

CITY COMMISSION  
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO  
Tuesday, September 25, 2012

PUBLIC MEETING

Minutes

TIME & PLACE: The Truth or Consequences City Commission will hold interviews and a Public Meeting on Tuesday, September 25, 2012 beginning at 4:00 P. M., in the Civic Center, 400 W. Third, Truth or Consequences, New Mexico.

The Truth or Consequences City Commission conducted interviews for the Planning & Zoning Commission with the following applicant's being interviewed:

John S. Saridan, Jr.  
Ron Fenn  
LaNeer Wyre

Following the interview process The City of Truth or Consequences held a Public Meeting for discussion of the 40-Year Water Plan Update prepared for the City by WHPacific, Inc.

A short description of the plan and its purpose was presented by Karen Menne-Jacobsen and Sheila Johnson with WHPacific. She stated the Purpose and the Goal, and that the purpose of the Forty-Year Water Development is to assess existing water use, estimate projected demand, and compare it with the existing water rights to ensure adequate water resources are available for future growth. It is prepared in accordance with the requirements of the New Mexico Office of the State Engineer.

It will provide legal standing for the City of Truth or Consequences to support acquiring and holding unused water rights to protect the City's municipal water supply system.

The Plan will demonstrate the need to hold unused water rights in anticipation of future municipal water demands resulting from population growth and economic expansion projected to the year 2052.

Ms. Jacobsen stated they have maps available for the public to view.

There were several comments and questions from the public.

The Draft 40-Year Water Plan Update is available for review at the City Offices, 505 Sims Street during normal office hours.

CITY COMMISSION  
CITY OF TRUTH OR CONSEQUENCES  
Tuesday, September 25, 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, September 25, 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

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 fifteen seconds of Silent Meditation, and that he would like to remind the community that one of our young citizens has lost his life...a son of one of our City employees...JR Burnette.

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

Mayor Mulcahy stated before we move on to the next item on the Agenda...I'd like to read a brief statement...In our last City Commission meeting the roll of audience laughter came up as it relates to disrupting this meeting, and I'd like to clarify from the Commission...Anyone speaking or making a noise away from the podium which interrupts the presentation or the deliberations of this Commission would be considered out of order. It will be handled strictly in accordance with our rules of procedure. And referred to item 17 (C). No comments shall be made from any other location other than the podium, and anyone making "out of order" comments as determined by the Presiding Officer may be subject to removal from the meeting. In that regard, a police officer may be present to enforce these rules of conduct. There will be no demonstrations during, or at the conclusion, of anyone's presentation. Any person who violates the rules of conduct may be subject to having their speaking privileges removed at future City Commission Meetings.

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

"Commissioner Green moved approval of the Agenda as submitted."

Seconded by Commissioner Whitehead.

Mayor Mulcahy stated he would like to ask the Commission to consider extracting the Recreation Advisory Board Minutes for another discussion, and to adopt the rest of the Consent Calendar as listed.

Commissioner Green stated he would also like to extract the Lodger's Tax Advisory Board Minutes as I have some comments and some ideas on that, and would like to address as well.

"Commissioner Green moved for approval of the Agenda with the exception of taking off on the Consent Calendar #3 – Lodger's Tax Advisory Board & #4 – Recreation Advisory Board, and putting them where the Mayor thinks it's appropriate to be discussed."

Seconded by Commissioner Whitehead.  
Motion carried unanimously.

COMMENTS FROM THE PUBLIC: (On Agenda Items)

Mr. Ron Fenn came before the Commission to comment on item #7 New Business- Resolution – Amending the City Commission Rules of Procedure.

Ms. Deborah Toomey came before the Commission with comments regarding – Amending the City Commission Rules of Procedure.

Ms. Sophia Peron came before the Commission with comments regarding several different issues.

Ms. Eve Elting came before the Commission with comments regarding the P & Z appointment.

Ms. Joyce Hudgens came before the Commission with comments regarding the P & Z appointment.

CONSENT CALENDAR:

Mayor Mulcahy stated there are several items on the Consent Calendar with items D - #3 & #4 extracted. Golf Course Advisory Board Minutes – 8/8/12 & 9/12/12, Airport Advisory Board Minutes – 9/5/12, and DAIC Monthly Report – August 2012.

"Commissioner Green moved for approval of the Consent Calendar for the Golf Course Advisory Board Minutes, Airport Advisory Board Minutes, and DAIC Monthly Report."

Seconded by Commissioner Richter.  
Motion carried unanimously.

Commissioner Green stated in the Lodger's Tax minutes there seems to be a discussion on page 1 – Consideration – Expiration of Board Members...and they're talking about Hans Townsend his application received was discussed, and the members felt it would be a conflict of interest due to his being a member of the Chamber, and I would like to point out to my fellow Commissioners when we went down to Las Cruces for the training given by Randy VanVleck of the Municipal League...this was one of the questions that was asked and answered was that in a small community you're lucky to get anyone to volunteer on boards, and people who want to

volunteer they might have time to volunteer on more than one board, and since obviously since no money is changing hands here because we don't use lodger's tax for executive salaries there is certainly not a conflict of interest or even the appearance of a conflict of interest, and if you take a look at the demographic right now of the lodger's tax board...we're supposed to have 5, 2 from the lodging industry...we have no one from the lodging industry at all, 2 from tourist related businesses, and we have Celeste Rich who has a retail store, and we have Janice Gray who is a realtor, and I'm not really sure if that is a tourist related business, and then Julie Durham who is a member at large which is required, so I certainly think that, and also in the past Richard Epstein, and Josh Frankel, myself, Celeste Rich have served on other boards that have been awarded lodger's tax as well as have been on the lodger's tax board...I think that we should if we have not advertised for membership I think we should continue to do so, and I think that we should not rule out this application...this applicant because he serves on a board that happens to receive lodger's tax since it does not go into anyone's checking account it's used for marketing and advertising our community...that's what the intent of lodger's tax is, and I wanted to bring that up because that seems to be the mind-set of the lodger's tax board, and I certainly would hope it's not the mind-set of this Commission.

“Commissioner Green moved approval the minutes of the Lodger's Tax Advisory Board.”

Seconded by Commissioner Whitehead.  
Motion carried unanimously.

Mayor Mulcahy stated I would simply like to call to our attention the requests that have been put in here, and ask City staff to put together an answer to these questions perhaps by the next meeting if possible. They would like to know the work orders for the weeds at the Tennis Courts, the wind break on the Tennis Courts, the concrete on the courts in terms of cracking...some lights are not working, and asked City Manager...will you take a look at these.

City Manager Fuentes stated some of those items I have forwarded to our Public Works Director, and I will provide a full report on some of the other items including the pool cover at the next meeting.

Mayor Mulcahy stated also we have graffiti at the Tennis Courts, and at Ralph Edwards Park.

City Manager Fuentes stated that has been brought to the attention of the Public Works Director, and will be taken care of.

Commissioner Green asked about the closing of the pool at the end of September, and that in the past it had remained open until mid-October...

City Manager Fuentes stated the reasons being fiscal and personnel as they only planned to be open until September 30<sup>th</sup>, and indicated by keeping it open longer will definitely increase our operating costs, and did not anticipate an additional cost for this fiscal year, and it was staff's recommendation to stay with the schedule of closing the pool on September 30<sup>th</sup>.

“Mayor Mulcahy moved approval of the Recreation Advisory Board minutes of 9/4/12.”

Seconded by Commissioner Richter.  
Motion carried unanimously.

UNFINISHED  
BUSINESS:

**DISCUSSION/ACTION – APPOINTMENT(S) TO  
PLANNING & ZONING COMMISSION –**

Mayor Mulcahy stated I would like to call this to a vote one at a time if that is permissible. The first one: John Saridan, Jr. –

“Commissioner Green moved the appointment of Mr. John Saridan to the Planning & Zoning Commission.”

Seconded by Commissioner Whitehead.  
Commissioners Green/Whitehead & Richter Voted Aye  
Mayor Mulcahy Voted Nay  
Motion carried.

“Commissioner Green moved the appointment of Mr. Ron Fenn to the Planning & Zoning Commission.”

Seconded by Commissioner Whitehead.  
Commissioners Green/Whitehead Voted Aye  
Commissioners Richter/Mulcahy Voted Nay  
Item comes to a stalemate.

Mayor Mulcahy asked for a motion to appoint Ms. LaNeer Wyre to the Planning & Zoning Commission.

Mayor Mulcahy stated seeing no second the item does not pass.

Mayor Mulcahy stated they have an opening left by Mr. Howell.

City Manager Fuentes stated with the appointment of Mr. Saridan we still have one position vacant with the resignation of Mr. Howell. And stated we will continue to advertise, and continue to receive letters of interest.

**DISCUSSION/ACTION – APPOINTMENT OF CITY  
COMMISSIONER –**

Mayor Mulcahy stated that he asked to place this item on the Agenda because I have been considering a potential nominee for a number of weeks.

“Mayor Mulcahy stated he would like to appoint Mr. George Szigeti as a Commissioner to replace Commissioner Torres.”

Seconded by Commissioner Richter.

Commissioner Green stated there are a lot of good people out there in the community, and I work with Mr. Szigeti on the recycling committee however my position still stands that I want to acknowledge the voice of the voters, and I think they have the right to be heard, and that will be my position.

Commissioners Richter/Mulcahy Voted Aye  
Commissioners Whitehead/Green Voted Nay  
Motion does not pass.

**NEW BUSINESS: DISCUSSION – APPROVAL OF FINAL BUDGET FOR FY – DFA –**

Ms. Linda Lanham, Finance Director came before the Commission, and stated they were provided a letter from DFA, and that DFA requires that the final budget for FY – 2012/13 as approved by DFA, and that it be acknowledged by the Commission, and formally be made part of the minutes.

She indicated that the Commission approved the budget back in July, and that this is an additional requirement of the procurement code of DFA for the budget.

“Commissioner Green moved approval for the final budget for the City of Truth or Consequences for FY 2012/13 – DFA.”

Seconded by Commissioner Whitehead.  
Motion carried unanimously.

**DISCUSSION/ACTION – APPOINTMENT TO SVHJPC BOARD –**

Mayor Mulcahy stated currently he and Commissioner Green serve on this board, and would entertain discussion on who would be interested to serve on this board.

Commissioner Green stated that he asked this be placed on the Agenda, and indicated there are missing a body along with the County the majority investor in the hospital...we are the majority share-holder and stalk holder for our citizens in the hospital, and he thinks we should have three voices from the Commission on that JPC representing our citizens, and that we meet at least once a month. He stated he is on the committee to change some of the rules and procedures.

Commissioner Whitehead stated she would be interested to serve on the board.

“Mayor Mulcahy moved to appoint Commissioner Whitehead to the Sierra Vista Hospital JPC Board.”

Seconded by Commissioner Green.  
Motion carried unanimously.

**DISCUSSION/ACTION – WATER TANK REHABILITATION PROJECT CHANGE ORDER NO. 5 –**

Ms. Karen Jacobsen from WHPacific came before the Commission, and you have what we believe is the last change order on this project, and it is less than \$1,000 which pays for the materials that are part of the change order that you approved last time.

Commissioner Green stated...only select pits will be filled as determined by the inspector.

Ms. Jacobsen – Yes that has been done already. And the reason it says select is because he determines how deep they are...if they are deep they need filling if they are less than a certain depth...and I don't know what those numbers are...they don't need to be filled, and stated they are taken care of by the other coatings. She stated 11 months after the tanks have been filled, and has been in use we will empty the tank and do another inspection, and then additional findings will be corrected.

“Commissioner Green moved approval of Change Order No. 5 for the Water Tank Rehabilitation Project in the amount of \$906.15 w/ GRT.”

Seconded by Commissioner Whitehead.  
Motion carried unanimously.

**DISCUSSION/ACTION – RESOLUTION #13-12/13 –  
ADOPTING THE 2014-2018 ICIP –**

Mr. Bill Slettom, Community Development Director came before the Commission, and stated tonight they are going to adopt a Resolution identifying the top 5 projects that we are going to submit to Local Government Division as part of our Infrastructure Capital Improvement Project.

Mr. Slettom explained ICIP and that this is a program created in the early 1990's, and it is required by State Statute, and that it is a plan that establishes priorities for anticipated capital projects.

He stated ICIP is a plan of priorities covering a 5-year period, and that they go through this every year, and part of the entire submission that we make to Local Government Division discusses policy direction, time frame, estimated costs, justifications, and a lot of details about each project by year over a 5-year period.

Infrastructure is the basic physical and organizational structure needed for society or enterprise, and services and facilities necessary for an economy to function. Types of Infrastructure that are eligible are roads, water, sewers, electrical grids, telecommunications, gas and solid waste.

Mr. Slettom stated you will see things on our list that don't fall into that category...that's because basically ICIP is a wish list where you list your 5 top needs, but other projects that may not have quite the same urgency still belong on that list even though they may not fall into the typical infrastructure categories. He stated the Local Government Division keeps an inventory of all of our assets, and that we supply that to them, and update that annually, and that is done as a collaboration with all of our departments, and includes some estimated costs. He stated one thing the legislature looks very closely at...are we including operating and maintenance expenses.

He stated one of the ways we prioritize, and one of the criteria that the legislature uses is determining how critical a project is...does it address public safety...is there a legal liability issue...is there a timeline that we have to meet...is this actually an emergency situation, and of course compliance, and that they have a component of one of our projects that does address compliance.

Mr. Slettom stated we looked at our capacity for internal funding... how much capital investment can we make...what are some of the sources of local funding, and also considering other funding that we're gonna go after. He stated we'll be looking at for instance the Water Trust Board...some of the Senior Programs have got other sources of funding for their projects.

He stated what we're going after with ICIP is the Capital Outlay, and this is the money that we hope to get from the legislature, and we can also go after CDBG money, USDA, Colonias...but we do not follow into the Colonias category, but Williamsburg does, and they support our wastewater system, and we will be going to the Water Trust Board for some of our projects, Aging and Long Term Services, and this is where you go for a senior program, NMFA if we are going for bonding for a project, and then private-placement funding is also an option that's open to us.

Mr. Slettom stated this was the plan that we worked off of from last year, and I drew lines through projects that have been completed or that time had run out on for us to pursue some of these things. The top five projects...Wastewater Treatment Plant Renovation, Animal Shelter, Water/Wastewater Line Replacement, Electrical Main Feeders Upgrade, and the fifth is to support the Hospital. And stated the other projects listed are from the previous year, and moving up, and that they've also added a Construction and Demolition Landfill...something that we feel we need in this area, the Solar Generating Plant which you will hear about later is also listed, and further down the Effluent Water to the Cemetery...our Wastewater Plant Renovations will actually add to the amount of water that we can use as effluent for various uses around the City.

He stated the Wastewater Treatment Plant that is going through preliminary engineering, and is in environmental asset right now, and indicated it will improve the quality of the effluent so that it will exceed the current regulatory standards, and actually meet or exceed the future ones, and that one part of this project will be to significantly improve safety, and this is by switching over from the use of chlorine gas for disinfecting to ultra-violet light...so our staff will no longer be handling chlorine gas, and we'll also be adding efficiency to the plant, and so we expect these improvements to increase the capacity to serve T or C to the year 2045, and the estimated cost of this project is \$8.1 million dollars.

The Animal Shelter...A new facility for safe, humane handling of animals, and this project we're expecting it will be on City property, and so our estimated cost for a facility and this is strictly ball park of \$800,000.00. Water/Wastewater Line Replacement, and this is on-going replacement of old infrastructure that is very out dated...in bad need of replacement, and this will also provide for extension of services...targeted areas are in the old part of the City...\$1,200,000 for the first years, and \$1,500,000 for the second year of that project. New Electrical Main Feeders...new electrical entries into the City, pole replacement conductors and hardware to accommodate City growth, and a new loop feeds to Williamsburg with a project cost of \$1.6 million. Additions and replacements of health care related facilities, and this will support the on-going efforts of the Sierra Vista Hospital Joint Powers Commission... \$1.2 million dollars was put in the request last year, and that we

will be putting that amount of money in as a request this year.

Mayor Mulcahy stated in a workshop recently one of the issues that came up was roads, and the need to consider those in our ICIP... what is your position or your findings about that.

Mr. Slettom stated...as I recall the discussion was...while you were doing water and wastewater improvements in the lines in the street that would be a good time to fix the streets in that area...so I think we're seeing those two projects as...and we do have annual funds for street improvement that we would add to a utility infrastructure improvement.

Commissioner Green – As Manager Fuentes did last year I would like, and suggest that we prepare a small document, and let's wait until after the elections, and whoever gets elected let us make appointments...let's visit them on their turf, and not wait until we go to the legislature in January when it's a done deal already...let them help carry our water, and let them know what our issues are, so I would like to go pro-active on this. And there might be some additional capital outlay money up there, and I think we have some worth-while projects that I want to make sure that our State Representatives totally understand, and can fight the battle for us, and with us to get some capital outlay money down here.

Mayor Mulcahy – I think this water treatment issue, and the water/wastewater lines are a critical issue. On the 800 grand is that the total cost of the Animal Shelter as we see it without participation yet by any other entities.

Mr. Slettom – That was a price for a metal building that we sort of educated ourselves on...it doesn't take into consideration really what is the program of the facility...it's more like a place holder figure that we can submit to Local Government Division by the October 1<sup>st</sup> deadline. After that we are free to amend our program, and certainly like Commissioner Green has pointed out...we then start really working closely with our legislative delegation because there are a lot of hurdles that ICIP...any kind of capital outlay program has to go through, and the better job that we can do of putting a sharp pencil to what we're asking for the better our chances are of getting through first of all the legislative finance committee when they have their huge staff look at very single piece of request that comes in...and they do a fiscal impact report...very lengthy report on the project...the more information that we can give them the better our chances are of actually seeing some money flow through for our project.

City Manager Fuentes stated we are still looking at all the options that we have available, and the Task Force presented two locations and that we're looking at them further. And we're not necessarily closing the doors as well as working with Dr. Dawkins and the other entities as well, and while we have necessarily on our ICIP that is not the only avenue that we're looking at as far as finding a solution to this issue.

He stated the other reason for asking Mr. Slettom to include the construction and demolition...there is an issue that will be before us as well as we move from the landfill to the collection center that we definitely need to find another avenue of disposing of that waste

of construction and demolition. He stated that is an easier process to get permitted through, and again this is an issue that I discussed with the County, and the City of Elephant Butte as well, but I want to make sure it's up on the radar that we definitely cannot let this go un-addressed because once the collection is up and running, and if we do not have a construction demolition facility that will be taken to that site, and that it will increase our cost and increase our overall operations, and we definitely want to make that a priority as well.

Commissioner Green asked...have we reached out to the National Guard to see if we could use the Armory as a potential site for an animal shelter.

City Manager Fuentes stated we do have copies of the lease for that facility, and that we have not reached out yet, and we are going through the lease, and we'll be sending them a letter requesting some clarification on the feasibility of using it if not as a permanent site or as a temporary site while we get a final solution resolved.

“Commissioner Green moved approval of Resolution #13-11/12 – Adopting the 2014-2018 ICIP.”

Seconded by Commissioner Richter.  
Motion carried unanimously.

#### **DISCUSSION/ACTION – SOLAR FARM RFP –**

City Manager Fuentes stated you were provided in your packet an evaluation sheet from WHPacific, and they had tasked them to assist us in evaluating the 6 proposals that we received. And you will see the bid price in the third column, and that they range from 5 million all the way to 6.4 million, and submitted with their evaluation sheet...each of the proposals based on certain criteria, and gave them certain points, and the top 2 responsive proposals were from Ameresco, and 310 Solar Energy, and the bid price for Ameresco is \$5,180,672.00, and 310 Solar Energy is \$5,500,000.00 with Ameresco being rated as #1 from WHPacific.

He stated the purpose for having it on the Agenda is to give you an update on these proposals, and that the top 2 is recommended by WHPacific, and if the Commission wished to proceed further, and that they would like to review them in more detail, and provided copies of their proposals for you all to review, and indicated this is definitely not requesting to award to any of these two bidders...but more for information, and direction from the Commission if we would like to proceed, and move forward then we would definitely examine it further as well as look how this project could be financed, and we do not have the funding, and if we proceed to move forward we definitely would have to look at financing this either through a grant or a loan through NMFA.

Commissioner Richter stated he thinks we need more analysis on this...much more in depth cost analysis on this project before I would be willing to proceed on it.

The Commission would like staff to pursue and continue gathering more detailed information.

**DISCUSSION/ACTION – CERTIFICATION OF RECALL ELECTION PETITION –**

City Manager Fuentes stated in your packet you have a memorandum from Mary Penner regarding the petition in which they received a petition with 302 names submitted, of which 240 were certified as valid signatures. At that there were 2 names submitted with the date prior to August 18<sup>th</sup> which was prior to the date of the certification of the petition, 27 names had a different address than what the voter's registration list, 26 were not listed on the registration list, 5 names were not residents of the City of T or C, 1 name was a duplicate, and 1 name was the person's middle name instead of first name.

He stated pursuant to State Statute 3-1-5 (G) it does require the Commission to certify the petition for the recall election to proceed and move forward to the next step. And if it's certified an Election Resolution will be presented at the next meeting and at that time will recommend an election to be held around December 18<sup>th</sup>.

Mayor Mulcahy stated because the nature of this situation asked Madam Mayor Pro-tem Whitehead to conduct this portion of the meeting.

“Mayor Pro-tem Whitehead moved to certify the Recall Election Petition.”

Seconded by Commissioner Richter.

Motion carried.

Mayor Mulcahy abstained.

**DISCUSS/ACTION – RESOLUTION #14-12/13 – AMENDING THE CITY COMMISSION RULES OF PROCEDURE –**

Mayor Mulcahy stated he would like to propose that we return the Public Comment in Section H back to Section C, and to have all public comment at the beginning of our meeting as we have done in the past, and to limit the 3-minute rule as we have done in the past as well.

“Mayor Mulcahy moved that we move Public Comment from item H back to C, and to compress item H, and eliminate it from our agenda, and open up section C to include all comments from the public with the 3-minute rule.”

Seconded by Commissioner Richter.

Commissioner Green should maybe G proceed F...as we have now we deal with unfinished business then we go to new business...with this new protocol or procedure rather we have new business before unfinished business...I'm wondering if we should just reverse those.

“Mayor Mulcahy moved that we have unfinished business before new business on the agenda, and that we have the second public comment deleted from the agenda, and have the comments from the public to be in general nature as item C.”

Seconded by Commissioner Green.

Motion carried unanimously.

REPORTS:

**CITY MANAGER –**

City Manager Fuentes stated that we will be meeting tomorrow morning at 8 am at the 3 million gallon water tank for those of you that want to see the tank inside.

He stated the issues raised by the Recreation Advisory Board, and that they are reaching into our first quarter of the new fiscal year, and we will be preparing a financial report, and we will be addressing some of the outstanding grants that we have as well as where we stand with the first quarter of our revenues, and our expenditures.

City Manager Fuentes stated on October 3<sup>rd</sup> usually every Wednesday before a City Commission meeting I have a department head meeting, and that on October 3<sup>rd</sup> we will have a meeting with all the department heads as well as some of the employees who have been serving the City, and residents for over 5-years, and we will recognize them. And the meeting will be at the Commission Chambers so I would like to invite you if you would like to attend, and that the City has pins for years of service for 5, 10, 15, 20, up to 25 years, and will present the names at our next Commission meeting.

**CITY ATTORNEY –** No report.

**COMMISSIONERS –**

Commissioner Richter – No report.

Commissioner Green stated he just returned from Silver City, and that Main Street had a working 2 days, and picked up...Historic... visit Historic Downtown Silver City take a walk downtown. And they discussed Mesilla's last time, and would like to suggest, and put it on the next City Commission meeting...no one likes to see empty store fronts, broken windows, paint peeling off buildings, but that is what we saw in Silver City...we are not in this alone other communities are having the same financial problems that we are dealing with in our downtown...we don't have a director of tourism presently, so therefore the City has savings of our contribution towards that salary. And I want to put this on our next agenda...I want...either the City should do this or Main Street should do this, or someone should do this...to wait until the economy turns around guess what it's too late, and that we have got to position ourselves right now to work, and continue to work, and move forward and get people into our shops...that is where we generate our GRT, so I would like to have that as a discussion in two weeks...who is the entity that is going to do this...it's gonna take time, but if we're looking at downtown as the garden that is going to attract the bees...and the amazing thing about our downtown is whether you come in at exit 79 or exit 75 you go by 95% of our businesses to get downtown, and that the majority of our tourism assets are downtown, and I think that we are absolutely a...in not having a document like this for bragging rights, and to support our businesses, and new people who are gonna want to take

a look at empty buildings, and move into our community.

Commissioner Whitehead – No report.

Mayor Mulcahy reported that Commissioner Whitehead and I went to the Municipal Officials Leadership Institute for training, and I'm very proud to say we learned a lot, and was well attended. And that he also went to Ruidoso for a couple of days for an Airport Meeting where we met with the Department of Transportation, and all the Airport managers in the State, and that Mr. Williams from the City also attended, and they learned a lot about the things we could do with our Airport...advance that we might be able to have if we were able to allow more on the Airport, and the kinds of things that might be able to promote our businesses, relative rates, and things people are doing at their Airports to make them more successful.

He stated civility means you can have a difference of opinion, and not to into meanness and insult, and I applaud this Commission for its un-willingness to rubber stamp stuff, and come in here and have total agreement...I think that disagreements handled properly in civil ways is a good form of governance, and that when you walk into a meeting and it's an unanimous vote every single time, and everybody says...yea we have the exact same idea coming in here...I challenge that, and I appreciate that doesn't happen on this Commission...that we come in here, and really I don't know how anybody is going to vote most of the time so it's well worth it, but I think we need to restore civility because its abstinence is discouraging people for wanting to invest here.

Ms. Marilyn Pope Administrator with Geronimo Springs Museum came before the Commission to thank the City for their help with sub-recipient funding, and lodger's tax to help our facility.

PUBLIC  
COMMENT:

Ms. Deborah Toomey came before the Commission...couple of quick questions here that happened new business – Discussion and Approval of the Final Budget...I could of sworn final budgets needed to approved by a resolution, and #7 – Resolution #14-12/13 – you didn't vote on a resolution...you voted on a motion...there was no mention what so ever of a vote upon this resolution. And made comments regarding the Solar Farm.

City Manager Fuentes stated in regards to the approval of the final budget, and indicated the final budget was approved by Resolution, and it was actually done prior to the September 30<sup>th</sup> deadline...what the Commission did tonight is a requirement by DFA to acknowledge that DFA approved the final budget, and that is in a letter that we received, and we can certainly give you a copy of that letter.

In regards to the Solar Farm, and as you may have seen in the minutes from the Public Utility Advisory Board who was actively promoting reverse metering for residence's, and stated that is something the Public Utility Advisory Board along with our electric division director are looking into it, and that is something that has been in the works thanks to Mr. Szigeti who has been spear heading that.

Mayor Mulcahy stated going back to item F-4 – Resolution #13-12/13 – Adopting the 2014-2018 ICIP –

“Commissioner Green moved for approval of Resolution #13-12/13 – Adopting the 2014-2018 ICIP.”

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

Motion carried unanimously.

Resolution #14-12/13 – Amending the City Commission Rules of Procedure –

“Commissioner Green moved for approval Resolution #14-12/13 – Amending the City Commission Rules of Procedure –

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.

Mr. Ron Fenn came before the Commission, and stated you just violated the Agenda by cutting me off. And made comments regarding the Waste Transfer Plant.

Ms. Sophia Peron came before the Commission and made comments regarding cleaning up, marketing, and promoting our town.

None.

RESPONSE TO  
PUBLIC

COMMENT:

EXECUTIVE  
SESSION:

“Mayor Mulcahy moved that the meeting be closed for Executive Session pertaining to 1. Purchase, Acquisition or Disposal of Real Property 10-15-1H (8), A. Related to – Property at 439 McAdoo, B. Related to – NMSA Welcome Center, and 2. Pending or Threatened Litigation 10-15-1H (7), A. Related to – HSLD.”

Seconded by Commissioner Green.

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

Motion carried unanimously.

Commissioner Whited recused herself from the discussion related to HSLD.

Commissioner Richter recused himself from the discussion related

to the NMSA Welcome Center.

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

OPEN MEETING:

“Commissioner Green certified that only matters pertaining to 1. Purchase, Acquisition or Disposal of Real Property 10-15-1H (8), A. Related to property at 439 McAdoo, B. Related to – NMSA Welcome Center, and 2. Pending or Threatened Litigation 10-15-1H (7), Related to HSLD was discussed in Executive Session, discussion incurred, and no vote was taken.”

CERTIFICATION

“Mayor Mulcahy moved to direct staff to proceed with the sale transaction at 439 McAdoo as discussed.”

Seconded by Commissioner Richter.  
Motion carried unanimously.

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

ADJOURNMENT:

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

APPROVAL:

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

ATTEST:

\_\_\_\_\_  
MARY PENNER  
CITY CLERK

