

CITY COMMISSION
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
Tuesday, July 10, 2012

WORKSHOP

Minutes

TIME & PLACE:

The Truth or Consequences City Commission will hold a Work Session on Tuesday, July 10, 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 Shop is to discuss –

1.) Swimming Pool Cover Project

City Manager Juan Fuentes presented a power point presentation explaining the loan and project. Noting that in 2008 the City borrowed 2.9 million dollars from the New Mexico Finance Authority, the funding that was obtained was used to refinance an existing debt, as well as acquire additional funds that were used to improve existing Municipal Buildings – to include the Swimming Pool, Tennis Court, the Parks and the Municipal Court. The note matures May 1st of 2029; the note has an interest rate of 4.34%. Stating the 2.9 million dollar loan was initially \$2,958,802.00, the payoff was in 1996 improvement bond was \$1,240,462.00. NMFA requires a reserve account anytime a public entity obtains one of their loans and that was the amount \$264,918.00 – noting there is a process fee for this loan of \$430,843.00; so that left 1.6 for available funding for the City to use for some of the projects that were identified. Noting that use of the funds for this loan have been numerous types of projects; the first couple of projects were a task order issued to Plan B Networks – which were for surveillance video at the Recreational Facility at Ralph Edwards Park, the Tennis Courts, the Convention Center and there was also some fiber optic wiring at some of our Municipal Buildings. In total we're looking at close to \$98,000 that we've used for these improvements. Explaining the balance at the top of the worksheets, the balance that carried over, after the first initial group of projects, was 1.5 million dollars. The projects completed last fiscal year in 2010/11 Louis Armijo Park Lighting project – that was a \$545,000 project; the Tennis Court rehab project – that was a \$13,000, the Tennis Court reconstruction project – that was \$231,000 and the City purchased some equipment and repairs to the Swimming Pool in the amount of \$14,000. The total amount for those items was approximately \$800,000, so that left the available balance at the end of 10/11 at \$724,947.00.

City Manager Fuentes explained for the remaining funds \$241,291 was the actual contract that was awarded to Arizon, however the previous City Commissioners allocated \$100,000 for this project, the bid came in at \$241. Out of that \$241 the City also received a State appropriation grant of \$100,000. Explaining the loan proceeds used for the initial construction of the Pool Cover was \$40,554. we used \$38,329 out of the State appropriation grant; making payments to date for the Pool Cover are \$78,884.00. We also used some of those funds for the Veteran's Museum security system in the amount of \$29,000.00; the recap of the bond, those payments there breakdown to the available balance of \$655,796.00 for fiscal year end 12. Mr. Fuentes noted that what was remaining for some of the projects for these proceeds;

we have a pool turbo twister slide that we purchased the old slide that was removed, that amount is \$5,441.00; the two racing lanes which were vandalized on Memorial Day weekend are going to cost \$5,121.00 to replace, the Pool Cover

Project balance \$162,407.00, and then we have also proposed the reconstruction the Louis Armijo Family Park restroom project – we set aside \$60,000.00 for that project and that will be done in-house so hopefully that can be done for less than what we budgeted for. We also have the Youth Center demolition project, we allocated \$46,000.00 for that, we also have a proposed project to reconstruct the Basketball Courts at Ralph Edwards Park – which has been estimated at \$5,000 – we are only speaking of the concrete slab. This will leave an available balance of \$371,825.00.

Mr. Fuentes showed in his presentation a couple of pictures, noting that New Mexico Construction Industries brought to our attention that there was no support structure on the interior of the Pool. The City contacted (\$31,000.00) WH Pacific to look at the Arizon plans and advise us as to how to proceed with issues found by New Mexico Construction Industries Division. Mr. Fuentes explained the Task Order for WH Pacific. Noting there would be additional increase for personnel, \$130,554.00. Mr. Fuentes gave additional information and finished his PowerPoint presentation. When asked if the \$78,000 is lost to us, Manager Fuentes answered yes.

Comments from the Public were heard from the following:

*Destiny Mitchell, *Jean Bullard-Citizens for Community Betterment, *Wendy Tremayne, *Susan Richardson, * George Burnette, *Susan Richardson, *Linda Childs Alvarez, *Dana Burkestresser, *Mary Anne Wheeler, *Greg D'Amour, Rebecca Dow-Appletree.

Mayor Mulcahy thanked everyone for their contributions, closing the Workshop.

**CITY COMMISSION
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
TUESDAY JULY 10, 2012**

REGULAR MEETING

ACTION 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

PRESIDING OFFICER:

and ordinances of said Commission in the Commission Chambers of said City, on Tuesday, July 10, 2012, at 6:00 P.M.

ATTENDANCE:

The meeting was called to order by Mayor John Mulcahy, who presided and Mary Penner, City Clerk acted as Secretary of the meeting.

Upon calling the roll the following Commissioners were reported present:

Hon. John Mulcahy, Mayor
Hon. Sandra Whitehead, Mayor Pro-Tem
Hon. Jeff Richter, Commissioner
Hon. Freddie Torres, Commissioner
Hon. Steve Green, Commissioner

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 John Mulcahy opened the Regular Session

Silent Meditation, The Mayor noted the passing of Commissioner Freddie Torres and asked

those present to remember him in their meditation.

APPROVAL OF
AGENDA:

Pledge of Allegiance

“Mayor Mulcahy motioned to move item 10 to the Executive Session; under Disposal of Real Property, 10-15-1H Paragraph 8.”

Attorney Rubin agreed with that action, with the understanding they may come out of Executive Session and take action after coming out of closed session.

“Commissioner Steve Green moved for approval of the Amended Agenda as presented.”

COMMENTS FROM
THE PUBLIC:

Seconded by Commissioner Richter.
Motion carried unanimously.

Tape Malfunction: inaudible recording From Notes:

Mayor Mulcahy opened the floor for **Comments from the Public** that Comments needed to be related to items directly on the Agenda.

Tape Malfunction: inaudible – nothing recorded.
From notes:

Jean Grose Bullard made comments to the Commission regarding the Po Cover Project.

Diane Lambardo made comments to the Commission regarding the Po Cover Project.

Shane (unknown last name) made comments to the Commission regarding

the Swimming Pool.

Merry Jo Fahl made comments to the Commission regarding the Pool Cover Project.

Wendy Sager-Evanson made comments to the Commission regarding the Pool Cover Project.

Rebecca Otero made comments to the Commission regarding the Pool Cover Project.

Audon Trujillo made comments to the Commission regarding the Pool Cover Project.

Dana Berkestressu made comments to the Commission regarding the Pool Cover Project.

Dr. Eve Elting made comments to the Commission regarding the Pool Cover Project.

Amy Claussen made comments to the Commission regarding the Pool Cover Project.

Chris Bowlin made comments to the Commission regarding the Pool Cover Project.

Sophia Peron made comments to the Commission regarding prioritizing, C List and Public Meetings.

Ron Fenn made comments to the Commission regarding the Pool Cover Project and items to be discussed in Executive Session.

Steve Buckley made comments to the Commission regarding the population decrease and the Pool Cover Project.

Buddy Neely made comments to the Commission regarding the Pool Cover Project.

Destiny Mitchell made comments to the Commission regarding the Pool Cover Project.

Chris Slade made comments to the Commission regarding the Wetland Moratorium.

Mayor Mulcahy called for approval of the **Consent Calendar**.

“Commissioner Green moved to accept the Consent Calendar as presented, with the approval of Appointments to the Golf Course Advisory Board, the Veterans Memorial Park Advisory Board, and the Airport Advisory Board.

Final Adoption - Ordinance #624 - Amended by Revising Section 12

CONSENT
CALENDAR:

PUBLIC HEARINGS:

8-5 of Uniform Traffic Ordinance - Pertaining to Bicycles Using a Dedicated Bike Lane.

UNFINISHED BUSINESS:

City Attorney Rubin explained this Ordinance passes every year for Uniform Traffic Ordinance - when changes need to be made.

Mayor Mulcahy asked for anyone to speak for or against Ordinance #624.

No Comments were received.

Public Hearing Closed.

Final Adoption - Ordinance #625 - Bond Ordinance, Loan Agreement for refunding 3 (three) USDA Loans.

NEW BUSINESS:

City Manager Fuentes explained the proposed loan refunding, noting the Waste Water System, Water System, and interest rates.

Mayor Mulcahy asked if anyone wished to speak for or against Ordinance #625.

No Comments were received.

Public Hearing Closed.

Discussion/Action - Approval of Task Order for Professional Services Related to the Swimming Pool Cover Project.

“Mayor Mulcahy made a motion to move forward.”

Seconded by Commissioner Green.

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

Motion Carried.

Discussion/Action - Resolution #01-12/13 - Open Meeting Resolution

City Manager Fuentes explained the Open Meeting Resolution, noting it brought before the Commission each year.

Due to questions about the verbiage, the Commission postponed vote on the Resolution; and instructed staff to put it on the next Agenda.

Discussion/Action - Resolution of Respect to honor the passing Commissioner

Freddie J. Torres; Mayor Mulcahy noted the provided paperwork in the Commission packet. As Commissioner Green had served with Commissioner Torres, Mayor Mulcahy asked that he read the Resolution of Respect in the memory of Commissioner Freddie Torres.

“Mayor Mulcahy moved to accept the Resolution of Respect”.

Seconded by Commissioner Green
Motion Carried Unanimously.

Discussion/Action - **Final Adoption - Ordinance #624; Amended Revising Section 12-8-5 of Uniform Traffic Ordinance - Pertaining to Bicycles Using a Dedicated Bike Lane.**

Public Hearing was held earlier in the meeting.

“Commissioner Jeff Richter moved to adopt Ordinance #624.”

Seconded by Commissioner Steve 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 Vote.

Motion Carried unanimously.

Discussion/Action **Final Adoption - Ordinance #625; Bond Ordinance, Loan Agreement for refunding 3 (Three) USDA Loans.**

“Commissioner Green moved to adopt Ordinance #625.”

Seconded by Commissioner Sandra 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 Vote.

Motion Carried unanimously.

Presentation - **Update on Electrical Upgrade Project** - Mr. Jay Armijo
Executive Director-SCCOG

Mr. Armijo gave a project update on the Electrical upgrades. Noting the Project was awarded in 2011; CDBG in the amount of \$400,000.00, for 1.

miles.
Project is progressing.

Discussion/Action - **Resolution #02-12/13 Approving Participation of the SCCOG, Inc. for FY 12/13 and Appointment of Designated Representative & Alternate.**

Mr. Jay Armijo spoke of the participation with SCCOG, noting the Dues.

Mayor Mulcahy noted the valuable partnership and the wish to continue to work with SCCOG.

“Mayor Mulcahy moved to re-appoint Steve Green to SCCOGB, with Commissioner Whitehead as alternate.”

Seconded by Commissioner Green.

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

Motion Carried unanimously.

Discussion/Action - **Resolution #03-12/13 Participation in LGRF Administered by NMDOT**

City Manager Fuentes explained the Annual Resolution, Grant and Local Match.

Public Works Director Don Armijo explained projects.

“Commissioner Green moved to accept Resolution #03-12/13, 75% - 25%; Amount of \$53,072.00”.

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 Vote.

Motion Carried unanimously.

Discussion/Action - **Awarding of Bid - Demolition of Youth Center**

City Manager Fuentes explained the Bids for Demolition.

Community Development Director Bill Slettom spoke of the bids received. A total of five (5) Bids were received with the lowest bid of \$46,000 excluding GRT coming from Fox Builder's Inc., from Los Lunas, New Mexico.

City Manager Fuentes noted it was Staff's recommendation to Award the Bid to Fox Builder's Inc.

Mr. Slettom explained construction time was approximately 45 days away.

"Commissioner Jeff Richter moved to Award the bid."

Seconded by Commissioner Steve Green subject to City Attorney review.

Amended Motion Carried.

Discussion/Action - **Armijo Park Restroom Project Bid**

City Manager Fuentes explained the Bids which had been received, and recommended the Commission reject all bids and noted the City Crew could do the job for a lower cost.

Public Works Director Don Armijo noted he thought the City Crew could do the work for less than the Bids received; with the City doing the work for approximately \$35,000.00 to \$40,000.

Commissioner Richter wished to see estimates by the City Crew doing the Project.

Commissioners requested the City Staff return to the next meeting with estimates for the Project.

Discussion/Action - **Agreement with WH Pacific - Task Order 3 for Construction**

Phase Special Services - Construction Observation and Acceptance Testing for Reconstruct Taxiway B, FY 12 Project

Mark Huntzinger, WH Pacific explained the Task Order, noting it was funded by FAA, who would pay for 95% of the Project.

REPORTS:

“Commissioner Green moved to approve Task Order #3.”

Seconded by Commissioner Richter.
Motion Carried Unanimously.

Discussion/Action - **Authorization to proceed with shortening of Airport Runway**

City Manager Fuentes explained the Airport Layout Plan.

Mark Huntzinger, WH Pacific explained shortening Runway 11-29, dirt, 1,450 feet;
and Runway 1-119, dirt, 250 feet. He explained the Runway safety area.

“Commissioner Green moved to proceed.”

Seconded by Commissioner Sandra Whitehead.
Motion carried unanimously.

Discussion/Action - **Resolution #04-12/13 - Domestic Well Drilling Moratorium Study**

EXECUTIVE SESSION:

George Szigeti gave information on a study to see Moratorium worthless. He explained the Basin, the need for a comprehensive study.

City Manager Fuentes stated they need to verify wells.

“Mayor Mulcahy moved to postpone the Resolution.”

Seconded by Commissioner Green.
Motion Carried.

OPEN SESSION:

City Manager Fuentes reported on the City Commission Meeting for July 24 noting there would be two Work Shops; the first at 4:00 P.M. regarding Solid Waste and the second at 5:00 P.M. regarding preliminary approval by DFA of the Budget.

Commissioner Green’s report covered the process to appoint someone for Commissioner Torre’s seat, requesting it be included in the next Agenda. Commissioner Green spoke of the need to rework the sign by Wal-Mart.

noting it had faded due to the sun, noting it needed a picture change. He explained that a pilot project for a Recycle Trailer with 6 bins. Noting a family floated down the River on July 4th. He spoke of attending a Solid Waste Work Session.

City Mayor Mulcahy spoke of the process to replace Commission Members, asking the City Attorney several questions about the process. He invited the public to attend the Art Hop, noting they would have carriage rides. Stating he was working hard with City Employees, and they were a great group.

Mayor Mulcahy opened the meeting for **Public Comment.**

Hans Townsend made comments to the Commission about the Sign for Wal-Mart and noting a group of German Students would be in town on July 11th

Ronald Fenn made comments to the Commission about the Land between the City and Heartland Mesas Partners.

“

Commissioner Green stated the meeting be closed for Executive Session on the Purchase,

Acquisition or Disposal of Real Property 10-15-1H(8)

- 1.) Exchange of Approximately 0.027 Acres of Land between the City and Heartland Mesas Partners.
- 2.) HSLD, LLC Proposal of Lease Agreement for Airport Property

Seconded by Mayor Mulcahy.

ADJOURNMENT:

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 Vote.

Motion Carried unanimously.

ATTEST:

“Commissioner Green stated that the Commission was now in

Session;

certifying that only matters pertaining to:

- 1.) Exchange of Approximately 0.027 Acres of Land between the City and Heartland Mesas Partners.
- 2.) Heartland Mesas Partners.
- 3.) HSLD, LLC Proposal of Lease Agreement for Airport Property

was discussed in Executive Session – stating discussion occurred and no vote was taken, while in Executive Session.

Exchange of Approximately 0.027 Acres of Land between the City and Heartland Mesas Partners

“Mayor Mulcahy moved authorizing and approving the exchange of approximately 0.027 acres of land between the City and Heartland Mesas Partners, subject to survey, legal description and title search.”

Seconded by Commissioner Green.

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

Motion Carried unanimously.

Purchase, Acquisition or Disposal of real Property 10-15-1H(8) - HSLD

“Mayor Mulcahy moved to authorize and approve the refunding of \$28,000 plus appropriate interest to HSLD; to release this escrow obligation at the first opportunity.”

Seconded by Commissioner Green.

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

Motion Carried unanimously.

There being no further business to come before the Commission, Mayor called for a motion to adjourn.

“Commissioner Green moved for adjournment.”

*Seconded by Commissioner Whitehead.
Motion carried unanimously.*

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

John Mulcahy, Mayor

Mary B. Penner, City Clerk

