

CITY COMMISSION  
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO  
Tuesday, June 12, 2012

WORKSHOP

Minutes

TIME & PLACE: The Truth or Consequences City Commission will hold a Work Shop on Tuesday, June 12, 2012 at 5:00 P. M., in the City Commission Chambers, 405 W. Third, Truth or Consequences, New Mexico.

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

- a. Controlling Projected Increased Cost of Refuse Disposal by increasing our rate of Recycling
- b. Protecting & Conserving Thermal Mineral Waters

Commissioner Green stated that the Bountiful Alliance will be holding another Workshop at a date to be determined.

Commissioner Green stated we are currently recycling 327 tons of recycling material that does not include green waste, and that some of the material that is in that number...327 we actually have to pay to get rid of so everything is not a revenue stream. And stated if you take what is projected running out of trailers out of a collection center that is gonna go either North or South that 327 converts into...and those trailers hold approximately 18 tons of refuse...so you're talking 18 tons per load...that's 18 loads at approximately \$800.00 per load...that's tipping fees, and transportation...and that's probably a low number, and that is \$14,400.

He stated the NM Recycling Coalition who is our funder has asked us, and my fellow Commissioners have agreed to on the Resolution, and stated they want us to hit a rate of 33% which is the national average by 2017, and so that means we have to do about 5 times the rate of recycling that we're doing today by 2017, and if we have 90 loads at approximately \$800.00 per load that means we would have a savings of \$72,000 that we don't have to pay an entity to get rid of our recycling.

Now...Net Revenues...where does the City stand with 327 tons of recycle material. And that we take in about \$25,000 but we have to pay for E-waste, and have to pay for...removal so the Net Revenue to the City is \$21,500, and if we do 5 times...you're talking about the revenue to the City about \$107,500 which means \$72,000 in projected savings, and \$107,500 in projected revenues.

And stated obviously these are commodities...they go up, and they go down. I'm just predicating the prices on the last 3 months of what the material that we sell was bringing in to the community to the City. Therefore the \$179,500 we're talking about that is without the cost of operating the recycling center which is fuel, utilities, labor...so this number is not as high as it really is because there are operational costs...or City Manager, and our department head will obviously be working with staff to make it most efficient

as possible. And why did I want this meeting tonight, because I want to hear from the populace, the citizens, the residents on how do we get from 18 loads to 90 loads...how do we 5 times our recycling efforts, and I would ask Mr. Mayor...keep your points really short and brief so everyone has a chance to be heard.

Ms. Susan Richardson came before the Commission, and stated it's an educational process, and that you have to make it easy enough for people especially that we have an older population to take their recycling some place close-by. And also talked about doing some pilot projects to see how it worked, and ask people to participate.

Ms. Lisa Burris came before the Commission, and stated she recently started recycling, and that her kids are 5 & 7 years old, and they absolutely love it. And she would like to see maybe going to the schools, and talking to the kids to possibly put pressure on their parents...but educating with the young ones, and that I would be willing to go to the schools, and do whatever.

Ms. Linda Ardiconi came before the Commission, and stated I think we need a City Task Force instead of a committee through the TBA because this is such a serious issue. And if you have a task force of people who have to be responsible to the Commission...it seems to me it would be a great idea. And again...you have to make it convenient.

Commissioner Green stated the City does have on our Rules of Procedure a Citizens Task Force...a Citizens Advisory Committee that if the Commissioners feel that...that might be the way to go that we ask people to volunteer for that.

Ms. Majorie Powey from the Village of Williamsburg came before the Commission, and indicated that shredded paper makes them the most money, and that these are the things you need to publicize. And stated the Village of Williamsburg had a lot of shredded paper that was going into the trash...and I said...I'll recycle it...but that's what makes money. And she would offer her property next to the Post Office if you want to put a trailer out there...but everybody goes to the Post Office, and not everybody goes to the recycling center, so that might be a suggestion to increase it.

Commissioner Torres – I think they are right...I own the Pine Knot Bar, and we recycle. And suggested putting additional dumpsters at different locations.

Ms. Cynthia Crop came before the Commission, and stated she had an idea of a logo to remind people all the time...advertise...asking the people...are you recycling everything that you can.

Mr. Steve Buckley with Main Street came before the Commission, and stated one of the things we also need to look at...at our parks, and all along our City streets wherever we have trash containers, and if you walk up and down any of the streets you see one trash container...it's full of recyclables because there is nowhere else to put it. And indicated that you should have recycle containers in the different areas.

Commissioner Green stated that the Commission suggested to the Manager about putting recycle bins at both of the major parks.

Ms. Powey stated there is a whole series of webinars going on, and that people might be interested on the education aspect, and composting that it would be nice to have a composting workshop, and that it might be helpful.

Commissioner Green stated there is a gentleman that works for NM Recycling Coalition, and that he has offered to come down, and hold a workshop for the community.

Mayor Mulcahy stated we have to figure out a way to get the bins closer to people to make it easier, and thinks that people want to do it...and stated we don't need enforcement...we just need to make it easier for them to participate.

Mr. Mike Kertesz stated he is concerned in the recycling aspect about tires. He stated he went to the site by the Shutter Factory, and noticed there is a humongous amount of tires, and how can we do something with that, and thinks accessibility is the key.

Commissioner Green stated we have used tires to stabilize the East side of the hill next to the Tennis Courts by the Community Garden, and they wanted to use bailed tires for erosion control in some of our arroyos, and that Mr. Barry Ragsdale said we couldn't do that, and stated we might want to have a meeting with Mr. Ragsdale because that would be good inexpensive erosion control material. And I'm concerned with those tires sitting out there...eventually it is gonna rain...and then we're gonna breed mosquitos.

Mr. Buckley stated we have all talked about bringing these containers into the alleys, or to where the people are at, and has anyone thought about taking them to where they go...we all go to grocery stores, and why don't we centralize them...everybody goes to grocery stores.

Commissioner Green stated Leonard's first project is going to be to take a trailer with 6 bins, and put it somewhere on Austin Street between Davis Fleck and Bullock's...as a Pilot Project he wants to have it staffed with someone there during their working hours to see if that will make it easier for people...so let's go where the people go, and that's a great idea.

Commissioner Green thanked everyone for their participation, and stated their ideas are valuable, and reminded them that the Bountiful Alliance will hold another workshop for more people to have an opportunity to attend, and give everyone another chance to be heard.

Mayor Mulcahy stated I would like to lead the discussion on this next topic which I think is extremely important, and indicated he has done a lot of work on this, and that he has been to the Office of the State Engineer regarding...Protecting...and not conserving but **preserving** our Thermal Mineral Waters, and our natural resource.

He stated he has been to see Richard Rose, John Romero, and Andrew Mendoza, and these are all leadership of the Office of the State Engineer directly related to Water Resource and Wells, and that he has also been to the department...NM Environment, and met with Butch (inaudible), and met with his staff for surface water

ground water, and met with the Bureau of Reclamation.

Mayor Mulcahy stated he drove down Austin Street 2 separate weeks, and seeing 2 separate drill rigs whacking away at the ground drilling a hole for what appeared to be a domestic well. And stated domestic wells are wells that are provided by Statute of the State to allow people to have drinking water...allow them to have water for their own personal use...and they are not to be denied...people need water...and we're doing that...we're doing it a lot. And referred to a map, and stated this it was in the downtown area.

And stated we have 146 wells down there on record, and a lot of them that are not...or some more or not...I don't know the number, and I want to tell you that I think it's an extremely important issue because this was Hot Springs, New Mexico...it still is Hot Springs, New Mexico...it's our economic base...it's who we are...it's what we have, and it's what we're jeopardizing right now by not taking a look, and understanding what's going on with that aquifer...what's going on with that.

Mayor Mulcahy stated we don't know what the impact is of these drilling...of these new domestic wells that are popping up, and we know they have accelerated geometrically since 2006, and we know that BOR comes down here and reinforces our River, and when we shut off the River then all of a sudden I can only fill two hot tubs out of five. And stated we have to make sure that the different ones don't call this office and say "I don't have any hot water," because our economy will be shot.

He stated un-controlled drilling is affecting our natural resource... we don't know what that does to the loss of pressure, heat, or volume, or any of that stuff, but everyone I talk to at the State level thinks it has something to do with it, and everyone I talked to downtown says...we're worried we think it might have something to do with it, and it will be too late if we don't take a look at it now. And I don't think it's fair for us to dig domestic wells for a couple of people that aren't drinking the water, and I don't think it's fair... it's not a statutory thing, but it's threatening our entire economy... our entire community.

Mayor Mulcahy stated the Office of the State Engineer allows for domestic well permits, and indicated...they can't actually deny them, and in the Statute it says they **shall** issue domestic well permits...it doesn't say **may**. And that there is also a provision for thermal water they assume even though they don't believe that thermal water is just like any other water...but it's not...it's not at all...we all know that because we live here, and they know it to, but they can't do anything about it...statutorily they have to give a permit if it's not a commercial well. So the only restriction they have if someone says I want to do a domestic well, and it turns out it is a commercial well they won't issue a permit...in fact you're gonna get in trouble with them, so if anybody has, and the State didn't audit, and if you have a domestic well that is being used commercially...look out. And stated the OSE is also willing, and able to work with the City directly to allow us to be involved in the permitting, and the process of allowing the drilling of permits for domestic wells. And that he wants to involve the community in this discussion.

And if you don't control drilling, and that OSE doesn't, and they are not necessarily in contact with NMED to understand that we have one big, and three lesser petroleum tank districts that have oil in the wells...that have petroleum in the wells, and if you start digging in those area you start drilling wells in there we're jeopardizing not only that zone, or that water quality, but we're creating what could be called plumes, and we need to understand these things and take control of them now...and take responsibility now. And that we have problems with permitting, discharge, and problems with this petroleum tank thing...all in this district downtown, and I'm recommending that we as the City start taking charge of our asset, and making sure we preserve.

Mr. Eddie Irwin with IB Drilling came before the Commission, and according to our Mayor I'm the reason that we're all here. And came to the board to give his explanation...or Mayor explained of what he thought was happening, and I want to give a visual representation of what the water community feels is happening.

He stated a properly constructed well with a bore hole seal properly capped doesn't affect that at all. And that he has information available from engineers in Santa Fe, and in Las Cruces, and the Office of the State Engineers which I would say don't entirely agree with what you said as some of the facts, but I think 3 minutes isn't appropriate to deal with that.

Mr. Dan Lorimer came before the Commission, and stated he is the Conservation Coordinator for the Rio Grande Chapter of the Sierra Club, but I am also a long time resident of Sierra County. And I look at this Mayor's Hall of Fame, and that I want to commend you...your Honor, and I think that you have distinguished yourself by raising this issue. I would like to say that the Office of the State Engineer has ignored this precious resource...it's an 11 acre district, and by ignoring it has betrayed New Mexico, and us in particular. And stated I really appreciate the City Commission taking this issue up into their purview, and I agree with you the City does have rights, and capacities to control what's happening now.

He stated I live South of town...just South of Palomas Creek...21 acres, and indicated this is 11 acres with 150 plus wells on it or roughly, and he tries to imagine by 20 acres with 150 wells on it... there needs to be some control. And that we need to respect and protect this resource for the future.

Ms. Diane Lambardo came before the Commission, and stated that she was new to Sierra County, and very vested in this County having started a non-profit for herself for the animals in this County...so water is of course important to everybody, and that we need to conserve, and need to have some sort of regulation, and stated people who are using our resources...our water facilities or whatever need to pay their fair share, and not put everything on the people who are abiding and paying what they should be. And that water needs to be conserved...it needs to be regulated, and that you can't just go around digging wells anywhere you want.

Ms. Susan Richardson came before the Commission, and stated she thinks it's important that we get accurate, and up to date information on the resource, and that we need to get somebody to

look at the whole situation.

Mr. Dave Cook with the T or C Water Department came before the Commission, and stated he wanted to bring it to their attention that out of the 150 or so permitted wells...there are 14 that are paying monthly to use the ditch, and they are all commercial, and that they all with the exception of 2 they have been put in since 1995.

Mr. George Szgetti came before the Commission, and stated he has recently moved here, and that he was a little bit shocked to hear this...all of this going on because in many areas where you have a water resource issue particularly hot springs type situations. And stated they have set in place water rights which are attached to the property, and given the size of the property that would entitle the owner to so many acre feet of water usage per year, and I recall seeing something in property for sale ad which actually mentioned water rights entitlement for that property, and I was wondering...is there anywhere in our history, and the deeds to the property any mention of water rights for the thermal waters in the downtown district...because if there is that would definitely restrict the amount of people on our water that any individual can use, and their ability to drill into that aquifer for that water.

Mayor Mulcahy stated by Statute everyone in New Mexico who doesn't have access to public water has the right to 1 acre foot, and there is no provision to outline the difference between thermal or hydro-thermal, and regular water that I'm aware of.

Commissioner Torres – I guess we're about the only City that you can't drill a well whenever you want one...you go to Las Cruces, Albuquerque they won't let you drill a well.

Commissioner Richter – I think any decision we make concerning this hot water issue needs to be based on science...not emotion, and stated we're dealing with a private property right here, and that we don't want to abate this private property right. And we're also facing another issue here, and that we're in a sustained drought...in an extended drought. He stated we're having a recharge problem here, and not just a drilling problem I think this recharge...this basin recharge is from somewhere on the other side of Mud Mountain kind over there around the Airport...according to that 1940 report so there is also some other causes other than just drilling, and one of them I think is a substantial one is recharge, so we need to take everything into consideration when we're making decisions regarding this matter.

Mayor Mulcahy – We need to understand this issue before we jump in and decide what to do.

Commissioner Richter – This study that was done in 1940 it is a defining document on this basin, and there was a lot of conclusions in there...they were unable to determine what the geologic structure is for sure and what's happening because it's kinda a convoluted sort of thing, and that is what we need to base our decisions on is a scientific study...not emotional.

Ms. Susan Lowe, Owner & Broker with HS Realty came before the Commission, and stated I was confused with some of the discussion, and that it is my understanding that you cannot drill for

a well for domestic water if the City offers water...so all the wells were not for domestic water...they are only for hot mineral water, and I know the difference for calling them that. And stated it's only that area where you can drill for mineral water because it's the only area...that anybody knows it is, or that the State Engineer classifies as hot springs wells.

She stated she has a lot of clients that have bought a lot of property in the hot springs district, and I'm also telling them you have to do it right...you can't do it wrong...you have to permit it, and everything, and that most of them do...at least they do it for what the State says, and one thing I'd like to know is if because I've gotten different answers over the years, and this will be a good time to get it cleared up...if you have a domestic well, and you're on Marr, and the ditch...the well sewer line...the one that goes to the river...can domestic people hook up to that as well as commercial.

Mayor Mulcahy – There is no limit on that ditch.

Ms. Lowe – But if you want to drill a well in the hot springs district...it is under an HS#...so they can say...they deal with it as domestic, but it's not domestic water...it's not potable water...it's just a problem with the classification...what I see. My thing is I totally agree with Mr. Richter...this has to be done on scientific study...I'm the last person that would want to ruin that hot springs district...it's why I moved here, and stated I've had a lot of clients that I tell you really don't have to drill, and that the great thing about our hot springs district is every bath house is different...every spa...every one of them is a different experience, and also see it as a huge economic impact if you stopped all the drilling for a lot of people...for well drillers...for a lot of people, but I personally want it done I would like it studied for the real scientific bases...because if we are hurting the basin then we need to stop it immediately.

Commissioner Green – I agree with a lot of the points, and agrees with Commissioner Richter that...keep the emotion out of it, and keep the judgment out of it from a local stand point...bring in some expertise maybe from NMSU, or someplace that we might be able to get...some knowledgeable qualified people to analyze our thermal mineral waters...our spa district also where the recharge area is, but I think to protect what defines us to detect what a lot of people have moved here for, and other industries have grown up around the healing arts, and the thermal mineral waters, and thanked the Mayor for taking the lead on this, and that we can't let this slip through our fingers.

Commissioner Whitehead stated she agrees with all the Commissioners, and that there were a lot of good comments.

Mayor Mulcahy – Everything that I discovered the last 3 weeks was in a file dated 2006, and that it is my intention on this Commission to do something about it.

No action.

CITY COMMISSION  
CITY OF TRUTH OR CONSEQUENCES  
Tuesday, June 12, 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, June 12, 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 and 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.

“Mayor Pro-tem Whitehead stated as there are several items on the agenda this evening, and in hopes of taking care of all the issues in a timely manner moved that we limit all discussions, and comments to 10 minutes, and this is with exception of public comment which will remain at 3 minutes.”

Seconded by Commissioner Richter.  
Mayor Mulcahy & Commissioners Richter, Whitehead & Torres – Voted Aye  
Commissioner Green – Opposed  
Motion passes 4-1

**COMMENTS FROM THE PUBLIC:** Ms. Sara Frothingham came before the Commission regarding the item on the pool, and her concern of the rates.

**THE PUBLIC:** (On Agenda Items) Ms. Vicki Schroeder came before the Commission, and stated she is representing TRESKO, also regarding the swimming pool user fees.

Ms. Karen Stuman also with TRESKO spoke about the swimming

pool fees.

Mr. Dwight Schroeder came before the Commission, and would like to know what conclusion they came to regarding his trash fee.

Mayor Mulcahy stated it is on the agenda tonight they have a response regarding this issue later on in the meeting.

Mr. Audon Trujillo came before the Commission in regards to the swimming pool fees, and suggested using coupons.

Ms. Susan Richardson came before the Commission regarding the funding for the swimming pool cover being used for other purposes, and asked why we want to raise rates.

Ms. Kathy Phillips came before the Commission to thank the City for not raising the rates for the pool passes.

Mr. Ron Fenn came before the Commission, and referred to item I on the agenda...Response to public comment being placed last on the agenda when there is no one here.

Mayor Mulcahy responded, and the intent of section I on the agenda is to actually respond to the public comment where in my experience before we didn't do that very often...if ever. And I think the information we receive from the public is valuable, and should be responded to.

Mr. Fenn may I respond...Ms. Penner you have been the Clerk for this Commission for a very long time...Am I out of my league when I say that I have seen on these agenda's...Response to Public Comment well before this position...before new business.

Mayor Mulcahy – Mr. Fenn I'm sorry we're not gonna debate after all...I apologize.

CONSENT  
CALENDAR:

Mayor Mulcahy stated the next item on the agenda which is approval or discussion of the Consent Calendar.

“Commissioner Green moved for approval of the Consent Calendar as presented...City Commission Minutes – 5/8/12, Accounts Payable – May 2012, DAIC – Monthly Report for April 2012 as presented.”

Seconded by Commissioner Richter.

Motion carried unanimously.

UNFINISHED  
BUSINESS:

**DISCUSSION/ACTION – RESOLUTION #34-11/12 – AUTHORIZING INVESTMENT OF MONIES IN LOCAL SHORT-TERM INVESTMENT FUND, AND PRESENTATION BY SPENCER WRIGHT, PORTFOLIO MANAGER STATE OF NEW MEXICO –**

City Manager Fuentes asked Mr. Wright to give a quick overview of the Local Government Investment Pool Program.

Mr. T. Spencer Wright, Portfolio Manager with the State of New Mexico Office of the Treasurer came before the Commission, and

stated the State has a program called the Local Government Investment Pool, and explained it's a program that allows municipalities within the State to pool their money together...it's segregated from State money, and that it is managed separately... it's held separately, and that essentially you have the benefit of consolidating all the municipal monies within the State to have professional management of that particular pool of money.

He stated the funds are managed...it's a triple AAA rated fund, and that a number of municipalities participate in it, and that it was established by the legislature to provide an option to local bank deposits, and stated they are rated AAA by Standard & Poor's which is the highest rating.

Commissioner Torres – What is the difference in having it in a bank...or investment with the State?

Mr. Wright stated one of the things that has been going on with banks is obviously local banks have...there interested in deposits to fund their loan portfolio, and one of the things that's happened with the banking system...there has been an increase of FDIC fees, and that the regulators have been really tough on banks, and so the banks have been in a lot of cases decreasing their size of their balance sheets so they have been less incentivized to aggressively bid for rates out of municipalities within New Mexico.

He stated we have roughly a mandate...roughly three hundred million that we can invest in local banks, and currently the State's portfolio just because there is no demand at all for it we've got probably less than 30 billion invested in local banks, and stated this pool...the investment alternative for you allows for the investment of assets that you wouldn't traditionally be able to invest in, because of the fact it's pooled together, and your monies are invested with Albuquerque's monies, and with Santa Fe's monies, and you are able to get the economies of scale rather than placing a 1 or 2 million dollar deposit with the bank. And that one of the other options you have through this pool is you have the ability to get your money out on a daily basis...so if you're withdrawing less than 25 million...you'll be able to pull that out on at least a 24-hour basis...whereas with the bank once you have locked it up with a CD you are going to have to negotiate with them.

Commissioner Torres – What's the risk?

Mr. Wright – This is a very conservatively managed pool...it's invested in primarily US Government securities, agency securities, and we're not investing in stocks or bonds or incorporate bonds, and that it's meant to be a very liquid asset...it would be very short portfolio.

Commissioner Torres – Have you had any losses in the last 3-4 years?

Mr. Wright – In the last 3-4 years...in 2008 the LGIP was an investor as a lot of entities were, and financial institutions when we had the difficulties with Lehman Brothers and its default. And stated that LGIP had a small portion that was connected with Lehman default, and stated they recovered 99.04 cents of every dollar that was invested in that piece.

Commissioner Richer – What is the administrative fee?

Mr. Wright – The administrative fee on this is 5 bases points...so .05, and that fee is paid out of the yield...so in the last month the LGIP returned 23 bases points net of fees...so you had 28 bases points before fees, and stated that is a fairly...level compared to... fees on other assets, and that goes to cover salaries, the administration funds...the accounting of the funds because we keep each participant's account...we keep track of everyone's accounts, and pay that out on a monthly basis so all your interest earnings are paid out every month so the fee goes to...it actually doesn't cover all the costs...it offsets a portion of the costs, and then a portion of the cost comes out of the treasures budget.

Commissioner Green – The bases points...is those words interchangeable with the word percentage or return on investment?

Mr. Wright – Yep.

Commissioner Green – When you're talking about .023% after the administration fee...that would be the return if we gave LGIP a million dollars...that would be the interest rate that we would look for...

Mr. Wright – The interest rate is gonna vary on a monthly basis... so that will go up and down with the market. And stated a basis point is 1% of a percent .01...so this is yielding .23 which is 23 bases points.

“Commissioner Green moved approval of Resolution #34-11/12 – Resolution Authorizing Investment of monies in Local Short-Term Investment Fund with the NMGROW Local Government Investment Pool.”

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.

**NEW BUSINESS: PRESENTATION – MR. JOE LONG – DEPARTMENT OF VETERANS SERVICES –**

Mr. Joseph C. Long, Director of the Veterans Business Outreach Center came before the Commission, and provided a brochure that describes our program, and indicated he works for the Secretary of Veterans Services Mr. Tim Hale.

He would like to thank Economic Development/SCEDO for the invitation to make a short presentation to you this evening.

Mr. Long stated that the VBOC is a federally funded organization

that is administered through the Department of Veterans Services, and is missioned, and goal in life is to help Veterans who want to become entrepreneurs, and that they have a counselor on the staff besides myself, and have folks who help Veterans that want to begin their businesses to understand the unique and special products that are available to Veterans as they go into the business world. And that he has started an initiative that I'm calling VBOC...Veterans Business Outreach Center on the road, and that I have selected 25 municipalities around the State to bring the program...and is free to you, and that T or C is one of those.

He stated these programs...I need to let you know I'm talking 5 different municipalities out of the 25 right now which are Clovis, Roswell, Silver City, Truth or Consequences and Portales that have agreed to participate with us, and that they are partnering with Wells Fargo Bank, and what we will do, and have agreed with SCEDO here in T or C is July 31<sup>st</sup> to bring a free breakfast at the Civic Center Auditorium, and that it will be a catered breakfast, and our purpose is: 1) We want to introduce you, and the Veterans in the area, and introduce the leadership, and the economic development folks...people that are interested in the communities economic development, and we want to introduce them to the products that we have...specifically how we can help Veterans...entrepreneurs...how we can help Veterans who want to begin their businesses, and in your brochures the kind of topics that we can cover, and the 2<sup>nd</sup> thing we want to do is after the breakfast and the presentation, and that the bank is picking up the cost of the breakfast...and after that is over then we will have walk-in sessions for any Veteran that wants to come in and talk to us, and be counseled on how they can start a business, or how they can expand a business that they already have.

He stated this will take place July 31<sup>st</sup>, and that they will get out the publicity, and will work with your local media outlets to get the word out to RSVP for the event. And I expect we'll start at 8:00 A.M. until 9:30 A. M., and Secretary Hale may be with us as well.

Commissioner Green indicated a great, great program, and commends them for getting this...boots on the ground.

#### **AGREEMENT – CITY & GOODWILL INDUSTRIES –**

City Manager Fuentes stated this is an agreement that has been in existence for several years between Goodwill Industries, and the City of T or C.

He explained Goodwill Industries offers the Senior Community service employment program that provides low-income senior workers an opportunity to enhance their skills, and transition to employment. And we currently have in the Office of the City Clerk, and Community Development Department a Goodwill participant, and will be utilizing another participant that will be assisting the Human Resources Department, and stated they will be helping on the day to day office duties, and that we want to give them an opportunity to maybe learn some skills using computers, and various new technologies.

Manager Fuentes stated the agreement before you is a standard agreement that has been provided to us by Goodwill Industries, and

recommends approval of the agreement.

“Commissioner Green moved for approval of the Agreement between the City, and Goodwill Industries.”

Seconded by Commissioner Richter.  
Motion carried unanimously.

**AUTHORIZATION TO DEPOSIT, WITHDRAW AND/OR RE-INVEST BALANCE AMOUNTS OF MATURING CD’S -**

City Manager Fuentes stated that the City has been re-investing these 4 CD’s...R & R Sewer Fund, and explained it is estimated to mature in the amount of \$191,882, and City Code requires this fund to be set aside for repairs and replacement of the wastewater plant. And as of the May financial report the wastewater fund has a net deficit, and because of the net deficit I’m recommending that we re-invest the remaining balance, or now that we have the ability to invest in the LGIP.

The second CD that is maturing is the Solid Waste CD in the amount of \$417,212, and this CD...this CD was dedicated for purposes of closing the landfill that will be coming in the next fiscal year. And the proposed estimate by Gordon Environmental for closure of the landfill was \$560,000, and I am recommending to the City Commissioners as of the May financial report there is a net gain in the solid waste fund of about \$512,000, and I’m recommending transferring an additional \$150,000 to this CD which will give us the estimated amount needed for the closure of the landfill, and that would be renewing the CD, or with the LGIP.

The third CD is for the R & R Water Fund in the amount of \$75,357, and stated there is a net gain in that fund for the month of May, and I’m recommending transferring an additional \$100,000 to that fund.

And the last one is the Pledge State Fund, and indicated that is for our Debt Service, and we’re estimating about \$480,000, and I would recommend investing an additional \$50,000 from the ending cash balance of that fund.

Commissioner Richter – Are these going to be re-invested, or are some of these going to the LGIP?

City Manager Fuentes stated if the rates are fairly competitive I would keep them in the CD’s.

“Commissioner Richter moved to approve the authorization to deposit, withdraw and/or re-invest balance amounts of maturing CD’s for the R & R Sewer, Solid Waste, R & R Water, and Pledge State Accounts.”

Seconded by Commissioner Green.  
Motion carried unanimously.

**RESOLUTION #38-11/12 – ESTABLISHING SWIMMING POOL USER FEES FOR THE 2012 SEASON –**

City Manager Fuentes stated the Resolution before you formalizes

the swimming pool fees that have been in effect since 2007. And stated the Resolution does not...is not proposing an increase in the fees...as it was pointed out by some of the members from the public, and indicated there has been throughout the years numerous arrangements with different organizations, and some of them are different, and not consistent, and the purpose of the Resolution sets forth what the fees are going to be across the board.

He stated the intent is not only to adopt them formally by the City Commission, but also to have consistency among the public, organizations, and the non-profits. And that the Commissioners do have the discretion...if you wish to make certain provisions... certain discounts then I would ask them to include it in the Resolution that we apply it consistently for all the public, non-profit, and so forth. And I would like to reiterate this Resolution **does not** increase the fees, and it does exclude any agreements the City may have entered into, and there are some that are memorandums of understandings that the City currently is still in effect.

Commissioner Green – In exhibit “A” on the left side it has fees... 30-day passes, and then non-profit, shouldn't that read non-profit and public, and the second point is are we charging \$50.00 an hour for the rental of the pool...because on the other side of the page where it refers to pool rentals it just says \$50.00 pool rental fee.

City Clerk Penner stated its \$50.00 rental not \$50.00 an hour.

Commissioner Green – I would like to have that changed.

Johnnie Burnette Swimming Pool Manager came before the Commission, and explained the fees and hours of the swimming pool, and that there needed to be clarification for the different organizations that use the pool.

Mayor Mulcahy – This is intended to clarify...we're going to clarify the rules...and what people are charging and so forth.

City Manager Fuentes stated this is intended to formalize what the fees have been since 2007, and there have been over the years several agreements made between organizations that are not consistent, and stated this would put everyone on the same page as far as what they are being charged, and would give clarity to our staff, and all the non-profit organizations that would like to rent the swimming pool for events.

Mayor Mulcahy stated from the presentation from Mr. Burnette... I'm actually more confused than I was, and I don't know for me if this clarifies the situation as I think it should, and I know your intention, but I think we need additional information.

Commissioner Green I would like to suggest that we table this, or continue discussion so staff spends their time wisely, and well... rather than trying to think what we're thinking...they know what we're thinking, and thinks they need to come up with something that is fair and equitable to the community that is workable, and allows the pool to function properly for all of our citizens, and I would like to go back to staff, and have each Commissioner send an e-mail to the manager, and come up with their own ideas of how

we should handle a certain non-profit or at risk groups, and then he can come back to us with a document that makes more sense.

Mayor Mulcahy – I guess I'd like to ask the Commissioners if they could give staff some direction about how the next document would look in this case.

“Mayor Mulcahy moved to postpone indefinitely Resolution #38-11/12.”

Seconded by Commissioner Whitehead.

Commissioner Green referred to the damage at the pool that City Manager Fuentes brought to our attention, and emphasized...if anyone knows anything about this...why, and I would just like to know, and maybe we can better serve the youth of our community...what's the frustration.

Mr. Burnette stated one other thing we do need to get clarified is that it has been a standard policy that City employees get the use of the pool free, and that it is supposed to be immediate family, and that there is nothing in writing...what qualifies immediate family.

Motion carried unanimously.

#### **RESOLUTION #39-11/12 – BUDGET ADJUSTMENTS –**

Ms. Linda Lanham, Finance Director came before the Commission to explain the budget adjustments in revenue and expenditure budget for FY 2011/2012. Complete copy of Resolution #39-11/12 is available at the Office of the City Clerk, or the Finance Department.

Commissioner Richter asked if Ms. Lanham could explain the grant reimbursements.

Ms. Lanham stated they are grants that the City administers, and they will be invoicing June 30<sup>th</sup>, and that they won't be reimbursed until July or August depending on when the turn-around is for the grants.

Commissioner Richter asked...why are we exceeding the approved budget?

City Manager Fuentes stated a lot of times...as you may recall for example...the first item the General, and that is actually the Commissioners budget, and explained we base our budget...the budget based on last year's activity. And in this case for example there was a lot more legal activity, and other items that are exceeding the overall approved budget, and based on the available amount as of the end of May we're only projecting for example needing an additional \$5,000 in case if the last weeks of payables for the month of June exceeds the overall budget.

“Commissioner Green moved for approval of FYE 12 Budget Adjustment Resolution #39-11/12.”

Seconded by Commissioner Richter.

Mayor Mulcahy responded Aye to a Roll Call Voter  
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.

### **PROPOSED ORDINANCE – TRANSPORTING ANIMALS IN VEHICLES –**

Chief Mullins and Captain Morgan came before the Commission, and stated the item in front of you is for discussion on enactment of a Proposed Ordinance – Section 3-98 – “Transporting Animals in Vehicles”, and stated they would like to add this to the Animal Control Ordinance.

She stated the T or C Police Department has received an increase number of calls regarding animals acting in an aggressive manner towards pedestrians walking near vehicles in which the animal is being transported, and that the calls vary in circumstance such as being in the bed of a truck...being left inside the cab of a vehicle, and in the majority of the cases, however the common concern is that the animal is **un-restrained**, and can easily escape the confines of the vehicle, and that this creates not only a public safety issue for the public but also for the animal.

Chief Mullins stated that the current City Ordinance does not address this issue therefore the Police Department has drafted the attached Proposed Ordinance to address this concern, and that City Attorney Rubin has reviewed the ordinance, and this Proposed Ordinance is being presented for discussion and action to move forward with enactment.

Commissioner Torres – I can understand this, and I’m in favor of this Ordinance, and I don’t have any questions.

Commissioner Richter – I have some comments regarding this, and I understand the reason for this Ordinance. And when we’re referring to animals...are we referring to canines in particular.

Chief Mullins – Yes.

Commissioner Richter – Aggressive canines in particular...because animals can be interpreted broadly, so I would ask transporting animals be changed to a canine, or an aggressive canine. And also as I read through this Ordinance I see it almost as much animal welfare...restraint Ordinance, and I don’t think government needs to be dictating...conditions which people transport their dogs in or other animals on our city streets. He stated I’ve seen where an Ordinance like this can be construed broadly by certain parties to the detriment of agriculture and livestock producers, and I don’t think we need that sort of intervention in our private lives, and our private property. So for me to support this I’d ask that some major changes are made to this to a more narrowly defined what we’re looking at here.

Chief Mullins – I don’t think this is pertaining to livestock, and that we’re addressing cars, vans, RV’s, and pick-up trucks, and I believe

most livestock...I understand is probably trailered. And stated there is certainly...if Jay Rubin wanted to add...we also don't have anything that addresses the fines, and I don't know if that would be something that would be based currently what's in place with restraint.

City Attorney Rubin – If you don't have a specific fine set-forth... actually your regular penalty for...in Section 1-10. And stated what would be helpful is you might go into detail about the formation of this Ordinance, and that you received templates from other municipalities.

Captain Morgan – On some of your concerns about the State or the City getting too far into public life, and so that you are aware this is already a State Ordinance that makes it a felony for abuse of animals. And what we're trying to do is not go to that extreme if we don't have to, and that it gives us something to work with prior it getting to that distance. And I researched the information, and obtained information from Santa Fe, Rio Rancho, Albuquerque, and Las Cruces Ordinances, and stated this isn't so much of concern as far as the animals themselves acting aggressive...our concern is the restraint section to keep the animals from getting out of the truck, and end up with another situation where someone is seriously harmed or passes away because of it, and that the other section because of the cruelty part of it...the humane restraints and stuff, and like I said that is a stepping stone...it gives us more room to work with the public.

Commissioner Richter – Do you have any instances where a dog lunged out a window or a back of a pick-up, and got a hold of somebody?

Chief Mullins – That's where it started the complaints...we've actually had within the last 2-3 months...I say we've had about 7-8 complaints, and that the majority have been because the dogs have lunged, and they have not jumped out of the vehicle...but they have lunged out over the bed of the truck.

Commissioner Green – No questions.

Commissioner Whitehead – No questions.

Commissioner Green – I appreciate the pro-activeness that you have taken on this because I do believe that one of the roles of government is to try safe guard as best as possible...safety of the citizens...our 4-legged furry friends in this particular case the dogs, and I think if this prevents one incident from happening I don't see where you're taking away anyone's freedom or abusive of governmental rules and regulations...so I support this 100%, and maybe clarification of what the word animal means. Also there is a typo on the 2<sup>nd</sup> page where it says Ordinance #...the last line under C...it says any reasonable...I believe that should be **person**.

“Commissioner Green moved enactment of Proposed Ordinance for publication adding Section 3-98 – “Transporting Animals In Vehicles” to the Animal Control Ordinance.”

Seconded by Commissioner Whitehead.

City Attorney Rubin – Did you want to incorporate the change we talked about...changing the word animal to canines.

“Commissioner Green I’d like to re-word my motion – “Transporting **Canines In Vehicles**” to the Animal Control Ordinance.”

Seconded by Commissioner Whitehead.

Mayor Mulcahy – I’d like to mention the fact my personal consideration while this is an excellent public safety effort and could be a very valuable thing...I think it’s over reaching...it’s going too far with some of this stuff we’re asking people to do, and I think in some ways it may be a very difficult enforcement issue...having said that...is there any other discussion or debate.

Commissioner Green Voted Aye.  
Commissioner Torres Voted Aye.  
Commissioner Richter abstained.  
Commissioner Whitehead Voted No.  
Mayor Mulcahy Voted No.

Vote – 2 to 2 motion does not pass.

**PROPOSED ORDINANCE – AMENDMENT TO UNIFORM TRAFFIC ORDINANCE –**

City Attorney Rubin stated we have already adopted the Uniform Traffic Ordinance, and that once a year the NMML informs us that these are the changes that legislature made, and that they want us to incorporate these changes into our Ordinance. And want us to change Section 12-8-5 of our Uniform Traffic Ordinance to delete paragraph C, and stated it previously read...Whenever a usable path for bicycles has been provided adjacent to a street, bicycle riders shall use such bicycle path and shall not use the street.

“Commissioner Green moved for approval of Proposed Ordinance for publication the amendment to the UTO amended by revising Section 12-8-5 of the UTO and deleting paragraph C.”

Seconded by Commissioner Richter.  
Motion carried unanimously.

**PROPOSED ORDINANCE – RECOMMENDATION PUAB BOARD – RE; WATER & WW FEES –**

City Manager Fuentes stated the water and wastewater connection fees have been in effect since 1991, and that staff, and the Utility Advisory Board is recommending increasing the fees per the Proposed Ordinance, and went over the changes. (Complete copy available at the City Clerk’s Office.)

He stated these fees have been in effect since 1991, and at this time he had Mr. Dave Cook with the Water Department come before the Commission, and he stated the City is paying twice the amount of what the customer is, and that the customer pays \$305.00 for a ¾’ meter, and is costing the City \$600.00 for the material, and to install it, and is more when you include labor. And stated for the same size of meter in Las Cruces is \$5,000.00 when you include all

the fees, and that we're losing money we could be using for infrastructure in our City, and the Waste-Water Treatment Plant.

City Manager Fuentes stated other communities...for example Bosque Farms, NM for the same size meter is \$1,000.00, and their 2' meter is \$2,000.00 so comparing to other municipalities our fees are way down.

Commissioner Torres – They seem high to me, and asked how much building have we had this year...how many houses have we built this year?

Mr. Cook - Not many but we did install a meter for under \$3,000.00 for the new motel, and the plumber that did the job indicated it would have been over \$30,000 to do that same job in Las Cruces for a 3" meter.

Commissioner Green – The increases...is just the raw cost of material.

Mr. Cook – It's the material and the labor.

Commissioner Green – Is it our cost of labor, or is it profit on our cost of labor factored in here.

Mr. Cook – There is no profit figured in...none.

Commissioner Green – So we're basically covering costs...I thought that was going to be your answer, but I wanted the public to understand that we're not marking up labor.

Mayor Mulcahy – We're just covering costs...is that the correct statement?

Mr. Cook – Yes sir.

Commissioner Torres- We don't need to subsidize anything.

Commissioner Green – Why are we raising the price for an inch pipe only \$30.00...where we're raising the price for a ¾' which is smaller \$370.00...that's what I'm having a hard time understanding, and why is something that is bigger less of a cost than something that is smaller?

Mr. Cook – I'd have to look into it...but I believe because of the cost of the meter, and stated the price of ¾' meters went up much higher than what the 1" meter did, and I'm not certain if that's the total factor...but I can look into it and find out for you.

City Manager Fuentes stated we're recommending approval for publication of this Ordinance, and will come back with an answer for Commissioner Green.

Commissioner Green – Referred to the Holiday Inn Express, and that the representative was not aware of certain fees, and would like to suggest that when people come in for a building permit that we give them everything up front so there is no surprises later on... information they need to know so the process moves forward.

“Commissioner Green moved approval of the Proposed Ordinance for publication regarding Water & Wastewater Connection Fees for the City of Truth or Consequences.”

Seconded by Commissioner Whitehead.  
Motion carried unanimously.

**PROPOSED ORDINANCE – BOND ORDINANCE, LOAN AGREEMENT FOR REFUNDING 3 USDA LOANS –**

City Manager Fuentes stated on April 10<sup>th</sup> the City Commission authorized and approved a Resolution #29-11/12 authorizing City Staff to apply to NMFA to re-finance 3 Utility loan bonds...2 from the water system, and 1 from the wastewater system. At that time a representative was here to explain the program, and that you were provided with some documents which are standard documents, and one of the documents is an Ordinance allowing and authorizing staff to proceed with this loan for approximately 1.4 million dollars that will be used to pay off 3 USDA loans, and referred to the loan document it is set...the interest rate 3.32%, and stated they require a program reserve account of \$88,000, and if approved we will ask the representative from NMFA to be present, and that City Attorney Rubin maybe serving as our Counsel to keep our costs down of closing this loan.

Commissioner Richter – These are the USDA loans that we’re gonna re-finance with NMFA...is that correct?

Manager Fuentes – That is correct.

Commissioner Green – In one of these documents the one you just referred to on Exhibit “A” it talks about a blended interest rate of 3.32%, but then on another document under Exhibit “B” it talks about a rate on the loan of 3.2556%, and I know over a 20-year period that adds up to a few dollars of chunk change that I would like to have in the City coffers rather NMFA, so I’m wondering do we get a chance to pick from the lower interest rate since there seems to be two of them.

Manager Fuentes – And I do not have an answer for you, but we will certainly found out.

Commissioner Green – On the document that refers to the 3.32 the blended interest rate on the last page Exhibit “C”...just a typo on the next to the last line...complete the financing should be an i in there.

“Commissioner Green moved approval of the Proposed Ordinance for publication Bond Ordinance, Loan Agreement for refunding 3 USDA Loans.”

“Commissioner Green amended his motion to find out on the interest rate unless that is a typo, and the correct spelling of the word financing on the last document...last page.”

Seconded by Commissioner Whitehead.  
Motion carried unanimously.

**APPROVAL – CHANGE ORDER #2 FOR THE WATER**

## **STORAGE TANK REHABILITATION PROJECT -**

Jesus Salayandia with the Wastewater Treatment Plant came before the Commission, and explained for this change order we have to replace a 12” gate valve on the 3 million gallon tank, and that is the valve that feeds the tank itself. And stated we don’t really have to replace it, but next time we take it down we’ll have to work it.

He stated they will be cutting some coupons at the 200,000 gallon tank, and that they will be installing the new ladder in the inside of the tank itself, and re-locating it so it will be more accessible to the operators, and on the overflow they are going to cut 6” off the top so when the water gets up where it should be it won’t be hitting the rafters on the ceiling itself, and recommends that it gets done.

City Manager Fuentes stated there is sufficient funding left over on the grant loan for this change order, and as the project moves along there are issues that are popping up that require change orders.

Commissioner Green – Is there any warranty or guarantee...we’re talking about a lot of money here...for what they are doing that we would have legal re-course is that in the contract.

Mr. Salayandia – I think 2-years...at least 2-years.

Mayor Mulcahy – Is there any way we can avoid these unexpected hits...is there anything we could have done, or made in their obligation to do it, or to have avoided having this second change order.

Mr. Salayandia – The valve...the tank hadn’t been shut down in 30 some years. On the ladder if we would have known about it we would have done it back in 78.

Mayor Mulcahy – Would they have been able to figure this out when they gave us the original quote?

Manager Fuentes – No again like any project especially when you’re talking about rehabilitating the engineers did their best to review the tank, and gave an estimated recommendation to the City as what it would entail as far as the rehabilitation project, and for the floor nobody expected it to be that rusted out which required a \$300,000 change order, and these are other issues that as any project things that come out unexpectedly. And stated there are some issues they have brought to our attention that staff has recommended instead of asking the contractors to do it through change orders, and staff had decided we could do it for a lot less.

“Commissioner Richter moved approval of Change Order No. 2 for Water Storage Tank Rehabilitation Project.”

Seconded by Commissioner Green.  
Motion carried unanimously.

## **ADVISORY BOARD MEMBERS –**

City Manager Fuentes stated there will be several positions from the various Advisory Boards that will be coming up for re-appointment or appointment of new members, and we are asking the

Commissioners if they would like to proceed with the usual process that the City has followed, or would you like do something different.

City Clerk Penner stated what we do every year in May is we advertise for the appointments of the board members that will expire, and that we take them to the various boards asking for their recommendation of the appointments or re-appointments of anyone that has showed an interest to serve on these boards.

Clerk Penner stated they begin advertising in May with a deadline of June 16<sup>th</sup> to submit applications, and then bring the recommendations to the City Commission at your last meeting in June for them to consider the re-appointments or any new appointments.

Commissioner Green – Is it a typo or does the Recreation Advisory Board have 7 members, and every other board has 5.

Clerk Penner – I think that is correct...5 members, and two are City members.

Manager Fuentes – Section 2-356 does call for the board to be 7 members.

Mayor Mulcahy – I wonder if there is a possibility that we might form a sub-set of our body as a committee to take a look at the whole board thing and see...I don't know if we have enough time or the will to do that, and take a look at our boards because apparently in conversation with some of the people we have some parts that could be improved, and may not be working as well as they could. And put together a committee, and have them come back and present to the Commission some suggestions about how we might make this a little bit more inter-active with the Commission so we can act on things, and get a little more diversity on the boards...whatever the committee might consider.

Commissioner Green – A couple of things I'd like to see...term limits, and suggest that the ad that we have on the bulletin board at City Hall, and that we should list the various boards, and would like to open up the process.

Commissioner Torres – He agrees on term limits for some boards, and for some of the boards I don't agree, and I'm not for term limits.

“Mayor Mulcahy moved to proceed with the replacement and appointment of people on the Advisory Board Members as listed on our document on the agenda.”

Seconded by Commissioner Green.  
Motion carried unanimously.

“Mayor Mulcahy moved to form a sub-committee of members of this body, and would like to ask for those members to be on that committee, and advertise for at least 4 citizens to join this sub-committee to report to this body before the 30<sup>th</sup>.”

Commissioner Torres expressed interest to serve on the committee.

Commissioner Richter stated he did not.  
Commissioner Green stated he did.  
Commissioner Whitehead stated she did.  
Mayor Mulcahy stated he did.

Commissioner Green stated he would like to suggest if you feel this is appropriate I think this advisory board should not necessarily be open ended...we've got a task to do, and that we should set a time that we're gonna devote to do this so people know what they are signing up for.

"Mayor Mulcahy stated I'd like to amend my motion that the 4 Commissioners listed reach out to the public, and for a sub-committee to look at boards with a report before the end of July with a complete proposal before 90 days."

Seconded by Commissioner Green.  
Motion carried unanimously.

#### **CITY MANAGER –**

#### **REPORTS:**

City Manager Fuentes stated there was a donation for the Veterans Museum from Ms. Patricia J. Baker a resident of T or C passed away March 6, 2012, and in her Last Will & Testament she donated \$25,000 to the Veterans Memorial Museum, and stated the funds have been deposited in the Veterans Fund, and wanted to acknowledge that donation from Ms. Barker.

He stated the Fire Department has issued a restriction on all open burn within the city limits, and that they will lift the restriction when the weather conditions improve.

City Manager Fuentes stated he provided them with a conceptual plan now that the City is moving forward for the demolition of the Youth Center. And what we have discussed...from NM Main Street Organization of the State they are in full support of offering their services at no cost to the City in doing something with that site, and he included a proposed Park Plaza, and that it is not set in stone, and stated this is to begin the discussion with the Commissioners, public, staff or anybody on what they would like to see once that building is demolished. And eventually will have a recommendation from staff in regards to awarding of the demolition of the Youth Center.

**CITY ATTORNEY –** No report.

#### **COMMISSIONERS –**

Commissioner Torres – No report.

Commissioner Richter stated on the 8<sup>th</sup> & 9<sup>th</sup> I was a participate in a Tombstone Shovel Brigade, and stated the City of Tombstone, Arizona had a shortage of water a couple of years ago, and it destroyed a lot of the springs, and pipelines where they draw their water from. He stated they re-stored one spring...made the connection, and made a big rock dike to protect the diversion, and stated Tombstone is a small town and rely on the tourist rate, and rely on this water, and stated you don't think it can happen to your town...so anything is possible.

Commissioner Green stated he wanted to thank the Herald, and the Sentinel, and that the Commission as a body sent an e-mail to both papers talking about our workshop. And stated that the City will have a workshop on June 26<sup>th</sup> at 5:00 P. M, to start a discussion of branding and marketing our community, and that we would like to hear from the public.

And that he wanted to give you an explanation on why I voted against the agenda...I think...I understand limiting presentations... I find it absolutely of heart to limit discussions among City Commissioners to 10 minutes where we are dealing with matters of critical importance that affect individuals that affect our community, the future of our community, people coming into our community, and frankly for me I'm prepared to sit here until 10:30 at night because that is the legal limit that we can work our problems out. I think it is dangerous to try to squeeze everything into a 10 minute discussion, and then make a decision on what you're thinking for 10 minutes. I think it is a very bad road to go down, and that is why I voted against the agenda, and I will go on record saying I will vote against every agenda that limits the discussion of the City Commission. I understand the presenters, but not when we are dealing with matters that are critically important to the folks of this community that elected us to look out for their interests, and I don't think we should work on a clock... that's what we get paid for...that's why we ran...that's why we're here.

Mayor Mulcahy – I'd like to point out that we operate under the Rules of Roberts Rules of Order...is that correct?

Commissioner Green – Yes.

Mayor Mulcahy – There is every opportunity to limit discussion in Roberts Rule of Order so that the business of the city can move along in an orderly way, and in fact it limits debate on the single subject to only two occurrences without changing the topic. So we can enforce that and go down that road, but I do not want this public to have to sit here late at night if there is not a need to do that...I don't want to encourage that someone should not speak that's not it at all or ever, but there is a purpose to the Roberts Rule of Order, and that is to move the meeting along in an orderly constructive way.

Commissioner Whitehead – There is also an opportunity to...if we limit this, and we get into the discussion, and it's going to go longer than 10 minutes that we could cut in, and lengthen that time...it's just a procedure that we follow, and again like Commissioner Mulcahy said we are following the Roberts Rule of Order, and indicated she attended a Seminar Conference and Training with the NMML, and this is what we were advised and taught, and so again a lot of you may feel that we're taking away your time...but if we do find that it is important which everyone is important, and every topic is important, but if we allow everyone to get up here and talk for an hour...we'll be here until tomorrow afternoon, and again we will find the need, and we will see that, but we will try to make our meetings in a timely fashion where you as the public is not getting tired of us either.

Mayor Mulcahy reported on Youth Day, and he would like very much for the public to come and join us, and for the Commissioners to join us Saturday at 10:00 AM at Ralph Edwards Park to recognize our youth, and that we will have refreshments, and be volunteering that day to bring all the youth to the Park, and to demonstrate that they do matter to us as City Staff.

And I would like to ask staff to take a look at a Moratorium Ordinance and draft something...not for any action tonight but at a future meeting the resource of our hot springs to me are very important...critically important to the success of this City.

PUBLIC  
COMMENT:

Mr. Audon Trujillo came before the Commission in regards to the swimming pool, and would like that the Commissioners go to the pool, and try to change at the same time regarding the need for various necessities in the changing area.

And spoke about the Citizens Advisory Committee that the Commission is looking to form.

Mr. Ron Fenn came before the Commission, and stated he is happy to see that Main Street is being populated with new businesses.

He also mentioned parking in the downtown area on Main Street going up Foch Street regarding visibility.

Mr. Howie Tucker came before the Commission, and stated the Golf Course Advisory Board has requested information on the budget for this year, and the status of the RFP. And wanted to mention what the Golf Course does for the youth. And also commented on Public Comment being at the end of the agenda.

RESPONSE TO  
PUBLIC  
COMMENT:

Mayor Mulcahy stated he would like to respond to Mr. Fenn's comment from last meeting regarding...freeze utility rates, and that he understands that all of us would like to do that, but I think it is unreasonable to expect the City to freeze utility rates because that would limit our ability to respond to any kind of cost changes, or cost structure issues, and if we did we'd have to change the format of the application of utilities so we wouldn't be able to provide the same utilities if ran into a cost structure situation...I don't know any City that has done this, but what would happen we would have to limit service, and does not think it is practicable at all.

City Manager Fuentes stated at the last meeting, and that he also received a note from Mr. Schroeder, and his question was...he feels he is not using the solid waste service so why should he have to pay for that service, and he did point out to Mr. Schroeder that under Section 11-10 of the City Code for solid waste disposal it does state that every person, owning, operating or controlling any house residence shall...and so forth is required to have solid waste service, and stated the system that we use with dumpsters it would be a bad precedent to have some customers not on that service, and others are because as we have been experiencing people drive by these dumpsters, and dump their solid waste...and we still have to provide that service, and stated that is one of the reasons, and tried to explain to Mr. Schroeder that is the reason he is being charged for solid waste service...it is part of the City Code, and is required.

And in regards to Ms. Sophia Peron about the Holiday Inn Express,

and stated they are under a payment option plan that allows them to pay the impact fees on a 24-month period, and stated they have made their first payment, and that the next payment is due in December of this year, and then June 30<sup>th</sup> of 2013, and December 31<sup>st</sup> of 2013, and stated that is in the City Code that allows for them to pay it within a 24-month period.

Manager Fuentes stated that Mr. Audon Trujillo questioned the City’s proposed FY 2013 budget, and asked where the funding for the swimming pool cover is, and it is included in the Recreation Fund under...both the revenue line item 17352, and is also included under the expenditure capital outlay line item 1703840, and that it is identified with the balance of \$248,000 originally the budget for that project was at \$300,000, and it is included in next year’s budget.

“Mayor Mulcahy moved that the meeting be closed for Executive Session pertaining to 1. Personnel 10-15-1H(2), a) Police Department.”

EXECUTIVE  
SESSION:

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.

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

OPEN MEETING:

“Commissioner Green certified that only matters pertaining to 1. Personnel 10-15-1H(2) a) Police Department was discussed in Executive Session, presentation/discussion incurred, but no vote was taken”

CERTIFICATION  
:

Seconded by Commissioner Torres.  
Motion carried unanimously.

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

ADJOURNMENT:

PASSES AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2012 on motion duly made by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and carried.

APPROVAL:

\_\_\_\_\_  
JOHN A. MULCAHY  
MAYOR

ATTEST:

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MARY PENNER  
CITY CLERK