

CITY COMMISSION
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
Tuesday, November 13, 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, November 13, 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 B. Penner, City Clerk

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

CEREMONY: Mayor Mulcahy stated he wanted to thank the City for stepping out in such a huge way as a community in honoring our Veteran's all weekend, and called for fifteen seconds of Silent Meditation.

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

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

"Commissioner Green stated he would like to suggest that under new business item #6 since we have Mayor Pro-tem Sharon Thomas from Las Cruces, and Jack Valencia from TransCom from Las Cruces, and move that item to #3...and then everything would stay in order.

Seconded by Commissioner Whitehead.
Motion carried unanimously.

COMMENTS FROM THE PUBLIC: Mr. Ron Fenn came before the Commission, and had comments regarding Item 9 – Change Order for the Solid Waste Collection Center, and provided information for the record.

Mr. Hans Townsend came before the Commission, and presented the Commission and the City Manager the New Sierra County Visitor's Guide.

Ms. Sazi Marri General Manager of the Sierra Grande Lodge came before the Commission with comments regarding the proposed plans for the Healing Waters Plaza.

Chief Priscilla Mullins came before the Commission to thank Maria's Restaurant for the recent fundraiser for Shop w/Cops. And stated they will be offering free training for the Seniors in our community for identity theft and property crimes.

CONSENT
CALENDAR:

Mayor Mulcahy stated there have several items on the Consent Calendar; City Commission Minutes – Special – 9/14/12, Regular – 9/25/12, 10/9/12 & 10/22/12, Lodger's Tax Minutes – 10/25/12, and Accounts Payable – October 2012.

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

Seconded by Commissioner Whitehead.
Motion carried unanimously.

PUBLIC HEARING:

FINAL ADOPTION – ORDINANCE #629 – A CITIZENS INITIATIVE ORDINANCE OF THE CITIZENS OF TRUTH OR CONSEQUENCES, NM, PROHIBITING CITY'S ACQUISITION OR MAINTENANCE OF REFUSE DISPOSAL AREAS OR PLANTS SUCH AS A SOLID WASTE COLLECTION –

City Attorney Rubin read Ordinance #629 in its entirety. Copy of Ordinance available at the Office of the City Clerk for review.

Mayor Mulcahy opened the Public Hearing, and would like to call the Proponents first, and the first one on the list is Mr. Ron Fenn.

Mayor Mulcahy stated before we begin...and I'd like to if you approved our rules of procedure provide for 5 minutes.

City Attorney Rubin stated I think it is appropriate also is during the Public Hearing the Commissioners would not actually discuss at this point, and then discuss it amongst yourselves when we get to the actual...

Mr. Ron Fenn came before the Commission, and stated in my support of this Initiative for which I was involved in gathering the required signatures...I want to bring up a few points that were made by City Manager Fuentes at his opposition to this a couple of months ago in his power point presentation. And the project as Mr. Fuentes sees it...he says the Collection Center serves the general public as an operational less than 240 cubic yards of solid waste per day, per month average, and does not accept special waste...unfortunately this is a transfer station this is not a waste collection center. A waste collection center serves the general public not municipalities, and not commercial haulers. The Collection Center will be owned and operated by the City at a 5 million dollar excess to the City rate payers over the use of a landfill which we never

applied for because we don't have the land within the City, and therefore we don't want to lose that revenue...but this 5 million dollars is not revenue for the City...it's revenue for Dona Ana County, and I hardly object to that.

He stated the project site is on City property South, and adjacent to the T or C Recycling area, and this is still considered recreational land until proven otherwise, and a more adequate site had been proposed at the racetrack, and that was shot down because it was recreational. The co-location of the collection center with a recycling center will create an integrated solid waste management operation on one contiguous piece of property...unfortunately recycling program is economically untenable given the City operation distance to markets, and voluntary nature of collection, and stated we're collecting 5%...we've brought in \$10,000 or thereabouts last year at a cost of probably 80 or 100,000 dollars to the people. The collection center will receive municipal solid waste hence a transfer plant.

Mr. Gerald Trumbull came before the Commission, and stated he strongly favors Ordinance #629 A Citizens Initiative Ordinance.

Mayor Mulcahy asked if there was anyone else that would like to speak for Ordinance #629, and no additional comments were received, and the Public Hearing was closed.

FINAL ADOPTION – ORDINANCE #630 – BE AMENDED BY REVISING SECTION 11-10 – PROVIDING THAT COLLECTION FEES BE CONFIRMED –

City Attorney Rubin read Ordinance #630 in its entirety.

Mayor Mulcahy stated we have one opponent Mr. Ron Fenn.

Mr. Ron Fenn came before the Commission, and stated he is definitely in opposition to this Ordinance, and stated he sent them a couple of analysis of the current collection of funds from the people of Truth or Consequences for trash. And if you notice the 3-page analysis this shows the fee that was back in 10/05 was \$10.68, and we've been here 7 years over that period, and ever since then fees have been going up, and the service going down.

Mayor Mulcahy asked if there was anyone else that would like to speak for Ordinance #630, and no additional comments were received, and the Public Hearing was closed.

NEW BUSINESS:

DISCUSSION/ACTION – FINAL ADOPTION – ORDINANCE #629 – CITIZEN INITIATIVE ORDINANCE –

Commissioner Green stated I think it's easy to make a stand against something, and sometimes it's hard to come up with an alternative...another plan, and I find that this Ordinance is absolutely lacking, and it leaves the City as far as I'm concerned hung out to dry at the mercy of private enterprise who will literally, and can charge anything they almost want to do, and I think that it was not well thought out...in the fact that okay we don't want the City to be in the garbage business we want this to happen, and there is no way for this to happen on this Ordinance...it just leaves the City, and 6,435 people exposed with possible garbage just laying in

our streets therefore I cannot possibly support this...that's my opinion.

“Mayor Mulcahy moved that we do not adopt Ordinance #629.”

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.

Ordinance #629 **was not adopted.**

DISCUSSION/ACTION – ORDINANCE #630 – AMENDED BY REVISING SECTION 11-10 – PROVIDING THAT COLLECTION FEES BE CONFIRMED –

“Commissioner Green moved for approval of Ordinance #630.”

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.

DISCUSSION/ACTION – AUTHORIZATION TO PARTICIPATE IN THE SOUTH CENTRAL REGIONAL TRANSIT DISTRICT

Mr. Jack Valencia with the South Central Regional Transit District, and Mayor Pro-tem Ms. Sharon Thomas from the City of Las Cruces who serves as the chair to the District came before the Commission respectfully requesting participation and authorization of an invoice payment.

He stated back in May he came before the Commission, and made a presentation highlighting the activities of the Regional Transit District, and the types of on-going participation and activities that we were looking at and reviewing. And stated there are 11 members in the Regional Transit District...3 counties, and 8 municipalities, and indicated the present providers within the area are Roadrunner Transit, Z-Trans in Alamogordo, Sun-Metro Assist in Southern Dona Ana County with Sunland Park, and Ben Archer who comes to Sierra County/T or C on an occasional basis.

Mr. Valencia stated that RTD is a stand-alone political subdivision in the State, and that this was created in 2003 Legislation, and in 2006 it was certified by the Department of Transportation Commission, and was provided a grant in 2008 of \$250,000 in which initially \$170,000 was exhausted from some previous work, and subsequently I picked up the project this past March, and what we are seeking is going to our member entities of which T or C is,

and seeking financial participation.

He explained they are seeking a 50-cent per-resident within the district, and that they are trying to raise \$150,000 in this fiscal year in order to maintain the program moving forward. And what we are seeking respectfully requesting from this body, and approval is approximately \$3,237.00 based upon your 2010 census, and stated they have other participants such as Elephant Butte, Sierra County, City of Las Cruces, Town of Mesilla, and that they are making presentations in Alamogordo, Sierra County in January, and have been asked to make a presentation to the Village of Williamsburg in December.

Ms. Sharon Thomas Mayor Pro-tem from Las Cruces came before the Commission to urge the Commission the City's continued participation, and stated this is our second attempt to go at this, and that one of the things we looked at is the great need in these three counties, and that Sierra County has the highest need of all...as you virtually have no public transportation here, and that you don't have a way for people to get to various services.

She stated in Las Cruces they have broken ground for development of a new transportation hub, and that will allow to bring all the regional existing transits systems to come into Las Cruces, and then hook up to other transit systems.

Mayor Mulcahy stated as a 2% player I'm concerned to know how that really would translate into something that will happen here, and I say that for two reasons...1 is I don't like charging households 50 cents for something unless I can really show what we're doing with it, and the 2nd is raising the GRT...we're at 8% already...I'm hesitate to do that. On the other hand if you could tell me a little bit more about the benefit to Sierra County, and maybe a little bit less about all the other places...what can we expect to see here.

Mr. Valencia stated specifically with regard to our present request of \$3,200.00 is that we have the ability to continue to make some of the components of that study in a little bit more finite basis, and the possibility if indeed we have the ability to acquire some match monies and what we need. And for the amount of money that would come in revenues from the City of T or C I would see that they would get far greater in participation of monies that are necessary in order to provide public transportation in this area.

Commissioner Green stated this is not an attempt to raise GRT for our local taxpayers...but for a small investment it will get us to the point where the citizens of our community will determine if they need public transportation. And that he wants the citizens to have an opportunity to determine their own future when it comes to transportation.

Commissioner Richter stated I see this request as just another tax on our citizens, and I don't think increasing taxes and fees are the remedy for our lack of economic development here in our town, and that we have much more urgent needs, and I think this money can be spent more prudently.

"Commissioner Green moved that the City of Truth or

Consequences participate in the South Central Regional Transit District in the amount of \$3,237.00 to move this project forward, and put it in the very hands of the people that it is meant to serve... and that is the public.”

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

**DISCUSSION/ACTION – CALL FOR SPECIAL ELECTION
– FOR FILLING OF VACANCY OF CITY COMMISSIONER
–**

Mayor Mulcahy stated it’s my desire not to bring things before this Commission for a second time but it’s also my duty as the Mayor if the Commission wills it to call for a special election to fill the vacancy at the nearest opportunity.

“Mayor Mulcahy moved to call for a special election for the filling of the vacancy of a City Commissioner at the next available opportunity.”

Seconded by Commissioner Whitehead.
Motion carried unanimously.

**PRESENTATION – HEALING WATERS PLAZA
CONCEPTUAL PLAN -**

Ms. Linda DeMarino, President of MainStreet Truth or Consequences came before the Commission, and stated as you recall back in August the Youth Center was torn down. And since it is in our Main Street district and New Mexico MainStreet offers services up to communities who have MainStreet programs, and we contacted them and told them of this big space...you have the experts, and sent them down. She stated it is on the internet now on Facebook...on the T or C MainStreet page, and that soon it would be on the web-site at T or C MainStreet.org.

At this time she introduced Mr. William Powell a Program Associate from NM MainStreet.

Mr. William Powell came before the Commission, and stated there are 23 NM MainStreet communities in the State, and that Truth or Consequences has been a member for 3-years, and that allows resources from the State. He stated he is an architect by training... and he mostly works on buildings and facades, and that he has done a few buildings here in T or C, and that he was invited to help with this project.

At this time they presented a power point presentation and presented the Healing Waters Plaza Conceptual Plan, and a copy of this plan is available at the Office of the City Clerk for anyone wishing to review this.

**DISCUSSION/ACTION – APPOINTMENT & RE-
APPOINTMENT TO T OR C HOUSING AUTHORITY**

BOARD -

City Manager Fuentes stated you were provided with some correspondence from the Executive Director of the Housing Authority who is present, and we have a recommendation for appointments of 2 members to the board.

Ms. Elizabeth Gutierrez Executive Director of the Housing Authority came before the Commission, and they are asking approval of two members to our Housing Authority Board, and we also have one member I'd like to recognize Danny Mena who is in the audience.

She stated that Greg D'Amour has been with the Housing Authority over 20 years, and we feel re-appointing him is beneficial to the Housing Authority, and that we are also asking for the appointment of Earl Greer as a new member, and his background is in property management, and real estate, and would be a huge asset to the authority.

“Commissioner Whitehead moved the re-appointment of Greg D'Amour to the board along with Earl Greer.”

Seconded by Commissioner Green.
Motion carried unanimously.

DISCUSSION/ACTION – RESOLUTION #16-12/13 – WATER TRUST BOARD –

City Manager Fuentes stated the Resolution before you is seeking ratification of the submission of an application to the NM Water Trust Board for Asset Management Plan and a Preliminary Engineering Report for our water and wastewater lines, and as you may recall at our previous Commission meeting we had this item for the Water Trust Board, and at that time we thought we could seek funding for the actual construction of the water and wastewater lines however after attending the Infrastructure Conference in listening to some of the funding agencies for these type of projects they emphasized and stressed that they want communities to prepare a preliminary engineering report...they want some actual data behind what we're asking them to do, and in addition they are encouraging municipalities to an asset management plan.

He stated with the assistance of Smith Engineering one of our engineering contract firms they assisted in preparing the application along with staff, and Mr. Bill Slettom, and we are asking the Commission to ratify the submission of the application. And stated this only gets us to the point of being able to be on the legislative bill that is coming up in the next legislative session for funding... should any funding be available.

Commissioner Richter – I feel this is something the City has needed for a long time, and thinks it's money, and time well spent.

Commissioner Green – Am I correct that the City's portion of the match would be 10%.

City Manager Fuentes – That would be correct if we would qualify

it would be a match requirement similar to what we undertook when we did the water tank rehab project...that was also through the Water Trust Board.

Mayor Mulcahy – I want to compliment you on your ability to move through NMFA, and all these organizations, and your involvement with them.

City Manager Fuentes – I would also like to recognize Bill Sletton who attended that conference as well, and that he was also very instrumental in contacting these funding agencies.

“Commissioner Green moved approval of Resolution #16-12/13 – Authorizing and Approving Submission of Application for Financial Assistance and Project Approval to the NM Water Trust Board.”

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.

DISCUSSION/ACTION – PROJECT AGREEMENT FOR FY 2012/2013 – NMDOT TRAFFIC SAFETY DIVISION, HIGHWAY SAFETY PROGRAM, CONSOLIDATED PROJECT AGREEMENT –

Chief Mullins came before the Commission, and stated the item before you is for consideration and approval of the NMDOT Project Agreements for FY 12/13. And explained it covers the Operation Driving While Impaired Project 13-AL-64-104, Operation Buckle Down Project 13-OP-RD-104, and 100 Days and Nights of Summer Project 13-EE-DS-104.

Background on these grants – Each year NMDOT receives funding with the purpose, and goal of reducing traffic related injuries and deaths. And indicated Law Enforcement Agencies from around the State are allotted specific grant funding in order to reimburse the salary expenses of officers to conduct program activities.

Chief Mullins stated this year the T or C Police Department received grant funding in three Program categories:

ODWI – In the amount of \$7,072.00
OBD – In the amount of \$1,300.00
100 Days & Nights of Summer – In the amount of \$2,496.00

Project Dates –
ODWI & OBD – 10/12 – 9/13
100 Day & Nights – 6/21/13 – 9/30/13

Chief Mullins stated the funding is to reimburse the department for overtime.

“Commissioner Whitehead moved approval of the NMDOT Project

Agreements for FY 12-13.”

Seconded by Commissioners Green/ Richter.
Motion carried unanimously.

DISCUSSION/ACTION – CHANGE ORDER #1 – SOLID WASTE COLLECTION CENTER PROJECT –

City Manager Fuentes stated you have Change Order No. 1 related to the Solid Waste Collection Center Project, and that is to modify, and remove the existing gutter by the contractors. He explained it is required to appropriately construct the facility, and is asking the Commission to approve the change order in the amount of \$5,850.82, and that there are sufficient funds for this change order.

Mayor Mulcahy – Is it true that it is Gordon Environmental responsibility because of the 10ft. limit...10ft. limit between buildings.

City Manager Fuentes – No.

Commissioner Green – When you say it is not their responsibility...shouldn't it be their responsibility where they're going to be constructing something in a community to look at the existing rules and regulations that...that community abides by before they come up with a bid and/or factor that information that is available to them in their final bid...so in this particular case we don't start with change orders, and end up like we did with the tank.

City Manager Fuentes – The change order we're looking at it has to do with the existing building itself, and initially it was thought that our staff could remove the existing gutter, and after examining the building closer it was determined that our staff is not capable of doing it ourselves...so that is why we are asking for this change order.

Commissioner Green – So what you're saying...am I understanding because I'm not gonna vote for this change order, but I want to understand that it's a proper vote, and a proper position to take...so what you're saying is that because this is on a City building that it should not be either the construction company and/or Gordon Environmental as our advisor if you will...it shouldn't be on their dime what I'm trying to find out...whose fault is this.

City Manager Fuentes – I cannot answer that question at this time without the engineers consulting with them. All I can tell you is that during the construction this was an issue that needed to be resolved it was one of those things that was un-expected as the construction project is moving forward, and it does require some modifications to the existing work order, and it is recommended by Gordon Environmental.

“Mayor Mulcahy moved to approve Change Order No. 1 for the Solid Waste Collection Center Project.”

Seconded by Commissioner Richter.

Commissioner Green - I would like to suggest that rather than

voting this tonight...Is this time sensitive. And I'm gonna suggest that the manager get a hold of the construction company...Gordon Environmental...talk to them, and see if they might be willing to split this a little bit to lessen the pain for us...if we postpone this vote for 2 weeks will that hold up the project.

Commissioners Mulcahy/Richter Voted Aye
Commissioners Whitehead/Green Voted Nay

DISCUSSION/ACTION – AWARDING OF BID FOR THE WILLIAMSBURG ELECTRICAL CIRCUIT UPGRADES –

City Manager stated you were provided a recommendation from WHPacific recommending the awarding of the bid to BBC Electrical Services in the amount of \$388,965.00.

Mr. Gil Avelar Electrical Division Director came before the Commission, and stated we've been working on this project for approximately 4 years. He stated they went through the bids, and that WHPacific indicated it looks good to them...surprisingly it was less than we thought it was going to be so we have room to work with.

Commissioner Richter – I see that on the engineer's base bid ... Additive Bid Alternate #1 for providing Class 3 poles in lieu of Class 4 poles was included for no additional cost...would you provide some clarity as to what we're getting with that enhancement of poles.

Mr. Avelar – Class 3 and Class 4 poles deals with the size of the butt of the pole if you will. A Class 4 pole is smaller around than a Class 3 pole...it's not as stout.

Commissioner Richter – Am I understanding this correctly...is that we're getting Class 3 poles...a better pole at no additional cost.

Mr. Avelar – I'd be surprised if they went with a Class 3 pole instead of a Class 4 pole because it's going to be more expensive.

Mayor Mulcahy stated he would like to compliment the City in getting this moved through...I appreciate all your work Mr. Avelar.

“Commissioner Green moved for awarding of the bid for the Williamsburg Electrical Circuit Upgrades to BBC Electrical Services, Inc.”

Seconded by Commissioner Whitehead.
Motion carried unanimously.

DISCUSSION/ACTION – 1-2MW SOLAR GENERATION FACILITY, TORC PROPOSED EVALUATION –

City Manager Fuentes stated the item is again before you...as you recall we had this item in the past. And provided is an analysis that was conducted by WHPacific in regards to the bids that we received, and stated only 2 of those bids were responsive to the RFP...the bid for Ameresco, and 310 Solar met all the criteria under the RFP.

The bid for Ameresco came in at 5.1 million dollars, and the bid for 310 Solar Energy came in at 5.5 million dollars, and stated they were willing to hold the price for a certain time frame, and it is back on the agenda for the Commission to consider if this a project that we want to move forward, and the City has not identified any funding sources other than negotiating a power purchase agreement, and the details of that would have to be worked out with one of these funding agencies, and that there may be some additional costs, but at this time I put it on the agenda so we can make a final determination whether we move forward with this project, or put it on hold, and re-visit it again, or seek funding for a solar farm project.

Commissioner Richter – You know natural gas is with the recent drilling and the oil...we have plentiful natural gas...it's gonna be hard to compete with cheap natural gas...natural gas can burn to make electricity. Wind and solar energy really can't compete in market with natural gas right now...so in my opinion I don't think we need to pursue this at this time.

Commissioner Green – I think that we should pursue this at this time, and stated they came in at that bid at a lower price than we're paying per kwh right now...that's number one, and that is without any finance charges they came in at 6.3 cents per kwh, and we are higher than that we are paying Sierra Electric Coop. And last month when we had the financials we spent \$209,000 to Sierra Electric Coop for one month...WAPA we spent \$49,000, and that has nothing to do with Tri-State Transmission line fees which was \$53,000. So we're talking about roughly 3 million dollars a year we are spending for electricity.

He stated before we turn our back on this I would like to ask Manager Fuentes to reach out to Ameresco, and get all of the facts...all of the costs...all of the dollars...what the finance is going to cost us, and then bring that back to the Commission, and hopefully it will be in the time frame that they've given to hold this price at 6.3 cents, and then we'll have all the information to make a decision.

Commissioner Whitehead – This would be a great project...again where are we gonna get the funding from...who is it going to affect...how long is it going to take to get this project up and running. And I feel we would probably need to take it before the public and get their input, and instruct Manager Fuentes to do more research, and see if these companies can help us with the funding... something that is not going to affect our pocket books like everything else is doing these days.

Mayor Mulcahy – We kinda have an idea to hold on this, and get some more information. I need to find out where the five million dollars comes from, and I'm skeptical of a lot of things.

Manager Fuentes – If the Commission wishes to move forward or put it on hold then definitely we can do that if the Commission is leaning towards the lowest bid that came in from Ameresco. And stated it was a bid for the Solar Farm...not a bid for services or grant services they did express they were willing to do that, but please realize that even if we go after a grant that the grant cycle takes months if not a year, and that is what I want you all to realize

that there could be grants out there, but it's not going to be something that is going to happen right away, and it is something that probably that is going to extend beyond even 6 months beyond what this RFP called for...and then holding the bid. And we can definitely do additional research, and if the Commission wishes staff to focus, and work with Ameresco because they are the lowest bidder I will go ahead and do that, but like I said if...I won't come back unless we have identified some grant funding sources. And if you all give me that discretion if the bid is too old to consider anymore then we can notify them, and put it out again.

“Commissioner Green moved to authorize staff, and Manager Fuentes to reach out to Ameresco...tell them what we're looking for...if they are willing to make a visit, and maybe make a presentation, and to do...due diligence on their part so they can give us an exact to the penny cost on what this is going to be helping us identify, or let them identify where the finances are going to come from.”

Seconded by Commissioner Whitehead.
Commissioners Green/Whitehead/Mulcahy voted Aye
Commissioner Richter voted Nay
Motion passes 3-1

AWARDING BID - SWIMMING POOL COVER PROJECT –

City Manager Fuentes stated WHPacific was tasked to finalize and prepare documents for bidding for the swimming pool enclosure project, and in you packet you have a letter from WHPacific where we received 4 bids from 4 contractors bidding on this project. And stated the lowest base bid came in from ESA Construction, Inc., in the amount of \$379,000 plus GRT for \$408,945.02 including GRT.

And stated there is some additional work as indicated in the correspondence that increased the project cost. And WHPacific is making a recommendation to award the contract to ESA Construction for the base bid amount of \$379,000 plus GRT, and hopefully with you approval we'll go ahead and proceed, and hopefully have this project completed within 120 days.

Commissioner Green – In the recreation loan do we have sufficient money to cover that amount.

City Manager Fuentes – The Commission has set aside from the recreation loan \$300,000, and in addition to that we had a \$100,000 grant from the State...from the State Appropriation...so we have a total of \$400,000 that was set aside.

Mayor Mulcahy – It's \$400,000...and it's been a long time getting here, and we awarded, and moved forward in the last work shop with a \$31,000 engineering study, and we are now committing to do this, and I hope that everyone out there understands this is a big commitment from this City to do that, and I believe it's the right thing to do, and I think it will be successful, but I do want to let you know that I'm in favor of this project.

Commissioner Green – Does the \$379,000 include the cost of a bulk-head because I understand that our swimming pool is actually bigger than recreation...than regular size.

City Manager Fuentes – The project is just for the enclosure, and had nothing to do with anything other than just the enclosure of the pool.

“Commissioner Green moved for awarding of the pool enclosure on recommendation of staff, and WHPacific to ESA Construction in the amount of \$379,000 plus GRT.”

Seconded by Commissioner Whitehead.
Commissioners Whitehead/Green/Mulcahy voted Aye
Commissioner Richter voted Nay
Motion passes 3-1

DISCUSSION/ACTION – NOTICE OF NAMES OF PRECINCT BOARD MEMBERS FOR POLLING LOCATIONS & NOTICE OF ELECTION SCHOOL FOR PRECINCT BOARD –

City Clerk Penner stated this is part of the election process to appoint precinct board members for the precinct at the Lee Belle Johnson Center for the up-coming election Special Recall Election December 18, 2012.

Mayor Pro-tem Whitehead stated we have a Notice of Appointment of Precinct Board Members for the upcoming Special Municipal Election for the December 18th, 2012 Election.

“Commissioner Green moved approval of the Notice of Names of Precinct Board Members for Polling Locations & Notice of Election School for Precinct Board.”

Seconded by Commissioner Richter.
Commissioners Green/Richter/Whitehead voted Aye
Mayor Mulcahy abstained
Motion carried

REPORTS:

CITY MANAGER –

City Manager Fuentes reported that our Street Department is doing good work on Pershing Street, and that the compaction passed, and hopeful within the next week or so they will start laying the asphalt, and indicated they are working on the footings for the sidewalks, and wanted to commend their work.

CITY ATTORNEY – No report.

COMMISSIONERS –

Commissioner Richter – No report.

Commissioner Green – Just some Thank You’s and appreciations. I want to thank City Manager Fuentes who flips a mean hamburger, and Linda who rolls a sweet frankfurter, and all the staff, and all those who serve on City board’s on Appreciation Day, and thank Mary, Becky, Kerin, and any members of staff who showed up participated, and helped set-up, and hopefully will become an annual event...so thank you one and all.

Also I want to thank the community for showing up in mass for our downtown Halloween Celebration, and thank you Chief for making sure that everyone was safe...and the roads were closed, and hope that will be an annual event of closing the roads, and I thank all the shop keepers who gave out tons, and tons of candy.

Commissioner Green reported our billboards are up on I-25, and I want to thank...we had an incident on 8th & Ash at 11:00 PM last night...a major water main broke, and the crews worked through the night, and they finished up about 7:00 – 7:30 this morning, and wanted to thank them. And wanted to wish my fellow Commissioners, staff, and the community A Very Healthy, and A Very Happy Thanksgiving, and since it's the holiday season...let's shop locally.

Commissioner Whitehead – I would also like to express my thanks for everyone turning out for the Halloween evening. Also the Commissioners as well as the public, and City staff getting out, and pulling weeds. And would also like to thank all the employees of the City of T or C...job well done. I was also in the City Clerk's Office today, and noticed they have been doing some remodeling, and put up some glass, and it looks great.

She also reported that last week I attended my 3rd session of the MOLI which is the Municipal Officials Leadership Institute in Santa Fe, and I am on my way now hopefully to becoming a certified City Official, and that it was very informative, and I thank you for allowing me the opportunity to attend these classes.

Mayor Mulcahy stated since our last meeting I have been appointed to a Statewide Economic Development Council, and I am chairing a committee on the use of capital outlay funds for economic development in rural areas.

He would like to thank the City for moving quickly on the Main & Foch intersection by putting red striping in, and backing the cars back about 15 feet or so.

Mayor Mulcahy stated this next week two days from now I have a meeting with NMED on the petroleum tank issues in our area to understand exactly what the situation is, and will report at our next meeting. And stated he has a meeting with the...Finance Authority which is a Quasi-State agency that is in charge of affordable housing.

Commissioner Green – I would ask Manager Fuentes to do the same thing he did last year, and to prepare a document for presentation, and meet with Representative Dianne Hamilton, and State Senator John Arthur Smith to let them know of our challenges...our needs. And leave them with documents and information so they can help us carry our water up at the legislature in January.

EXECUTIVE
SESSION:

“Commissioner Green 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 HSLD, LLC – Proposal of Lease Agreement for Airport Property.”

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.

OPEN MEETING: Commissioner Whitehead recused herself from the discussion related to HSLD.

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

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

“Commissioner Green moved that we authorize staff Manager Fuentes, and City Attorney Rubin to continue negotiations between the City of T or C & HSLD on the lease for Airport property.”

ADJOURNMENT: Seconded by Commissioner Richter.
Motion carried unanimously.

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

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

ATTEST:

MARY PENNER
CITY CLERK

JOHN A. MULCAHY, MAYOR