

CITY COMMISSION
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
Tuesday, February 12, 2013

WORKSHOP 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 for a Workshop Session in full conformity with the law and ordinances of said Commission in the City Civic Center, 400 W. 4th Street, of said City, on Tuesday, February 12, 2013 at 5:00 P.M.

PRESIDING OFFICER: City Manager Juan Fuentes opened the Work Session, and stated the Work Session is to discuss the Former Turtleback Mountain Resort Golf Course Driving Range. Judy Harris, Deputy City Clerk acted as Secretary of the meeting.

Noted in the audience were various officials;
Sam Senn, Bascor Environmental Principal Civil/Environmental Engineer
Kendrah Penn, Bureau of Land Management -Real Estate Specialist-Project Management from Las Cruces;
David Wallace, Assistant District Manager for Bureau of Land Management
Edward Seum, Supervisor for Lands/Minerals for Bureau of Land Management
Bart Farris, Environmental Scientist for the NM Environmental Department
Ground Water Quality Bureau Remediation Oversight Section
Jack Witt and Dan Corunba, from Turtleback Mountain Resort,
Mike Creapeau from Gordon Environmental.
Alan Briley, Elephant Butte City Manager

Sam Senn, Principal Civil/Environmental Engineer for Bascor Environmental Inc., gave a presentation to discuss the landfill (formerly operated by the City of TorC) that was converted, investigated and closed by Turtleback Mountain Resort to a driving range under signed agreement by TorC and the Bureau of Land Management and Turtleback Mountain Resort. The Bureau of Land Management has indicated that they are proceeding with the patent transfer to TorC; the meeting consisted of a brief review of the landfill history to bring all up to date on the parcel. Mr. Senn stated that the Bureau of Land Management has agreed to meet regarding the 30 acre former TorC Landfill Site (adjacent to the Turtleback Mountain Resort development in Elephant Butte) to complete the patent of the parcel to TorC. This process began about 6 (six) years ago, and the work has been complete for the past two years. The Bureau of Land Management has admitted that they have been too busy to address the patent, but now have the time to proceed with the transfer of the property to TorC; noting it would be necessary for the city of TorC to take action to approve the patent; stating that the City holds liability for the landfill.

Mr. Senn gave a brief history and noted the Driving Range Installation Land Reclamation Report; the City of TorC, New Mexico, through a lease with the Sierra del Rio Golf Course, proposed to construct and operate a driving range on the Bureau of Land Management parcel located in the SE Quarter of Section 22, Township 13 South, and Range 4 West. The driving range constructed by clearing the existing vegetation off of the area adjacent to the former landfill (previously operated by the City of Truth or Consequences, New Mexico) and importing clean earth fill onto the parcel, installing an underground irrigation system, supplied by the existing bunch water supply permitted wells located approximately 800 feet south of the south property boundary line of the Bureau

of Land Management parcel, shaping the imported fill and planting grass cover (seeding and sodding). A small, 750 square feet, building located at the extreme NE corner of the Bureau of Land Management parcel will be constructed to handle the golf ball distribution to the participants at the driving range. Approximately 40,000 cubic yards of clean earth fill was brought in and shaped. The depths of the fill will vary based on the various mounds proposed to be constructed.

Mr. Senn noted that the Construction of the driving range would not involve altering any of the former landfill portion of the Bureau of Land Management parcel, and that all installation on the land adjacent to the landfill would be completed using clean natural soils and new irrigation materials. Speaking about the closure plan for the former Truth or consequences Landfill, noting the different steps that would need to be completed prior to Bureau of Land Management acceptance of the patent.

Kendra Penn, Bureau of Land Management Real Estate Specialist/Project Manager, showed a short slide show/PowerPoint presentation, showing the history of the Bureau of Land Management lease and what steps are necessary to complete the project; closure of the Landfill and the property patent. Noting that the Bureau of Land Management cannot deal with 3rd party developers, and the patent will be given to the City The patent switches liability to the City for the Landfills post closure monitoring, that how the Bureau of Land Management is held harmless.

Bart Faris, Environmental Scientist for the New Mexico Environment Department Ground Water Quality Bureau Remediation Oversight Section. Mr. Faris noted the new regulations went into effect May 1989, Turtleback Mountain Resort inadvertently build the driving range over part of the landfill. It will be determined if the environment can live with that. No irrigation or structures are normally allowed on top of landfills, Mr. Faris noted they wanted to work with the City to keep it a viable option, noting that in 1994 and 1995 water monitoring results were pretty clear, with manganese being found in amounts beyond standard, it is likely from geothermal water in the area. He stated the NMED needs a working plan that includes long term monitoring plan.

City Manager Fuentes noted the City hired Gordon Environmental for this project because it is an issue of liability.

Commissioner Green asked Mr. Senn to clarify that Turtleback Mountain Resort Mountain Resort will pay for a closure costs as long as the city leases the land to TMR for a driving range.

Mr. Senn said that was accurate, but the lease agreement needed to finalized, making it a long term lease for perhaps 99 years, and the cost of the lease is to close the Landfill.

Mr. Senn provided documentation of 381 pages outlining procedures necessary for the Landfill closure/Patent of Land/Turtleback Mountain Resort Driving Range. Information provided for the record; folder contains 381 pages; stored in the City Clerk's Computer file H, under the Solid Waste File.

The Workshop Session was closed and those attending were invited to attend the Regular Meeting of the City Commission, to be held in the Commission Chambers starting at 6:00 P. M.

CITY COMMISSION
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
Wednesday, February 12, 2013

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 Wednesday, February 12, 2013 at 6:00 P.M.

PRESIDING OFFICER: The meeting was called to order by Mayor John Mulcahy who presided and Judy Harris, Deputy 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
Judy Harris, Deputy City Clerk

Absent:

Jay Rubin, City Attorney

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

CEREMONY: Mayor Mulcahy called for fifteen seconds of Silent Meditation.

Mayor Mulcahy called for the Pledge of Allegiance.

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

City Manager Juan Fuentes stated he would like to request that item G-1 New Business Discussion/Action-Review & Acceptance of the 2011-2012 FY audit report prepared by Accounting & Consulting Group, LLP; noting they were unable to attend and wished the item to be removed from the Agenda;

“Commissioner Green moved to eliminate item G.1 from the Agenda, and motioned to approve the Agenda as amended.”

Seconded by Commissioner Whitehead
Motion carried unanimously.

COMMENTS
FROM THE
PUBLIC:

Julie Durham and March Milligan approached the podium to thank the Commission for the sub-recipient Grant for the Bountiful Kitchen.

Mike Kertesz approached the podium and spoke of the upcoming Election for the Solid Waste Collection Center.

Pat Freemyer approached the podium and spoke about the public comment portion of the meetings and respect.

Makayla Shars approached the podium and spoke of the hearing regarding the Solid Waste Collection Center, the injunction hearing tomorrow, and recycling.

Melissa Cordell approached the podium and thanked the Commission for approval of her training for Criminal Intelligence in Texas.

Ron Fenn approached the podium and spoke a newspaper ads and the Collection Center.

David Bonner approached the podium and spoke about community concerns, no jobs, zoning issues, vocational skills and 22 churches in the Community.

CONSENT
CALENDAR:

Mayor Mulcahy called for approval of the Consent Calendar.

“Commissioner Green moved to extract item D.2.Recreation Advisory Board Minutes from January 7, 2013; as he had a question regarding the minutes; and to approve the amended Consent Calendar, items 1, 3, 4, 5 & 6.”

Seconded by Commissioners Whitehead and Richter.
Motion Carried unanimously.

City Commissioner Green spoke regarding the Recreation Advisory Board Minutes, wondering why the Boys and Girls Club will no longer sponsor the Youth Sports this year; Commissioner Green requested to know why not and who would be sponsoring the event.

City Manager Fuentes stated he would find out what he could in the matter.

“Commissioner Green moved to approve the Recreation Advisory Board Meeting Minutes for January 7, 2013.”

Seconded by Commissioner Whitehead.
Motion Carried Unanimously.

PUBLIC
HEARING:

None.

Mayor Mulcahy recognized various City Employees in the audience and thanked them for their service.

OLD BUSINESS:

Discussion/Action-2013/2014 Local Government Road Fund Grant Project. Don Armijo, Public Works Director

Mr. Armijo noted that in the last City Commission Meeting he had presented

information for the Road Fund Grant Project, and he was back before the Commission to request a clarification on the name the street(s) which would be presented for the 2013/2014 Project./Program, noting Glen and Jewel Streets as his recommendation.

City Manager Fuentes noted that it is a school route and it is an unpaved road, staff is recommending that we authorize the proposed project.

“Commissioner Green made a motion for approval for FY 2013/2014 for the City to participate in the Local Government Road Fund Grant Project, which would be paving Glen Street from Rodeo Area Road ”

Seconded by Commissioner Richter.
Motion carried unanimously.

DISCUSSION/SOLID WASTE COLLECTION CENTER & CITIZEN INITIATIVE. City Manager Juan Fuentes

City Manager Fuentes showed a short PowerPoint presentation, stating the purpose of this item is to discuss an alternative plan for continuing Solid Waste services to residents of TorC in the event the Citizen Initiative is approved by the voters. Mr. Fuentes noted items on the presentation would be regarding State Requirements, Services provided to customers, Solid Waste Fleet overview, an Alternative Plan direct hauling, and costs associated with direct hauling.

City Manager Fuentes noted State requirements:

1. The Solid Waste Act authorizes NMED to establish rules and regulations governing disposal of solid waste.
2. Section 10.9.2.9 NMAC, titled “Requirements for Public Entities”, require a municipality or county to provide a means to dispose of solid waste generated within its respective jurisdiction”.
3. Municipalities with a population greater than 3,000 must also provide a Solid Waste does not relieve the City of the responsibility for compliance with NMAC.

City Manager Fuentes noted the services provided to customers:

Municipal Solid Waste (MSW) and Construction & Demolition (C&D) Green Waste, White Goods, E-Waste & Scrap Metal Yards; Recycling Yard (Glass, Aluminum, Tin Cans, Newspaper, Mixed Paper, Shredded Paper, Cardboard & Plastics) Tire Bales (all of Sierra county), Recycling Trailer (City, County, Elephant Butte and Elephant Butte State Park. Used Oil (all of Sierra county), Wood Chipping and Delivery for a nominal fee,

City Manager Fuentes gave an Solid Waste Fleet Overview:

Noting 5 (Five) Side Loaders

- ❖ 2008 GMC T8500
- ❖ 2006 GMC T8F064
- ❖ 1999 International 4900DT
- ❖ 1994 Ford L8000
- ❖ 1997 Chevy (no longer in use)

3 (Three) Rear Loaders

- 202 Sterling
- 1995 Ford L8000
- 1985 Ford F-700
- Fleet is getting around 4 to 6 MPG, City runs 3 side loaders M-Th and 2 on Friday. 1 Commercial on Saturday; Holiday and summer, trucks may haul two loads per day, City runs 1 rear loader every day, same rear loader hauls two loads every other

day, the 1 Side Loader is used to collect cardboard throughout the City 3 times week. City Manager Fuentes noted each trucks mileage, capacity, truck and body condition, including type of use, usage and estimated trips by each truck.

As an Alternative Plan – Direct Hauling

- ✓ NMED administrative orders and/or fines/penalties if landfill is not closed by deadline and the City fails to transition to an alternative plan to disposing of its Solid Waste.
- ✓ The City has approximately 3,800 customers to provide uninterrupted Solid Waste service.
- ✓ Alternative Plan – Direct Hauling
An entity that provides service collection does not need to register as a commercial hauler and may transport waste to a permitted disposal facility. (NMED Section Manager Enforcement Officer.)

Critical Solid Waste – Municipal Solid Waste, construction and Demolition. City Manager Fuentes noted the difference between Current service verses Direct Haul; noting number of trips per day for MSW only and for Large Items and Standby. He also noted direct haul hours of operation.

For consideration for Cost associated with direct hauling greater wear and tear on City refuse trucks to transfer Solid Waste to regional landfill. Noting Tires, round trip mileage and estimated annual mileage per vehicle. Replacement Fleet Costs were also discussed, noting addition personnel (CDL Drivers), increase in disposal and fuel expenses and facility debt service loan payment of \$115,000/year. Cost associated with direct hauling were broke down to Plan A –South Central SWA Hauling and Plan B-TorC direct Haul costs; noting cost associated with direct hauling having significant impact on the services currently being provided to City/County residents, local and state entities.

For other alternative plans he noted transitioning from dumpsters to poly-cart service, staff recommends this transition regardless in areas where it is feasible. Feasibility of contracting out the service is difficult to present at this time due to the pending citizen Initiative and pending litigation. Without a South Waste Central center, the city would need to contract out: MSW, Commercial and Large item services. NM Waste is currently charging \$29.91/month for a 95 gal; their rate is based on their ability to use the landfill. Several exhibits showing cost of hauling the Solid Waste were shown. (Information provided for the record)

Mr. George Szigeti also shared that the Workshop prior about the Elephant Butte Driving Range, had cleared up a few questions he had. He noted the current Ordinance, and spoke of options for Recycling and the Landfill.

Commissioner Green requested more information regarding tires/insurance, and requested the item be brought back during the next regular scheduled City Commission meeting and noted it was important to start contacting State Officials with the hopes of appropriating the required project funds, and asked that we ask the State for a State legal opinion in the matter.

NEW BUSINESS: **Discussion/Action-Review & Acceptance of the 2011-2012 FY Audit Report Prepared by Accounting and Consulting Group, LLP.**

The Accounting & Consulting Group was unable to be present tonight, and the *item was removed from the Agenda*, until such time that the Firm is present to speak on the audit.

Discussion/Action-Resolution #24 12/13, Budget Adjustment. Linda Lanham, Finance Director

Ms. Lanham stated there were two items regarding the Budget Adjustment, the General Fund with the Main Street Fund and the Recreation Fund, regarding the Pool Grant from the Turner Foundation, of \$5,000.0, for the Pool.

“Commissioner Steve Green moved to approve Resolution #24 12/13”.

Seconded by Commissioner Sandra Whitehead
Motion carried unanimously.

Discussion/Action Awarding of Bid for Armijo Park Restrooms.

City Manager Juan Fuentes

City Manager Fuentes stated the City, through WH Pacific put out another round of RFPs for the Armijo Park Restroom Project. Noting that the low bid was received from PDCO Inc. WH Pacific and Staff’s recommendation is to award the bid to PDCO Inc, plus alternate number one and alternate number three. Noting there was sufficient funds in the balance of the Recreation loan.

Commissioner Richter asked if there were any drinking fountains there.

Public works Director Don Armijo stated there were not, that he was aware of.

Mayor Mulcahy asked about the issue of vandalism & access, and if there was anything incorporated in this design to help us deal with that problem?

City Manager Fuentes said unfortunately without putting security cameras outside to monitor, we are hoping the Community will be vigilant and if they see vandalism, they will report it right away.

“Commissioner Green moved to award the Bid for Armijo Park Restrooms to PDCO Inc.”

Seconded by Commissioner Jeff Richter
Motion carried unanimously.

REPORTS:

City Manager Juan Fuentes spoke of three projects we are working on, the status of the RFP for legal services, the RFP regarding the Golf Course, noting the evaluations were in process. He also noted that the Pool Contractor doing the recreational work for the Pool would be submitting drawings to submit to CID.

Commissioner Green spoke about Hot Springs Association, noting he had a check in the amount of \$1,169.47 to go towards the fountain & Triangle Park. He noted cleaning up exit 79 with several helpers. He spoke of the recycling, and gave a FYI on an event to be held at the Lee Belle Johnson Recreation Center on February 23rd, by the Balneology Group, from 9AM to Noon.

Mayor Mulcahy stated he had been Elected Chairman of the New Mexico Rural Economic Development Council. He thanked Commissioner Green; spoke of the Copper Flat update, noting that legislation regarding the liability at the Spaceport that had passed the House and Senate. He spoke of the Dona Ana Commission and Sierra County road problem to the Spaceport, 23 miles of southern road needing to be paved and then maintained. With a guess he estimated the road would be done down the line, leaving TorC the entrance to

the Spaceport. Mayor Mulcahy explained a trip to Phoenix Arizona to attend the State Wide Partnership, for three days, he noted he hoped to report some good news upon his return.

RESPONSE TO
PUBLIC
COMMENT:

Commissioner Green stated he wished to point out the Article Mr. Fenn had referred to and quoted from was not written by either one of our two local newspaper.

City Manager Fuentes stated he wished to clarify that coming from a member of the public where they described the facility as a “dump”; which brings to mind a hole in the ground and trash just dumped in; he wished to point out that the Solid Waste Collection Center is not a dump it is a facility that has a concrete tipping floor.

ADJOURNMENT:

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

CERTIFICATION:

Passed and Approved this _____ day of _____, 2013 on a motion duly made by Commissioner _____, seconded by Commissioner _____, and carried.

APPROVAL:

John A. Mulcahy, Mayor

ATTEST:

Judy M. Harris,
Deputy City Clerk

