that you're also doing is enforcing the Resolution...that's what the State Statute says, and suggest you make another motion to direct the City Manager and City Attorney to prepare an order arising out of tonight's hearing your decision...that we allow the City Manager and City Attorney to prepare that order, and for the Mayor to authorize to sign the order, and that I will have it ready tomorrow.

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

“Commissioner Green moved to direct the City Manager, and City Attorney to prepare an appropriate order arising out of the decision tonight, and authorize the Mayor to sign the order.”

Seconded by Mayor Mulcahy.

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

City Attorney Rubin stated he would have that order ready by tomorrow morning.

Motion carried unanimously.

PRESENTATION BY ELIZABETH GUTIERREZ, EXEC. DIRECTOR T OR C HOUSING AUTHORITY

Ms. Elizabeth Gutierrez Executive Director with the T or C Housing Authority came before the Commission, and introduced members of the T or C Housing Authority Board of Directors, and that she will have Ms. Jessie Anglin Housing Choice Voucher Manager speak on the audit.

Ms. Jesse Anglin came before the Commission to speak on the audit for the housing, and stated the audit finding was not a financial finding but more of a regulation finding, and explained it was something she over looked and that she was following State Law because of a program that she runs. And stated it follows the Code of Federal Regulations as well as some areas of the State Law. And indicated while the auditors were there they put in place a policy to make sure this finding was corrected.

Ms. Elizabeth Gutierrez stated they have several programs that include Public Housing which they have 100 units here in T or C, and that they manage 414 units of housing throughout the State.

She stated they are a management agency for our local non-profit, and that means that they go to other communities such as Socorro, Carlsbad, Lordsburg, Deming and Espanola, and that they manage those properties they own, and take a percentage of the management fee. And in addition to the Section 8 Voucher Program we have an FSS Coordinator which is Family Self-Sufficiency, and what our coordinators do is the case management for the residents...they offer to help them get their credit in line so they can move towards home ownership, finish school, get a GED, basic housekeeping skills, and some things people just lack.

Ms. Gutierrez stated they received a ROSS Grant for 2 coordinators in our elderly properties for activities for our seniors.

She stated they have 26 employees.

Commissioner Green thanked them for what they do, and stated he was researching grants, and came across a HUD Grant...and it's called The Good Neighborhood, and asked if they were familiar with that grant. And since you have houses that are around our downtown, and we have a Main Street designated area...I'm wondering if we could maybe have a meeting with Main Street Board, and a representative from your board to see if there is a partnership that we could do to use this money to fix up housing, and the area around some of these houses.

Ms. Gutierrez stated I just found it, and that City Manager Fuentes and I discussed this in being able to partner together, and build more on what we already have here, and that Rural Development have grants out there, and for community development, and we are in the process of obtaining the information on line.

Mayor Mulcahy stated he received a call from a church last week, and they indicated they would like to help you if you have a low income housing situation that needs yard work, and if you have something please give me a call.

PRESENTATION – MERRY JO FAHL & SHERRY FLETCHER – HEALING WATER TRAILS PROJECT –

Ms. Merry Jo Fahl and Sherry Fletcher Steering Committee members came before the Commission, and provided the Commission with a packet of the accomplishments of the Healing Waters Trail along with photographs and their future goals.

She indicated that this project started back in 2007, and that this was accomplished through the Conservation District in the Salt Cedar removal through grants and funding, and the City received a grant through the National Park Service. And stated they had several public meetings to receive input from the public on how they should layout the trail, and that they met for 2 years developing that process.

Commissioner Green congratulated them to start with something, and get the money...to drive it to where it is right, and a great gift that you have given to the community, and that they all appreciate it, and thanked them for their efforts.

RE-APPOINTMENT OF WARREN CROSS TO SVHGB –

City Manager Fuentes stated they have a letter from Sierra Vista Hospital Administrative Assistant notifying the City that the appointment of Mr. Warren Cross to the SVHGB will expire June 30, 2012. I contacted Mr. Cross to see if he is still interested in serving on the board, and that we received a letter from Mr. Cross on his desire to continue to serve on the board.

“Commissioner Green moved approval of the re-appointment of Warren Cross to the SVHGB.”

Mayor Mulcahy asked is this a nominating...where we open it up to other people.

City Manager Fuentes – If that is the wish of the Commission we can certainly do that...if the Commissioners would like to open it up, and postpone the appointment, and open it up for other interested parties we can do that.

Mayor Mulcahy – What is your sense Commissioner Green of how to handle this.

Commissioner Green – My sense is I think we should always make the process open so I agree with Manager Fuentes, however the hospital is a very unique animal, and it takes time to understand it, and to be able to contribute to it. And if you take a look at what the requirements are...and the courses, and the studies you have to take, and what you have to do...and right now the hospital is a very critical point, and I’m not quite sure this is the time to bring on someone new.

Mayor Mulcahy – I guess my question would be...here’s a letter from the hospital to appoint someone to the board, but how do we know about his performance on the board.

Commissioner Green – In answer to that question we do not have a

letter from Chairman of the Governing Board, nor a letter from Ms. Rush CEO of the hospital.

Mayor Mulcahy – I would like to encourage that so that we have some other references...if that is a possibility. I think we should have Mr. Cross in front of us at some point to express his desire to be re-appointed.

Commissioner Green stated he would rescind his motion...and think that is a good call on your part on how to proceed, and ask staff to advertise quickly for that position.

“Commissioner Green moved to postpone the re-appointment of Warren Cross to SVHGB, and to bring this item back for the May 22nd meeting.”

Seconded by Commissioner Richter.
Motion carried unanimously.

APPROVAL – CHANGE ORDER NO. 1 – WATER STORAGE TANK REHABILITATION PROJECT –

Mr. Tom Knowlton Professional Civil Engineer with WHPacific, and Mr. Tod Phinney Director of Water Resources Department with WHPacific came before the Commission to describe the change order, and explained that the Water Storage Tank Rehabilitation Project is rehabilitating 2 tanks in town...the 200,000 gallon tank at the Cook Street Pump Station, and the 3 million gallon in the upper zone off of I-25 on the West side...the one with the nice mural on it.

He stated this proposed change order No. 1 is primarily to replace the entire steel floor of the 3 million gallon tank, and indicated the tank was recently drained so they could go in and do a visual inspection, and part of the requirement for the contractor was to cut what we call “**coupons**” or basically 16” square steel plates out of the floor of the tanks...so they could visually inspect both the top side, and the under-side of the steel floor. And what they found was rather alarming...the 20 coupons that we cut out all had some amount of holes in them, and that visually you can see holes in other parts of the floor.

Mr. Knowlton stated what we brought here tonight is a sample of the floor that was cut out, and also a sample from another town where they cut out a piece of steel. They showed a portion of the floor that was cut out of the 3 million gallon tank on the upper zone of the water system, and stated that sample has been sand blasted, and that it was very rusty both top and bottom...and those holes did exist, and that those holes were **not** created by the sand blasting.

He stated this was about 35 years old built in the late 70’s, and they did not have a lot of maintenance, and stated that they have the funding available to do this project, and that the change order is to replace the entire steel floor. And stated they had anticipated some amount of floor replacement in the bid so we had a bid item to replace the floor as needed by the square foot, however when they recognized that we needed to replace the entire floor we approached the contractor and asked them if there was a savings for the increased quantity...and of course his first response was no, and

we pressed him a little harder, and he came down almost 18% on his bid price which is a little over \$60,000 in savings. And went on to explain the change order, Item #1 is to replace the entire steel floor including the 6" thick sand bedding underneath the floor, Item #2 is to have the well seams on the existing floor sand blasted, and since it does have lead paint...the contractor will have to sand blast it and dispose of that properly, and Item #3 is to replace the existing roof vent with a 48" flanged outlet so they can get inside to do their sand blasting and coating, and the 4th item is something that came up as they opened the tank...the man way...person way...the door on the side of the tank...the hinges since they haven't been open in 35 years were rusted, and almost shut so that \$630.00 item is to replace the hinges on that man way so it can operate as intended.

Mr. Knowlton stated the grand total of this change order \$336,372.89, and that there is adequate funding available for this change order. He stated between the grant and the loan combination the entire funding for this project was one million five hundred ninety thousand, and that we currently have available funding of \$418,601.00.

Commissioner Torres - I was there today, and it definitely needs to be replaced.

Commissioner Richter – It's gotta be done.

Commissioner Green – Is there anything on the market today that can be done so in 30 years whoever is sitting up here is not dealing with a change order on the same tank...how do we protect the assets of the City so they don't corrode...so they don't rust or we can get a longer play for our dollars.

Mr. Knowlton stated as part of this rehabilitation project we are adding cathodic protection systems to both of these tanks, and indicated these tanks did not have that system in place prior to, and it will help protect the coatings, and the steel from corrosion. And stated you do have cathodic protection systems of two of the newer tanks that were built 7 years ago...coated steel tanks require maintenance, and require inspection...and we recommend annual, or semi-annual inspection, and that inspection can either be done with a remote control submarine camera type of thing fairly inexpensively, and that it can also be done by a scuba diver, but they should be inspected periodically, and stated if they are inspected regularly if they are any defects found in the coatings those can actually be repaired, and that there are coatings that can be applied underwater so that you can protect your coatings, and repair your coatings before they become this far gone.

Mr. Tod Phiney stated steel tanks if properly maintained have a long life expectancy. And the two tanks that are being rehabbed did not have that, and that is added to this project to maximize the length of the asset, and indicated the coatings today are far, and above beyond, and much improved.

Commissioner Whitehead stated I had the opportunity yesterday to go with Manager Fuentes to look at the tanks, and took pictures, and it was amazing to see the big holes, and the contamination of the tank, and the rust all the way to the top...so yes definitely I

would request that we go ahead with the change order, and get it taken care of.

Mayor Mulcahy asked...how much water are we losing out of the bottom of the floor...can you guess.

Mr. Knowlton stated there is no way to know for certain, and once we correct the floor we should be able to work with Jesus to figure out how much difference in water loss the City has been having between the metered usage vs. the production usage from before the tank rehab project to after the tank rehab project, and probably be able to quantify that for you after the project is completed.

Mayor Mulcahy asked if he could tell him a little bit about this project and the context of the overall job...Cook Street, and everything else we're talking about.

Mr. Knowlton stated the tank rehabilitation is for the 200,000 gallon tank at the Cook Street Booster Pump Station, and the 3 million upper zone tank above exit 79 on I-25...and as part of this project we were intending originally to rehab the 1 million gallon tank right up on the hill over here, but when we inspected that we found that it was too far gone to salvage so what we did is some hydraulic analysis of the City's water system to determine if there was something else we could do other than replacing that tank up on the hill which would have been more costly than you had funding for, and that we were able to determine that with 3 key locations for piping improvements that we were able to actually improve water flow in the downtown area...so that's part of this project.

Mayor Mulcahy...The 3 million gallon water tank what percentage of that is our total storage.

Mr. Knowlton – 8.2 million total storage within the City...a little less than half.

Commissioner Green – Is there any way to save the mural?

Mr. Knowlton – The mural is beautiful, and looks great from a distance, but when you get up close to it the outside coating does have some locations that are failing, and stated as that coating continues to fail it will expose the steel which will expose it to corrosion, and you'll continue to corrode that steel...not only from the inside but from the outside, and so the best way to handle that mural if the City wanted to save, and that we wouldn't be able to save that mural but what we could potentially do is have the contractor take detailed measurements, and photographs of that mural if you wanted to re-create it, or if you wanted to put another mural if you had something else in mind, or a local artist that might be interested in putting something else on that tank...that's a possibility, but the coatings both interior, and exterior do need to come off down to bare steel, and the tank needs to be re-coated to protect the steel on the water tank.

Commissioner Green – On the change order...description...remove dispose, and replace entire steel floor...is that steel ours? Because we're going to be issuing an RFP to have someone buy our metal... and that's a lot of weight sitting there, and so when this was bid

out...but who owns the steel...who owns what they're gonna be throwing away and replacing....that's dollars for the City.

Mr. Knowlton – And the requirement for removed, disposed and replaced is for the contractor to do all those...so what the contractors will typically do is they'll price the project, and they'll include the salvage cost of the steel that they are taking out to help offset the cost to the City...so if for example we want them to remove it, and give it to the City then there price would be slightly higher than what it is currently.

Commissioner Green – I would like to suggest in the future when we go out for bid if we're dealing with anything that has metal in it that we get two bids...one where we own the metal, and one where you own the metal...and see what the difference is.

“Commissioner Green moved approval of change order No. 1 for the Water Storage Tank Rehabilitation Project.”

Seconded by Commissioner Whitehead.
Motion carried unanimously.

Mr. Tod Phiney stated it is a privilege to serve your community as your engineer on this project, and all the work we've done, and that we look forward to finishing this project, and congratulated the newly elected officials...again thanks for serving your community.

RESOLUTION #33-11/12 – AMENDING THE CITY COMMISSION RULES OF PROCEDURE –

Mayor Mulcahy asked if there was any discussion in the latest changes made to the amendments of the City Commission Rules of Procedure.

He stated when we met last time we were fairly agreed on the changes made, and asked about change #3 – Abstaining.

“Commissioner Green moved for approval of Resolution #33-11/12 – Amending the City Commission Rules of Procedure of the City Code of the City of Truth or consequences, New Mexico.”

Seconded by Commissioner Richter.

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 #34-11/12 – AUTHORIZATION TO INVEST IN THE NM STATE TREASURER – LOCAL GOVT. INVESTMENT POOL –

City Manager Fuentes stated he appreciates the comments made earlier by Mr. Fenn regarding the rate of return we receive in our checking accounts with the Bank of the Southwest, and that is one of the reasons I'm proposing this Resolution authorizing the City to

use the State Treasurers Office Program Local Government Investment Pool.

He stated other communities have used it...again it's a program that offers almost the same rate of return for certificates of deposit that we currently use with some of our local banks, and that one of the big benefits for using the Local Government Investment Pool is that we have access to that money within 24 hours, and stated we can invest some of the excess ending cash balance from some of our checking accounts with the State, and if we needed it on an emergency basis we can access that money without being penalized, and with investing certificates of deposit you're fixed for either 6 months, 12 months, and so forth.

City Manager Fuentes stated right now overall we have 5 million with the Bank of the Southwest, and that 20 of the bigger funds is the Joint Utility which has about 3 million dollars, and that we only need about 1 million or less for cash flow purposes for operating from month to month which is at least 2 million dollars that we can invest with the NM State Treasurer Local Government Investment Pool, and that would give a higher rate of return that we are currently getting just sitting in a checking account...and in those checking accounts the interest rate is less than 1/10 of a percent, and stated you can get a higher rate of interest with savings, but you are restricted on the number of transactions on that so that is the reason for the recommendation for this Resolution is authorizing the City, and also identifies the Mayor, City Clerk, and the Finance Director as the signatories required when you deposit, or withdraw monies from this account.

Commissioner Richter stated in the Commission Action Form the LGIP the money invested there is not insured...there is no FDIC insurance or anything like that...and it's kinda like a money market account an asset value is managed to maintain it...you know a dollar bill, and that our other market investment CD's they are federally insured...is that correct?

City Manager Fuentes – That is correct...up to \$250,000, and stated we have over that amount in most of our CD's currently.

Commissioner Richter – What percentage of our...say we go with this...what percentage of our more liquid cash would be going in this LGIP as a percentage of our total?

City Manager Fuentes stated what we would do is look at each of the individual funds, and if that individual could afford, and based on what we've seen as history as far as the cash we needed for that fund we would invest some of that excess cash. And that we would start with one, and recommend that we start with the Joint Utilities because that is the one that has the highest ending cash balance in that account just to try and set up the account, and staff would track it in our system, and then look at all of the other funds that we have, and I can't tell you percentage wise...it is based on the fund.

Commissioner Richter – And comparatively our rate of return would be more or less than what we are getting now.

City Manager Fuentes – Our rate of return would be definitely more than what we are currently getting sitting in a checking

account.

Commissioner Richter – And it's much more liquid than in a CD?

City Manager Fuentes – That is correct.

Commissioner Richter – What is the administration fees that we'd be paying for management of these accounts?

City Manager Fuentes – Stated there is a small administrative fee charge...but I don't see it here.

Commissioner Torres – These are protected right?

City Manager Fuentes – As Commissioner Richter pointed out... there are obviously some risks, but however with the State they do invest, and they are very conservative in their investment policies with public funds, and stated in 2008 the market crashed, and there were municipalities investing with the State...and of course everybody got affected, but they were able to recover some of that loss throughout the years. And stated they have some stronger policies.

Commissioner Green – And this is a question, and I proficient with sound business practices...this is not about an individual. City Clerk, Mayor, Treasurer, City Clerk & Finance Director are those positions bonded right now.

City Manager Fuentes – Yes.

Commissioner Green – Over 2 million dollars.

City Manager Fuentes – I don't know the exact amount.

Commissioner Green – I would like to find out what they are because on the Resolution it says...Be It Further Resolved that the following officers are or their successors are authorized to order the deposit or withdrawal of monies...it doesn't say whether that withdrawal needs 3 signatures or 1 signature, and I will not vote on anything, and in all due respect to the three people here whose names appears on this Resolution to give someone that power to take 2 million dollars on their signature out of a bank.

City Manager Fuentes – The State does require because I have used them in the past 2 signatures, and we have the right to change that to add that additional language that's fine.

Mayor Mulcahy – It seems to me there is some issues with this particular Resolution, one of them is the signatory...the other is we ought to know what the administrative fee is...even if it's a penny, and I think there is too many questions here for us to go forward with this particular Resolution.

City Clerk Penner – Stated now when we make a deposit or withdrawal it has to have 2 signatures at the bank right now.

Commissioner Richter – If we take the necessary precautions with the signatures...when you're investing money...if you want a high rate of return you have to take a little more risk...that's obvious,

and most of these securities they have a credit rating, and we're not putting all our extra cash in one bucket...so I think if you want to delay this and look at it, and I think we ought to look at an investment like this...it's also very liquid, and we can pull it out if we need it.

"Mayor Mulcahy stated he would like to table this until our next meeting with a new presentation."

Seconded by Commissioner Whitehead.
Motion carried unanimously.

CONTRACT WITH MOTOROLA FOR POLICE DEPARTMENT –

Chief Mullins with the T or C Police Department came before the Commission, and stated the item before you is to consider to approve a contract with the Motorola Solutions for maintenance, and support of our MDT's, and explained the MDT's are our Mobile Data Terminals that we have in the patrol units.

She stated the software upgrades and technical support are included in this contract, and in January 2011 the police department was awarded an Edward Byrne Memorial Justice Grant also known as the JAG Grant. And stated the maintenance for the MDT's was previously being overseen by SCRDA, and that their grant has ended, and need a new host agency for the contract, and that we are proposing to be the host agency.

Chief Mullins stated our JAG Grant was originally for \$24,837.00, and that we have \$17,400.00 remaining so the cost for this maintenance would come out of this grant **not** the City budget. And stated we still owe \$162.00 for FY 2012, and for FY 2012-2013 it is going to be \$1,944.00, and stated we have the money in the grant to cover this maintenance contract, and the remainder of the money will also be used to install 5 additional MDT's, and that it pays for the air cards. She stated after 2013 if we have money... maybe we can roll it over to cover another year of maintenance if not we have to wait a year before we can apply for the JAG Grant...but we will be eligible.

City Attorney Rubin – I have one suggestion, and spoke to the Chief earlier today, and we talked about the contract...the only concern I see in Section 6 – Limitation of Liability, and they are limiting their liability...but you didn't feel too concerned about that.

Chief Mullins – All we are going to be getting...using them for is no different than what we do right now, and do not see any risk at all.

"Commissioner Richter moved approval of the Contract with Motorola Solution for Maintenance & Support of MDT's for remainder of FY 2011-2012 & to Contract with Motorola Solutions for Maintenance & Support of MDT's for FY 2012-2013."

Seconded by Commissioner Green.
Motion carried unanimously.

CITY TO ANSWER RFP FROM NMSA T OR C WELCOME CENTER SITE – FIREHOUSE, BDWY., INDUSTRIAL PARK, PROPERTY AROUND THE VETERANS HOME –

Commissioner Green introduced discussion on this item, and quoted from the book “Destination Development.” This item for discussion is about the potential for the City to participate as a formal bidder in the NMSA latest RFP seeking a location for the T or C Welcome Center site.

Quick history for my fellow Commissioners who were not involved with the Spaceport initiative, and indicated in 2007 a group of us met with former Mayor Montgomery and myself, and that I was not an elected official at the time, and that we had assurances from Steve Landene who was the Executive Director that the Welcome Center would be situated somewhere in downtown T or C.

Commissioner Green stated we passed, and self-taxed ourselves a quarter of one percent knowing that a quarter of that quarter would go for education, and three quarters of the quarter would go for the build out, and for bonds to finish the 209 million dollar project called Spaceport America. And it was that promise that was given to this community...that this community that is financially challenged rose to the occasion, and passed that vote by 2-1 majority where Dona Ana passed it by 228 votes.

He stated his concern...and that we represent the citizens they voted they spoke, and part of that vote was to have that visitors center downtown...now yes times have changed, and stressed that NMSA leadership team has no background what so ever in economic development to go out and hire a company that is 3,000 miles away, and talk about where the Welcome Center should be sited.

Commissioner Green reiterated that the Welcome Center should be in or near the downtown area, and he thinks the City is mandated to protect their citizens, and to be part of the RFP process, and that we have 3 pieces of property...the property that is West of the Industrial Park, West of the Fairbarn, and 60 acres of land that wraps around the base of the Veterans Home, and the firehouse. And stated 1.7 million dollars is a lot of money, and thinks we should be a player in this.

He stated he is asking for the City to participate in the RFP, and do the best we can for our citizens.

Commissioner Torres – He’s right.

Commissioner Richter – What they said in the past...that’s history...they’re the ones with the money, and they’re gonna pretty much do what they want with it. And we don’t even know what their requirements are, and if we can meet the requirements of the RFP...what are they gonna be...what do they want acres...what are they looking for...we don’t even know that yet.

Commissioner Green – They are still looking for the same thing... they are still looking for 10 acres for free, and that they have no money for utilities...they wanted everything, and they are probably going to ask for the same thing...there is no perfect solution.

Commissioner Richter – A lot of this should be done with private money, and not a municipality or government...in my opinion, and...I'm not gonna support this.

Commissioner Green – I disagree with you...whole heartedly because if you read the other RFP...they are not asking the City to put up money...yes money in the relationship that has value, and the building has value, and I think we should have a voice in this process...we don't, and I know we have a tight budget, and I'm not asking for one dollar. All I'm saying is that we have to do for what is best for our community.

Commissioner Whitehead – No comment.

Mayor Mulcahy – I have horror stories to tell you as economic development by dealing with the Spaceport on that particular topic, and I don't disagree, and we are here to help the citizens of this community. I think that we need to look at this RFP to see what we're gonna do, and I think we should consider the RFP when it comes out.

CITY MANAGER –

REPORTS:

City Manager Fuentes provided the Commission with 3rd Quarter Financial Report, and stated he will cover this during their budget hearing on Thursday.

He stated the City has issued a Public Service Announcement, and stated the City approved a change order for the 3 million gallon water tank, and also the 200,000 gallon, and the 3 million gallon tank the storage capacity will be limited, and that the City needs to let the residents know to assist the City in reducing water usage, and read from a memo regarding...T or C Residents Asked to Reduce Water Usage. And stated this will be published in the newspapers, and announced over the radio, and a copy of memo is available at City Hall.

City Manager Fuentes stated they provided the Commission with the current proposed/preliminary budget for FY-2012/2013, and also the applications for the sub-recipients will be discussed, and reviewed on Thursday, and also have a recommendation from the Lodger's Tax Advisory Board, and reminded them of the Budget Workshop Thursday, May 10, 2012 at 4:00 P. M.

Commissioner Green pointed out on the notice for the reduction of water use in the second to the last paragraph for the time they need to include **am** after the number **6**. And also suggested posting this in TV for T or C for those that don't read the paper or listen to the radio.

CITY ATTORNEY - No report.

COMMISSIONERS –

Commissioner Torres – No report.

Commissioner Richter – No report.

Commissioner Green stated he would like to thank the Fiesta Committee and congratulate them...Destiny Mitchell, and all the staff, congratulate, and thank City staff, and the Boy's 'N' Girl's Club for constantly patrolling Ralph Edwards Park as it was spotless...they did a great job. And for those who saw the bail of shredded paper that we sold raffle tickets it was weighed, and that it weighed 1,040 lbs.

Commissioner Whitehead stated she wanted to thank Manager Fuentes and Jesus Salayandia for taking her around the wastewater treatment plant, and that she also toured the water pumps/tanks, and the wastewater, and that it was very informative, and she learned a lot, and thanked them.

Mayor Mulcahy stated he would like them to go after the types of issues that affect the broadest base of citizens, and that the water is a big issue, and stated he went out to the ball fields...250 kids with another 150 parents, and that we need to focus on the ball fields.

He stated it is not our duty...it is our responsibility to not do deals with nothing on the other side...to put City money into something where nothing comes back from the other side.

PUBLIC
COMMENT:

Mr. Howie Tucker came before the Commission, and reported that they had a very good Fiesta Golf Tournament, and thanked the sponsors.

Ms. Linda DeMarino came before the Commission, and also commended the Fiesta Board for the street dance which helped downtown.

Chief Mullins with the T or C Police Department came before the Commission also to comment on Fiesta, and stated it went well for the police department.

Ms. Malissa Cordell with the T or C Police Department came before the Commission to report on the National Take Back regarding unwanted medications.

EXECUTIVE
SESSION:

“Commissioner Whitehead moved that the meeting be closed for Executive Session – Purchase, Acquisition or Disposal of Real Property 10-15-1H(8) – 1. Riverbend Hot Springs Property Proposal.”

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

“Commission Green certified that only matters pertaining to Purchase, Acquisition or Disposal of Real Property 10-15-1H(8) – 1. Riverbend Hot Springs Property Proposal was discussed in Executive Session, discussion ensued and no vote was taken.”

Seconded by Commissioner Whitehead.
Motion carried unanimously.

“Commissioner Green moved as per discussion ensued that the Commission direct the City Manager to proceed as we discussed.”

Seconded by Commissioner Whitehead.
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

LORI S. MONTGOMERY
MAYOR

ATTEST:

MARY B. PENNER, CITY CLERK