

CITY COMMISSION  
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO  
Tuesday, June 26, 2012

WORKSESSION

Minutes

TIME & PLACE: The Truth or Consequences City Commission will hold a Work Session on Tuesday, June 26, 2012 at 5:00 P. M., in the City Commission Chambers, 405 W. Third, Truth or Consequences, New Mexico.

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

- a. Branding & Marketing T or C

Commissioner Green stated they are looking for ideas and input, and indicated that T or C awards lodgers tax to non-profit organizations, and they advertise events, or put up billboards, or run ads specifically for their event...but besides events what do we do about the other 340 days a year which we're not marketing, and the City is open for business.

He stated branding and marketing is one thing, but if you don't have code enforcement, and hospitality training it might be money thrown out the window. And that he wants to determine in what separates us from every other community, and we want to separate ourselves from everyone else...we want to stand out, and we want to hear from you what you think are main asset or assets are, and what direction you would like to see us and the Commission, and hopefully be able to move forward for an RFP for a PR and/or marketing firm that specializes in working with municipalities to create a tourist destination...a marketing campaign...not for a day, week, month or year...not one billboard but a campaign including all the assets, and the tools that are at our disposal working with the City at their disposal to market this which will create GRT, and give us more exposure, and help us build our population.

At this time the Mayor asked people who wanted to speak about branding or marketing our community.

Ms. Susan Richardson came before the Commission, and stated they moved here from Oakland because of the small community, the spas, and an active arts community, but since they have come here there have been some drawbacks in regards to public events that she has attended have been poorly executed, shabby, and not done to a good quality. And the shabby appearance of the streets. Another issue mentioned is the visitors at the lake not coming in to patronize the restaurants, or to shop...and that it is a ghost town after 5 o'clock, and stated the only thing happening at 5 o'clock in the downtown area is Groovy Gritz.

She stated our biggest asset we have is that we are a spa community, and that is what makes us different from Hatch...we have hot springs some of the best mineral water in the United States, and that we should really be promoting that, and give the

community a facelift.

Mr. Foerstner came before the Commission, and that he has some ideas of his own about this, and wanted to focus on it so if you are going to have a volunteer group...I volunteer.

He stated they started Geronimo Days, and tripled the membership in the Historical Society. And provided them a copy of the first Visitor's Guide, and stated this guide was sponsored by businesses who purchased ads, and with this proposal, and my idea is just to have fun with this...and what it's called...is The Name Change Game, and it's about having fun with it, and voting on having a name change or not...not that we're gonna change our name or choose a name to change it to...but just whether we should or not... he stated our community received world-wide publicity with the name change that we did way back when, and I'm saying if we do this right we could get that kind of publicity, and more once again...so briefly that's what this is about, and thinks we need to do something that is in our tradition with this project.

Commissioner Green...Lee and I think I know the answer...give me 3 of the major assets that if you had x, y, z # of dollars in your check book, and you were the Mayor...the manager of T or C, and you wanted to start a marketing campaign what are the 3 assets that you would like us to promote.

Mr. Foerstner – I believe that our downtown is absolutely precious along with the spas...along with the other draws which are the art the fine food...everything is going together. And our challenges to get people down on the ground, and get them involved, and what I see with this plan is we can get the community involved, and that nothing gets people worked up more than if you bring up the name change, and my idea...we can vote, and keep track of it throughout the year, and stated we have our festive roots, and I would like to go back to that, and just have fun with something...something that could involve our entire town getting into it as well as people participating from around the State, and really all over the world. And I think our greatest asset is our unusual name...it always has been, and that is where we always got our positive publicity.

Mayor Mulcahy – Commissioner Green you said shopping is a big deal...if that's true how do we comprehend that we're closed after 4 o'clock downtown.

Commissioner Green – There are some stores that do stay open after 4 o'clock, and those are the stores that should be listed in the brochure, and be available at every spa, lodging, and restaurant so people can pick-up night life or downtown T or C...this store is open 7-days a week, and have a map in the brochure...the stores that are open...the spas that are open...the Art Galleries that are open, and I think one of our problems is the rent it too cheap downtown.

Mr. Greg Neal came before the Commission, and stated I think a rare opportunity that we have is to be a hub...a destination but yet a hub for South Central NM, and have people stay here, and take day trips to all these other locations such as the Gila, Las Cruces, Alamogordo, Magdalena, and Arrey, and to get people to stay 4-5 days, and look for other things to do.

Commissioner Green – Point well taken Mr. Neal, and stated there are two products that the Sierra County Tourism Board...the way we view this that there is a few gate ways to come into Sierra County...one is the lake...one is T or C coming over the mountain, and indicated Sierra County Tourism Board has produced a product called Day Trips of Sierra County, and also have a product called the 5-day journey.

Ms. Rose Garreston came before the Commission, and thinks a good idea would be to encourage a coalition of volunteers who are community people to start a positive campaign letter writing to the press on Facebook, Twitter to talk about some of the assets that you've just mentioned. And stated if we can elevate the positive voices...I'm not saying take away anyone's voice, but I'm saying...let's accentuate the positive as the old song goes, and would be willing to help in that effort, and I imagine there would be other community people who might be willing to do the same.

Mayor Mulcahy introduced Ms. Dianne Preisser, Director of Sierra County Tourism, and came before the Commission, and stated she is very proud of the Tourism Board, and that they work really hard, and that she is working very, very hard, and indicated we are already doing all these things, and working with the Tourism Department in Santa Fe. And people need to start looking at their web-site, and if they want to market the City you need to push that web-site, and that it has just about everything, and we need to promote, and market that site.

She stated obviously we need billboards...and that is the first thing I said when I came to this town and got this job, and agrees with every single issue that these people have mentioned, and stated we've been working on the Tourism Board and brought up all these issues, and thinks if they could work more as a community, and get more people involved.

Commissioner Green stated the commitment that the community has to make is...if they realize that some of the things they want the City can only give them if we increase our GRT...and we don't have to build anything just clean-up, enforce our codes, train our people to get them to stay open, spruce up the town, and make it an enjoyable way to spend your money in our County, and in our town.

Mayor Mulcahy stated all the marketing in the world isn't going to make people come here if this is not the place that we make it to be.

At this time Ms. Preisser showed the power point presentation, and stated this presentation is about billboards...the availability, and rates North and South bound on I-25 from Socorro down, and from Las Cruces up, and provided them a handout, and that the handout includes information on all the panels, and that most of these are Newman Outdoor...and only looked at right reads, and didn't look at cross read's...so they are on the right side of the Interstate, and most of the availability is with this company, and the only company available up North is a company called Sun Vista.

She explained the panel locations, lease options, and poster panels, and also about the amount of daily traffic for the different areas,

and she spoke to a local sign company if you decide to put up a billboard closer to the City.

Mayor Mulcahy – So we have one headed South that's in Socorro which wouldn't hurt my feelings because they have one for their City right in our back yard.

Ms. Preisser – Right...I think it's a good location.

Mayor Mulcahy – We're the only ones that don't have billboards on I-25 based on my ride up and down. And there are 5,500 hundred people or 5,500 cars.

Ms. Preisser- Cars...They have no way of knowing the count... that's an approximate. They have no way of counting that.

Mayor Mulcahy – Okay...Commissioners where are we going to get 5,500 people looking at something every-day about our community. Evidently the other communities up and down have figured this out...It's \$800.00 a month plus \$2,000.00 for production for the both, and then we have to find a way to design and figure that out...right.

Ms. Preisser – Right.

Mayor Mulcahy - I'd like to suggest...we have Kim Skinner here... If I may...she is our President of the Tourism Board, and asked that she come up and answer a couple of questions.

Ms. Kim Skinner came before the Commission, and stated she is Chairman of the Tourism Board and Chairman for 6 years, and that she is also on the Board of Directors for the NM Tourism Department, and also on the Tourism Departments Region 2, and the Chairperson for the Region 2 SW Region.

Mayor Mulcahy – Are you capable of designing this for us?

Ms. Skinner – I think we did do a great double sign with Sun Vista a couple of years ago for about three years, and our board worked together, and I think we did an excellent sign, an obviously we'll use local talent, and that Mo does an excellent job, and we also use a lot of his information on different magazines that we place ads... as well as Trip Advisor, and Eye Brochures, and we try to use as much local talent as we can...so I don't think that's an issue.

Commissioner Richter – There is a lot of deeded land up and down I-25...is there anything prohibiting us from entering into agreements with private land owners...putting up a sign...we have a sign company here in town...is there a possibility.

Ms. Preisser – It is...a cost of putting up the structure.

Ms. Bolling – Have you thought about doing more than one?

Ms. Skinner – Dianne did contact Lamar, Clear Channel, and some other folks out of Roswell, and unfortunately there are lots of signs...but they are left hand read.

Commissioner Green – We have discussed also...the City owns

land along I-25 on the right hand read, and we're looking at the possibility thinking about it...of yes if the message is a good one time...it's better two times...it's better three times. And you're 3 miles away...you're in hot springs country...whatever it might be, Exit-79 or Exit-75 depending upon where our customers are coming from we can use City land build a billboard...and then it's free after that.

Ms. Skinner – I think that is something you all should consider doing, and would suggest you have something up in Socorro, and something down in Dona Ana.

Mr. Foerstner – Whatever you do...fewer words don't clutter it up with a bunch of stuff, and get people's attention...because most billboards are absolute failures.

Mr. Ron Fenn – I think it's not money well spent on I-25 for signage because those people are captive because they have to go through Truth or Consequences, and really questions those traffic numbers.

Commissioner Green thanked all the participants.

CITY COMMISSION  
CITY OF TRUTH OR CONSEQUENCES  
Tuesday, June 26, 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 26, 2012 at 6:04 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

Absent was:

- Hon. Freddie Torres, Commissioner

Mayor Mulcahy reported that Commissioner Torres had a cardiac event and was flown to the hospital, and asked for fifteen seconds of Silent Meditation.

Also Present:

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

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

CEREMONY: Mayor Mulcahy called for the Pledge of Allegiance with Commissioner Richter leading the Pledge of Allegiance.

Mayor Mulcahy called for approval of the Agenda.

APPROVAL OF AGENDA: “Mayor Mulcahy moved the acceptance of the Agenda, and asked the Commission if there is no objection to call the meeting at 8:30 to see where we are at to see how much progress we’ve made, and if we not very far from the agenda I’d like to take a look at the Agenda that follow.”

Seconded by Commissioner Richter.

Commissioner Green stated I am gonna take the same stand I took at the last City Commission meeting. We are here to do the business of the City...this is a City business meeting that door swings both ways for the public as well as the City Commissioners...this is not a jail...it is not a prison. I understand the Chair and Mayor Pro-tem two weeks ago trying to limit presentation time...I think it’s absolutely abhorrent that we would want to limit the discussion on items that affect 7,300 people in this town, and restrict it where we did two weeks ago to 10 minutes where we would have been better off resigning, and going up to that microphone where we were given 3 minutes as public comment that would have given 15 minutes rather than 10. I refuse to vote for an Agenda that is going to short change the public...we should stay here...our rules state that we can stay until 10:30 at night...we have business to do...let us do the business of the citizens. If a Commissioner or a Commissioners don’t want to do that there are options for them to take, and probably people in the community who want to serve, and want to sit here, and want to do the business that we are tasked to do. And I’m quite really sure where this is coming from, but I think it’s a bad road to go down. I took a look at Roberts Rules of Order, and if you take a look under discussion...it is not 10 minutes per item in all due respect...I think that the gentleman or the woman that made the presentation at your training misspoke...it is 10 minutes per speaker...that’s 50 minutes per item, and yes you can only speak twice, and the second time everyone else has to go around, and we do abide by Roberts Rules of Order...I’m not concerned that we’re running late...I don’t think...I don’t want this City Commission for the next two years to be judged by how many people show up to view, and participate in our meetings...they will come when there is an emotional issue...an intellectual issue...a financial issue or they are interested in how the City of T or C works...I would much rather be judged on what we accomplish, and what plans we set in motion then how many people come in here and watch us. That’s my point.

Mayor Mulcahy – For my point Commissioner I don’t think we’ve short changed any of the items on the Agenda. I think it’s important that we address everything on the Agenda, and we do

that in order...there have been constituents that have come to me and said...you know we really can't stay there all night...we want to be involved...we want to participate. I don't think there is any reason to think that we can't go further than 8:30 tonight...I'm certainly simply asking...I think Commissioner Whitehead the last time said that even though we may have a parliamentary rule to leave it to discussion and presentation...there is certainly no obligation to keep from making a motion to extend the time...both at 8:30...and any part of the meeting...so I offer that as well.

Commissioners Mulcahy, Richter, Whitehead  
Voted – Aye  
Commissioner Green, Voted – Nay.  
Motion carried.

COMMENTS  
FROM THE  
PUBLIC: (On  
Agenda Items)

Mr. Ron Fenn came before the Commission, and referred to the item under Executive Session, re: Riverbend Hot Springs Property Proposal. And would like to mention to the Commission in case you are not aware that over the past 12 years that I've been here there has been a great deal of building, and work that has been done at the Riverbend, and if you would check the building permits from the City...you will find there are virtually none.

Mr. George Bolling came before the Commission, and stated he has an interest in the swimming pool, and the cover of the swimming pool. And talked about the shower, and parking.

Sue & Diane came before the Commission, and their comment was they are here to make sure the City does not raise rates for seniors and children to use the pool, and indicated they could find the funding elsewhere, and also mentioned that the pool is part of a healthy community.

Ms. Millie McLeod came before the Commission, and stated the swimming pool in T or C is a great community asset, and that the pool is utilized by various individuals. And stated that the City should keep funding the pool as a community benefit.

Mr. George Szgetti came before the Commission in regards to the hot springs, and stated his background is in geological engineering, and that he undertook some research to look into the history, geology of our hot springs area. He stated all aquifers are fragile systems, and can be severely damaged by over pumping, and that we have to be very careful that we don't over utilize this system.

CONSENT  
CALENDAR:

Mayor Mulcahy stated there are several items on the Consent Calendar, City Commission Minutes – Budget Workshop – 5/10/12, – Regular – 5/22/12, Special – 5/31/12, DAIC Monthly Report – May 2012, Golf Course Minutes – 5/9/12 & 6/13/12, Airport Advisory Board Minutes – 6/6/12.

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

Seconded by Commissioner Richter.  
Motion carried unanimously.

UNFINISHED  
BUSINESS:

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

Commissioner Green stated he would like to suggest that since these pool fees are basically **not** being increased, and suggest that we postpone this, and take into consideration the e-mail that we all received, and discuss some of these interesting suggestions, and possibilities which I think would make the public very happy.

City Manager Fuentes stated the Resolution before you, and these fees are **not** changing, and the fees have been imposed since 2007. And stated there is one change in the Resolution, and that is item #3, and at our last meeting we heard a couple of comments about imposing a fee for those who may have been used to a low or reduced fee or no fee at all, and that this would allow the City Manager at his discretion to review each case by case, and maybe make a determination whether to continue the existing agreement whether it's written or verbal during this season, and in hopes of transitioning an equitable across the board fee that would apply these users, and the Resolution before you would allow for that, and stated he did receive that e-mail just right before the meeting, and have not had an opportunity to review it.

Mayor Mulcahy stated he also received the e-mail, and I as a member of this legislative body would like to rest with the City Manager's recommendation to take our fees, and establish them going forward the way it was described in this Proposed Resolution.

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

Seconded by Commissioner Richter.

Commissioner Green stated one of the things this Commission is trying to do is to invite the public to join in a partnership with the governing body of the City to make the City better for everyone, and not take this e-mail, and not give it any credence what so ever, and since the prices are not being increased I don't see any harm in postponing this, and have the person who sent the e-mail present for questions, and why that person has come up with this idea.

“Mayor Mulcahy moved to amend his motion to lower the 30-day fees, and accept the Resolution as it's stated, and ask if the Commissioners would accept an amendment to the motion...to allow a \$10.00 reduction for each category for the 30-day fees for all users by \$10.00 across the board.”

Seconded by Commissioner Whitehead.

“Commissioner Green – I find myself between a rock and a hard place...obviously I'm gonna vote to reduce the fees, however since we are changing the motion...I would like to add that we accept this document with the new pricing structure...and I applaud you for that, but that we **do not** put this to rest...that we take a look at the information...the suggestions that were offered to us unsolicited by this individual, and re-visit this in the very near future. And would like to see the motion amended that your 30 dollars for a 30-day pass, but also that we will re-visit this at our next meeting, and

bring the writer of those suggestions, and ask that...that person be here for questions that we might want to follow those suggestions.”

Mayor Mulcahy stated the motion was to accept Resolution #38-11/12 with two amendments...one is to change the 30-day user fees across the board by \$10.00, and the second amendment is to bring this back up for discussion for our next meeting.

“Mayor Mulcahy stated we have an amended motion to accept Resolution #38-11/12 with the user fees reduced by \$10.00. And do not have a second for the second amendment.

Motion carried unanimously.

PUBLIC  
HEARING:

**NM VETERANS HOME EXPANSION PROJECT –**

City Manager Fuentes stated we have representatives here, and will turn it over to them for their presentation.

Mr. Martin Goetz with Souder, Miller & Associates came before the Commission, and that he conducted an Environmental Assessment for the proposed NM State Home Alzheimer’s & Advanced Nursing Facility. And stated they will have a question, and comment session after the presentation, and that a copy of this Assessment will be available at City Hall for review by the public for comments, and that any comments or questions here tonight we will incorporate into the final copy of the document.

He explained the general description of the project is the construction of this Alzheimer’s & Advanced Nursing Facility next to the existing NM Veterans’ Home, and stated 4 options were considered, and that the first one was no action at all, second was construction of new facilities NW of the existing facilities, third was renovating the existing facilities, and not building any new facilities, and the fourth was constructing new facilities South of the existing buildings.

Mr. Goetz stated after those alternatives were considered the Draft Environmental Assessment was completed for the project area, and we assessed hospital and environmental impacts, and that the project may have on the site of construction. And the need for this project is the improvements will address the need to accommodate and increase capacity to serve NM Veterans with Alzheimer’s, and other specialized nursing needs, and the projective for the project was to improve standard of care for NM Veterans by modernizing the existing facilities, building new advanced facilities, and increasing overall (inaudible) population.

He stated the selective alternative to complete all those goals was the construction of the facilities NW of the existing facilities, and the (inaudible) locations (inaudible) but it is off of Broadway next to the existing Veterans Home just South of the main part of town, and in doing an Environmental Assessment we also consulted with of number of government agencies, local, State and Federal, and we looked at land use whether or not there is farm lands, flood plains, wet lands, biological resources, water quality issues...obviously we don’t have coastal resources, socio-economic/environmental justice issues, air quality, transportation, archaeological, cultural, and historic resources, and various other resources that we found.

Mr. Goetz stated the conclusion of our Environmental Assessment there was one environmental consequence that came up during the assessments...and that is (inaudible) be consulted during this process...and if you notice when I didn't mention before who else we consulted a lot of Native American Tribes who have interest in this area...but the one Native response to this project is historic preservation division, and the historic preservation division came to play because the Veterans Hospital sits on the Carrie Tingley National Historic District, and so the building will be affecting that property...it's affecting the integrity of the properties design landscape and setting, feeling the association of the district by introducing a new building, and when they came in with that statement we started making changes toward the project.

And showed the picture of the building of Carrie Tingley in 1938, and the area of the main building would be built upon is to the left, and constructed on those terraces to the left of the picture...noted to mitigate the adverse-effects of the construction ASA Architects and the Property Control Division in New Mexico are in the process of completing an MOA with the (inaudible) Council on Historic Preservation...and part of the things they are doing to mitigate is the existing facilities will undergo historic structural inventory, and a cultural landscape survey will be completed for the historic district.

He stated the new facilities are designed to blend in architecturally with the surrounding existing buildings to lesser the visual impact, and the new facilities are placed in such array as to reduce physical impact to existing historic landscapes design, and existing historic trees, and indicated this is an overall view of the historic district... the existing structures are in blue...kinda to the left side, and the proposed new building is in red, and in order to kinda quantify the visual impact ASA Architects have done some rendering's. And stated what we're trying to do is match the architectural of the new building with the existing one, and showed different views of the proposed buildings.

Mr. Goetz stated an effort was made in using the terraces that exist now...that building on the back of the building is a two-story building...so the building instead of being built up higher of the landscape we're actually using the existing landscape that is there now to build the building up...flatten then come lower, and that lessens the visual impact of the historic district.

Ms. Coleen Boyd with ASA Architects stated this process was required because this project is partially funded by the VA, and partially funded by NM State...so as part of the process through the VA it was a requirement for us to fulfill this Environmental Assessment report. And it just so happens as many of you probably know Carrie Tingley Hospital is on the National Historic Registry, so as part of that process not only did Martin have to inform all of the people on that list, and that one of the departments was State Historic Preservation Division for the State of NM, and indicated it is their job to make sure we are treating the site sensitively, and that whatever is built there is appropriate, and it's not distracting from the existing historic structure.

She stated in addition to the structure the landscape there is very

impressive...so it was our intention when we designed this facility...it was to minimally impact that landscape, and also to design a new facility that was conducive, and stated it didn't look exactly like the existing facility...but it blends harmoniously with the existing facility. And so when the State Historic Preservation folks took a look at it...my definition...anytime you build on a historic piece of property it's very hard for them to give you... because of the fact that we were just building there...their determination was it was creating an adverse-effect on the views, so not only were they concerned about the views when you came into the property which we were trying to demonstrate that we were trying to be very sensitive...they also have concern about when people step out of the existing facility what will those views that are there currently be affected. Bottom line is the answer is yes. Again we tried to address this very sensitively despite the fact that it is almost a 15-acre parcel...there is really only one place for this new facility to be built. And stated the beauty of it was the fact that's the area that we wanted to build it...it's currently terraced... it's all desert scrub...it's not removing a whole lot of the pastoral landscape, and therefore the footprints of the building could be minimized because we didn't have to build...it out over a single story...so we could take advantage of the fact that the topography was already sloped a little bit in that location, and so by definition that had to issue this adverse-effect in turn the State now needs to take some mitigating measures in order to satisfy that, and as part of that this public hearing is the reason we're here.

Ms. Carole Wheeler stated she has been thinking all along one of the most wonderful things we could do to get people to T or C is build our own VA Hospital...so is this just an addition to the existing facility as it is...is the hospital expanding its services?

Ms. Lori Montgomery Administrator of the NM State Veterans Home stated this is merely an expansion of the services that the Veterans Home currently provides. And stated we have looked in the past about having a clinic or a VA Hospital here, and unfortunately there is not a population base that would support that, so this particular project has 30 Alzheimer's beds as well as 20 skilled-nursing beds in this Phase 1.

Ms. Susan Richardson – How many new jobs would this provide for the community...with 39 new beds do you anticipate that would bring visitor's, relatives...people that would come to see their family member who is there...another words is the economic impact to our community going to be really positive with this change?

Ms. Montgomery – I can say that the economic impact to the community is about 24 million dollars so this is a huge project that we're bringing to the entire County...it will provide jobs for many, many individuals over the next couple of years because it will take that long to complete as well as adding additional jobs for the workers at the Veterans Home. I can't tell you exactly how many numbers that will be...that's in determination from the State Department of Health, so as we go forward, and we see the needs increase we will increase the staffing as well.

She stated I know there are some individuals that have prepared some comments if I could call upon those individuals to make their

comments or their presentations because we made some contact as well from the Veterans Home to make sure that we are going forward the way the community want us to.

Ms. Laura Millhoun came before the Commission, and provided a brochure to the Commissioners, and she would like you to be aware that I am the Ombudsman...I am a volunteer...I advocate for the residents. And stated this building is absolutely necessary, and that Carrie Tingley Hospital was built for children, and the rooms at the Veterans Home are small.

Mr. Gary Montoya came before the Commission, and stated his mom is currently in Unit C in the NM State Veterans Home, and he indicated she has Alzheimer's, and knows what is going on, and that there is few limitations in the facility...although it is outstanding for what they have to work with, and expressed how much this new proposed facility could offer more.

Mr. Cary "Jagger" Gustin came before the Commission, and stated he is speaking on behalf of the Sierra County Historical Society, and that they would like to endorse the expansion plan of the NM State Veterans Home.

Commissioner Green...Madam Mayor...Mr. Montoya used the words...**fight for this**...is there a possibility that this would not happen?

Ms. Montgomery stated any project like this when you experience an adverse-effect placed on the property, or on the project that you run the risk of it either being stalled to a point where the funding goes away, or something else happens, so I don't want to say that this is going to stop the project...but it could possibly have the ability to do so...and my concern is that we've been holding the State money since 2008 for this project, and so we're trying to go forward as quickly as possible, and now with the adverse-effect on the State Historical Preservation Organization we may run the risk of going yet another fiscal year which then we have to go back to the State, and explain to them why we haven't spent their money yet...again, and as we all know the State does not like to hear that...so I fight very hard for it every year, but there is always a possibility.

Commissioner Green – Is there something that the Commission can do and the citizens can do to push this cause, and help this cause... just tell us what to do.

Ms. Montgomery – I think doing this...this public hearing, and getting the positive comments from the community, and stated if the community can write letters of support for the project that would say yes we understand that there is a small adverse-effect on the pastoral landscapes of the project...but the existing building that is the main focus of the Historic Grant is not being touched, so I think if everybody could look at that...that we're not touching the existing building...the Carrie Tingley Crippled Children's Hospital, but using some of the land that will block some of the pastoral landscapes...like Mr. Montoya said...approximately 6% of that, and we could show support so that the State Historic Preservation can look to the community and say...okay you understand but you're still willing to go forward with it.

She stated the letters of support that I received from the Senators and the Representatives...I have in my binder with the grant application...so to me those letters of support can be important to me if I'm going forward...because there is a Phase 2 Plan...so this is part 1...so any of those support letters that I can receive that I can place with this project is very helpful to the project.

Mayor Mulcahy – So if there is no objection I'd like to direct the City Manager to draft a letter from this legislative body directly to the administrator for her file.

Mr. Goetz stated that you can also send them to me.

Mr. Brad Isaacson, Project Manager from Property Control Division with the State of NM, and that Property Control Division is a division of the General Services Department, and if anybody wants to call me...and that we're the owners of the building, and that Property Control Division represents the State of NM, and that this becomes a building that we operate and own...we don't operate but we own all these State buildings, and anyone can contact me, but Lori is the best person to contact.

The Public Hearing was closed.

**FINAL ADOPTION – ORDINANCE #8-119 – AMENDED BY ADDING PARAGRAPH (d) –PROVIDING CHEMICAL TESTING FEES –**

City Attorney Rubin stated there is a State Statute that states if a person is convicted of a violation of the provisions of the Controlled Substance Act then we are required as a municipality to assess a \$75.00 fee in addition to all other fines, and fees to defray the cost of chemical, and other analysis tested.

Mayor Mulcahy asked of the public if there was any comment on this particular Ordinance, and no comments were received.

“Commissioner Green moved approval of Ordinance #8-119.”

Seconded by Commissioner Whitehead.

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

NEW BUSINESS:

Motion carried unanimously.

**APPOINTMENTS/RE-APPOINTMENTS TO PUBLIC UTILITY ADVISORY BOARD –**

City Manager Fuentes stated pursuant to City Code the Public Utility Advisory Board is to serve up until June 30<sup>th</sup>, and you were provided with letters from the Public Utility Advisory Board, and one of the recommendations is recommending the appointment of George Szigeti, and that they have an additional recommendation for the re-appointments of members currently serving...Bill Jacka, Mike Potia, and Alvin Siffring for another term.

“Mayor Mulcahy moved the approval of the appointments of both the existing Public Utility Board members as mentioned, and the appointment of Mr. George Szigeti to the Public Utility Advisory Board”

Seconded by Commissioner Green.  
Motion carried unanimously.

#### **APPROVAL OF LEASE PURCHASE AGREEMENT BETWEEN CITY & AUSTIN TURF & TRACTOR –**

City Manager Fuentes stated since 2008 the City entered into a golf management agreement with Mr. Howie Tucker and that part of the agreement included the City setting aside some funding for water line maintenance...\$30,000.00, \$25,000 for equipment maintenance, and the lease purchase. He stated the City entered into 3 lease purchase agreements back in 2008 for golf carts...2 mowers, and some other equipment, and stated all 3 leases have ended, and two of those leases were under lease/purchase options... the golf carts was one of them, and stated the City owns those golf carts, and the other lease was a mower, and there was one mower which I believe is the fairway mower that was not on a lease option agreement, and with that agreement expiring the recommendation is to renew a lease with Austin Turf who has been providing a good service to the City, and for another fairway mower payments of \$937.22 for 48-months, and stated this is a lease option agreement which at the end of the lease the City will buy for \$1.00.

He stated all other equipment is owned under the current FY-13 budget under the lodgers tax...there is funding set aside for this lease payment.

Commissioner Richter – Is this a new unit?

City Manager – Yes.

Commissioner Green – Of the \$44,986.00 what we were spending over 4 years...do we know how much of that is interest, and do we know if we didn't lease it but bought it out right how much it would cost us, and what would be the savings...if it made financial sense for the City to buy it out right.

City Manager Fuentes – We do not have a comparison on out-right purchase, and the total price is \$41,000 for that unit, and we did not inquire about an out-right purchase, and stated we do not see a need for that since we currently do not have the funding available to right out purchase it, and that all we have is the money set aside that is budgeted every year under the lodgers tax for a lease payment.

Commissioner Green – Referred to page 2...**All documents must be completed and returned by June 7, 2012 to preserve your pricing structure.** Are we still good with this price?

City Manager Fuentes – Yes, and stated they are aware that this is before the Commission for consideration.

“Commissioner Green moved approval of the Lease Purchase

Agreement between the City and Austin Turf & Tractor for the Fairway mower.”

Seconded by Commissioner Whitehead.  
Motion carried unanimously.

**CHANGE ORDER #3 – WATER STORAGE TANK REHABILITATION PROJECT –**

Ms. Karen Jacobsen with WHPacific came before the Commission, and stated before you is a change order in the amount of \$26,000 plus with/out tax...\$28,188.06 with tax for piping for the 3 million gallon tank. She stated the piping is as old as the tank, and needs to be replaced.

City Manager Fuentes stated part of the project that we’re rehabbing the tank, and this piping is in need of repair, and stated if we don’t fix it may affect our warranty that is currently being done.

“Commissioner Richter moved approval of Change Order #3 for the Water Storage Tank Rehabilitation Project.”

Seconded by Commissioner Green.  
Motion carried unanimously.

**RESOLUTION #40-11/12 – BUDGET ADJUSTMENTS –**

City Manager Fuentes stated this is the final items for our budget for the end of the fiscal year, and explained the proposed budget adjustments. (Complete copy attached hereto and made a part hereof.)

“Commissioner Green moved approval FYE-12 Budget Adjustment Resolution #40-11/12.”

Seconded by Commissioner Whitehead.

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

Motion carried unanimously.

**ATTORNEY CONTRACTS – FY 12/13 FOR MUNICIPAL COURT –**

City Attorney Rubin stated before you are the proposed contracts for Public Defenders that we use at the Municipal Court, and indicated these are the same contracts we utilize every year.

And stated it describes the Time of Performance, Scope of Work, and the difference is an increase in the contract amount from \$500.00 per case to \$650.00 per case.

“Commissioner Green moved approval FY-12/13 for the Municipal Court the contracts for Attorney, Isabel Jerabek, and Steven Karl

Kortemeier.”

Seconded by Commissioner Whitehead.  
Motion carried unanimously.

“Commissioner Green moved approval FY-12/13 for the Municipal Court the contracts for Attorney, Isabel Jerabek, and Steven Karl Kortemeier for the fees of \$650.00 per defendant.”

Seconded by Commissioner Whitehead.  
Motion carried unanimously.

## **TASK ORDER FOR PROFESSIONAL SERVICES RELATED TO THE SWIMMING POOL COVER PROJECT**

–  
City Manager Fuentes stated they were provided a letter from WHPacific from their architect division addressing the issues related to the Arizon Structures, and as you are aware that NM CID Division did not approve the structure because there were several issues related to the safety of the structure, and needed some more designing, and support structures in the interior as well as ADA accessibility issues.

He stated they were provided with a proposed task order from WHPacific in the amount of \$31,000 excluding GRT to address those issues related to the design, and prepare the bid packet, and advertise it, review it, and submit a recommendation to the Commissioners, and the budget for this task order there is sufficient funding in the allocation for the pool project, and indicated the previous Commission allocated \$300,000 from the NM Recreation Loan, and also the City received \$100,000 from the Capital Outlay State Appropriation...the balance of those two allocations is approximately \$282,000 from the loan, and \$61,000 from the State Appropriation, and in the Commission Action Form I included some background history on the NM Recreation Loan, and that it was a 2.1 million dollar loan, but part of it was to pay some previous debt which left about 1. (inaudible) that was used for some of the projects, and some of the projects included Tennis Court Rehab Project, Armijo Park Lighting, Family Park Restroom Project, Veterans Museum and the Municipal Pool...so there is sufficient funding in the current allocation, and provided some additional information that would be fiscal impact once the swimming pool cover project is completed.

Mayor Mulcahy stated I’ve had a lot of comments from the public about the pool. If it’s okay I’d like to write some numbers on the board. (Inaudible).

City Manager Fuentes – The loan amount was 2.9... \$2,958,802.00...pay-off from the previous debt was \$1,240,462.00. DFA and NMFA require a reserve account of \$264,000, and there was a processing fee for the administrative loan of \$43,000 which left an available funding for the projects of \$1,625,537. And stated the City spent some of the funding for security systems, tennis courts, ball field park lighting.

There was lengthy discussion by the Commission on the cost of keeping the pool open year around in regards to personnel, supplies, heating, and the justification for this project. And

suggested tasking the City Manager to look into re-negotiating the interest on the loan.

Commissioner Green...I would like to suggest, and somewhere I'm reading in here construction 10 months...construction phase will be approximately 10 months...I don't quite understand to put up a bubble I don't understand that at all. I think maybe we should have a workshop...we know what the citizens want...we know what a group of citizens want, and I think we can do the job, and give them what they want...I think the real issue is how do we keep it open financially moving forward.

Mayor Mulcahy – To me the \$200,000 it's a capital expense we have an asset we can fix that asset, and once we spend \$30,000 we're committed to this deal.

“Mayor Mulcahy moved to postpone this item until after we have a workshop, and come back with what we've decided on what we're gonna do and take action, and that we need to hear from our public.”

Commissioner Green stated he would like to second that motion with one proviso...I would like to have a workshop/town hall meeting, and have all the City Commissioners here...everyone rather than us being dis-jointed...let them all come...let's listen to them, and they might have some suggestions about how we can make that short fall in the City's budget on how we can operate that pool.

Seconded by Commissioner Whitehead.

Commissioner Green stated I would like either the Mayor, or the City Manager, or someone to put articles in the newspaper...let's do it once...if we have to let's go to the Civic Center, and hear from the community, and then we can make a decision.

Commissioners Whitehead/Green/Mulcahy  
Voted Aye  
Commissioner Richter Voted Nay  
Motion carried.

#### **RFP FOR SOLAR ARRAY –**

City Manager Fuentes stated in your packet you have a revised RFP for a Solar Array, and that this is in cooperation, and assistance from Mr. Sam Senn. He stated the intent of this RFP is to get some figures on a proposed Solar Generation Facility for 1 to 2 MW facility, and that it does not commit the City to any funding only for purposes of what it would cost for such a facility, and there are a couple of changes that I would like to make.

Commissioner Green stated depending on who is elected in November some of this money for alternative energy grant wise might disappear, and that there is a funding cycle...the first funding cycle is available September 14<sup>th</sup> of 2012, and that is why I've been pushing this, and thinks we'll be better off being in the first pool of applicants, and I think there is no harm with us putting this out on the street to see what we're talking about dollar wise.

He stated there is up to a 2 million dollar 50/50 grant on the economic development agencies...the Federal Agency, and stated they will forgive the 50% match because we don't have it...and if you can show financial challenge, and I think that is very easy for us to do...but I think we need numbers, and then that will guide us to our next step.

“Commissioner Green moved that the City of Truth or Consequences issue an RFP for engineering, procurement and construction of a 1 to 2 MW Solar Generation Facility within the City limits.”

Seconded by Commissioner Whitehead.  
Motion carried unanimously.

### **PROPOSED ORDINANCE – REGARDING DOMESTIC WELLS WITHIN CITY LIMITS –**

Mayor Mulcahy stated the reason we're here tonight is to possibly publish an ordinance which is a moratorium on domestic well drilling in the City of T or C with some conditions as/are described in the ordinance because there is concern about the conservation preservation of our fragile aquifer. In addition we have significant concerns about...I personally have significant concerns about our discharge activities, and whether or not this is appropriate for us in a long term situation.

He stated I know there are a great number of wells downtown because I met with the OSE...and many, many of them are capped but they could be opened at any time, and my interest is...first is to preserve the resource...this is hot springs, and if we do not secure, and safeguard those natural resources...we won't have an economy, and the second is...I'm really supporting the economic development of our community, and making sure that the commercial entities, and people that are bringing people to this town taking care of them, and charging them lodgers tax, and GRT...I don't want them to wake up and find out that like our Geronimo Spring that they have no hot water...that they have no water pressure, and I think it's time for us to study all the issues related to our aquifer.

“Commissioner Richter stated after reviewing the proposed ordinance I reviewed the sub-section of Statute that we...this moratorium by, and I found there were a couple of things missing that I think are important to add. One of them is with the proposed ordinance there is no exception for domestic wells, or wells that will be drilled for agricultural purposes...and there is in the Statute, and there is no exception for...let me begin by saying the State Statute says that we can...a party can go ahead and drill a domestic well if cost more to extend the water line to the property line than it does to drill the well, “ and I would like to amend this proposed ordinance to state that if it cost more to extend it to the property line than to drill the well then we go ahead and let them drill the well.”

City Attorney Rubin stated that Commissioner Richter called me today and gave me some helpful comments which was expressed tonight...and I will address those two possibilities. Under

paragraph (C) we could add the language **unless the applicant's property is used primarily for agricultural purposes**, and stated that is not exactly what the Statute says...the Statute says that we can't deny the permit if it's zoned agriculturally...we don't have an agricultural zone...but as Commissioner Richter explained we do have a T-1 Zone where agricultural purposes are allowed, and Commissioner Richter is correct, and that paragraph (D) it does come from the State Statute about the cost of connection vs. the water well drilling...so those would be the two changes.

Commissioner Green – I know the State Engineer calls them domestic wells...it really is misleading...I think that should be no new geothermal water well...that's what we're talking about...we're not talking about domestic wells...we have City water here unless you live where we don't have City water. And so there is no misunderstanding of what we're talking about...we're talking about geothermal wells...not domestic water wells...that's number one, and number two...I applaud you for taking the lead on this...a moratorium by itself is meaningless unless it causes the City to do an action...and the action here is if we do nothing for one year...there is no requirement that the City have a study or do an inventory of all those private wells to see if they are capped to see if they have proper casing to see if they are illegally tied into our wastewater treatment system.

He stated I would like to see if there are grants out there that we can get a hydrology study that serves our purpose about our thermal mineral waters...where are charge area comes from...all the things that we need to know, and at the same time maybe found out about our potable water, and see what we own on paper is really in the ground, but somehow I would like this moratorium tied to an action that the government is gonna do in the next year...or what we're gonna try to do, and then you have scientific as Commissioner Richter pointed out should not be an emotional decision it should be a decision based on science, and therefore I would like that either in this moratorium...or to bring back a separate document that would task us to what we have to do to understand this asset, and how best to protect it and preserve it.

Mayor Mulcahy – We cannot make this a geothermal well thing because the OSE the Office of the State Engineer does not delineate the difference, and we need the OSE support in this ordinance...or it won't work. If the municipality decides to establish a moratorium they will put what's called an overlay over our City and say you cannot come to us for a permit for a domestic well if you don't have a piece of paper from the City allowing you to do that.

And stated if you say we will limit geothermal wells they will not put an overlay because there is no such thing in their definition.

Commissioner Green – Which I understand.

Mayor Mulcahy – So we have to do what we have to do here the issue related to the difference geothermal wells, and domestic wells in this community is mute because everybody has access to water almost...we've allowed for that by allowing people 300' away to go ahead, and go forward with that, or if they are using it for agricultural purposes in this moratorium to do that. And stated as

an ordinance it can't be any more than the State gives us the power to do...and the power is given to us by Statute to create this sort of ordinance not to put all kinds of other particular items on it... however to your point I'll be very happy to come back with a resolution at the next meeting before this ordinance is adopted because this takes time we have to put it out we have to have a public hearing to adopt the resolution which was our original intent to do a study, and to understand our permitting role in the process, and to understand how we intend to regulate discharge so the City is not jeopardized with the Environment Protection Agency, Ground Water Bureau, or with the Waste Water Treatment Plant, and stated there is a lot of issues that we need to deal with, and that we have a responsibility to take care of that asset so we don't have another 100 holes in the ground.

He stated we should come up with a resolution to understand what we're doing before the ordinance is adopted , and I would strongly recommend that we adopt this ordinance with two important changes that Commissioner Richter has brought to the table.

Commissioner Green – I appreciate you doing in-depth research could we legally do this...and referred to paragraph (B) No new domestic water wells, **hot or cold**, shall be drilled within the municipal boundaries of the City of Truth or Consequences..., because someone coming in to town ...I don't think they are going to understand that a domestic water well has been labeled by the State Engineer as something...do you understand what I'm trying to say...I'm trying to cover our...legally.

Mayor Mulcahy – The language comes out of the State Statute, and I would like to keep it as simple as possible, and include what we left out that Commissioner Richter mentioned.

City Attorney Rubin – I feel comfortable with this, and stated he likes the alternate ordinance that we are talking about now with the changes we have been addressing, and I think it involves...the State Statute...this is what the State Statute says, and I'm trying to reflect that.

Commissioner Richter – I call the previous question.

Mayor Mulcahy – I call the previous question is to end debate at this point, and ask for a second to vote immediately.

Seconded by Commissioner Green.

Mayor Mulcahy – We have a motion to adopt the Ordinance with two amendments...the words...unless the applicant's property is used primarily for agricultural purposes...to be inserted in line 4 after the word line in paragraph (C), and to include all of paragraph (D) to be added to this ordinance.

Motion carried unanimously.

**PROPOSED ORDINANCE – AMENDING SECTION 8-90 –  
“TAMPERING WITH UTILITIES” –**

Mr. Gil Avelar with the Electric Division came before the Commission, and stated the 28 years plus working with the City we

have always had a problem with people tampering with meters, or taking them, and the water department has the same problem.

He explained they will pull a meter, and then they jump the meter to keep the electricity, or will take a meter from another entity, and plug it in to a City box to keep the power on, and this proposed ordinance would penalize anyone from tampering with electric or water.

Commissioner Green stated I would like to suggest that we consider changing one word...under a) & b) where it begins with the word Further, the City may...change the word to **shall**.

“Commissioner Green moved approval for publication Proposed Ordinance – Amending Section 8-90 – “Tampering with Utilities”, and change the wording from **may** to **shall**.”

Seconded by Commissioner Richter.  
Motion carried unanimously.

**PROPOSED ORDINANCE – AMENDING SECTION 8-35 – “DISORDERLY CONDUCT” –**

City Attorney Rubin stated I am the one who suggested that this be on the Agenda, and explained my reason for doing so is if you compare the State Statute to our City Ordinance there is quite a difference. And sitting here tonight Captain Morgan and I was reviewing this, and that he would feel comfortable if he had the chance to discuss this further with the Chief, and I’m okay with that so I suggest we take this off the Agenda.

Mayor Mulcahy stated if there is no objection we will postpone this until our next meeting.

**BRANDING & MARKETING T O R C –**

Commissioner Green stated he thinks the time has come for the City to move forward, and brand and market itself but with a campaign, and not with just one billboard...but with a thought out thought-full campaign. And thinks if we decide as a community that we are a tourist destination that’s where we can begin to help grow our economy, and take control of our own economy.

He stated he would like to put out an RFP to see if there are companies, and/or individuals that specialize in destination tourism marketing of municipalities, and I would like to be able to test the market...see what is out there...what we’re talking about dollar wise...where the money is gonna come from, and if we do have money to move forward on this project...look-out a 3-year period of time, and stated at least we can trace what our dollars are doing, and that lodgers tax is a wonderful way to know if the dollars that you are spending are increasing the visitation of more people coming into your community it’s a really easy way to judge what is happening, and I think it’s time...since we’re the only community that has the assets that we have that does not market itself brand itself...let people know, and if we can financially afford to move forward with this project, and I think we need professional help, and I’d like to see is task staff to scope an RFP for the branding and marketing the City of Truth or Consequences.

Commissioner Richter – We have a Tourism Director...don't we... we have her do that, and put together a package on marketing and branding...we don't have to put it out to RFP.

Mayor Mulcahy stated during this was a good workshop, and appreciates the people that came and spoke, and I thought we got some excellent ideas...but they told me something that changed my mind about some things...and they said to me...**we need to fix what we have**, and that we need to figure out where we're gonna be and what we want to do, and not just for now but further down the road, and secondly how do we get our businesses to comply with the fact that we may have visitors coming here, and they come here and they are closed.

And stated why are we the only City without a billboard, and I don't want to issue an RFP until we are ready to do that, and get our billboards going for \$800.00 a month, and if we can get some billboards up that point to the things that are not being covered... the hot springs, and stated let's get out there with some billboards...whether they are private, deeded land...let the Tourism Board take this ball, and run with it so we can get on to other business. And ask them to come back to us and say...we need \$50,000/\$30,000/\$20,000 to get x number of billboards up, and here is our plan, and here is our marketing opportunity to do that... we'll get that stuff up before Summer is out, and if we do an RFP maybe that's a 4-quarter consideration for the following Summer or something like that...but let's get some billboards up, and let's require the Tourism Board, and the Tourism Director to come back to this body and report.

Mayor Mulcahy...why don't we take some of this lodger's tax, and make Fiesta bigger than it has been in the last 5-years or 3-years since I've been here. And I don't want this to end with nothing happening I would like very much for us to...if you are all willing...if this Commission is willing to task the Tourism Board, and the Tourism Director to come back with specific billboard proposals that we can fund as an action item in a meeting.

“Mayor Mulcahy moved that we task Dianne Preisser, and the Tourism Board to come back to us with that North and South billboard plan with specific ideas...images that go on those billboards...and give us a dollar figure so we can act on that.”

Seconded by Commissioner Green.

Commissioner Green stated as they are doing that...we as the governing body, and I want...that we're just not going to put 2 billboards up on I-25...and say that's it...we've done our homework...and we go to sleep...**no** there is a lot more that has to be done there is a lot more...Steve Duran from Workforce Investment working with Dona Ana Community College...I think is ready to pull the trigger in the next two weeks to talk about a hospitality training program in Sierra County in T or C...that could be part of code enforcement...maybe we're missing some codes that we need to help tourism...whatever it might be...I just don't want it to fall off the burner once we get billboards up.

Motion carried unanimously.

**REPORTS:**

**CITY MANAGER –**

City Manager Fuentes stated he has provided his Bi-Weekly Roundup Report, and that last week-end the City had their public auction for the items that were approved by the City Commission, and that we netted \$4,636.00, and those funds have been deposited in the General Fund.

He reported on the Buckhorn Salon, and that they are receiving some quotes for the demolition of the building, and because of the ending of the fiscal year, and beginning of the new fiscal year we're hoping we can have this finalized, and start before the next month or so in July, and that we are continuing to work with staff, and they will be contacting our engineers to make sure everything is good to go when we decide to move forward with the demolition of that building.

Commissioner Green – So when do we put the lien on the building.

City Manager Fuentes stated the lien will be placed after the demolition so we would have to account for the money that was spent on the demolition of the building.

**CITY ATTORNEY –** No report.

**COMMISSIONERS –**

Commissioner Richter – No report.

Commissioner Green stated that the clock is ticking, and we have one year regarding the animal shelter. And that I don't want us to get caught with our boots off our feet like we have sometimes in the past, and would like to suggest that staff schedule a workshop with the other entities to see what direction we're gonna move, and how we're gonna deal with this problem, and would like to start the process sooner than later.

Commissioner Whitehead – No report.

Mayor Mulcahy – In regards to the animal shelter issue...let's take the lead on that. And thanked Commissioner Green for the trash pick-up program, and stated they have done it for 2 months out of 3, and would like to see more public involvement.

And that he believes the City Clerk has placed an ad for the recruitment of people to join them on the board rules committee... the Advisory Board Review Committee, and asked for resumes and/or letters of interest on why they want to serve, and what they would bring to the table...what expertise...

**PUBLIC  
COMMENT:**

Mr. Hans Townsend came before the Commission, and stated he is pleased to hear some of your comments on tourism.

Mr. Klaus came before the Commission, and had comments on the hot springs resources, and the branding of T or C.

Mr. Audon Trujillo came before the Commission about the

swimming pool cover, and the City's ordinances.

Mr. Ron Fenn came before the Commission in regards to response to public comment regarding questions that have been asked, and not answered. And brought up Ms. Peron's questions on interest free time payments, trash customer not using the service...so why should he pay. And stated he asked the City why the City did not loan the money for the transfer plant instead of borrowing it...4% interest, and stated...please listen to us, and answer us honestly, or let's get rid of this response to public comment.

EXECUTIVE  
SESSION:

"Mayor Mulcahy moved that the meeting be closed for Executive Session pertaining to A. Purchase, Acquisition or Disposal of Real Property 10-15-1H(8), 1. HSLD, LLC – Proposal of Lease Agreement for Airport Property, 2. Riverbend Hot Springs Property Proposal."

Seconded by Commissioners Whitehead/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

Motion carried unanimously.

OPEN MEETING: "Mayor stated that the Commission was now in Open Session."

CERTIFICATION "Commissioner Green certified that only matters pertaining to A. Purchase, Acquisition or Disposal of Real Property 10-15-1H(8), 1. HSLD, LLC – Proposal of Lease Agreement for Airport Property, 2. Riverbend Hot Springs Property Proposal was discussed in Executive Session, discussion ensued, and no vote was taken."

"Commissioner Green moved that staff has been tasked to proceed as per our discussion."

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 A. MULCAHY, MAYOR

ATTEST:

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MARY PENNER  
CITY CLERK

