

CITY COMMISSION
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
Tuesday, June 11, 2013

REGULAR MEETING

Action Minutes

TIME & PLACE: The Mayor and the City Commission of the City of Truth or Consequences in the County of Sierra and State of New Mexico met in Regular Session in full conformity with the law and ordinances of said Commission in the Commission Chambers of said City, on Tuesday, June 11, 2013 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. Steve Green, Commissioner
Hon. Mike Kertesz, Commissioner
Hon. Jeff Richter, Commissioner

Absent was:

Hon. Sandra Whitehead, Mayor Pro-tem

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 called for fifteen seconds of Silent Meditation...remembering that there are 350 firefighters out there in pretty tough situations.

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

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

“Commissioner Green moved approval of the Agenda as submitted.”

Seconded by Commissioner Richter.
Motion carried unanimously.

Presentation – Update on Recycling –

City Manager Fuentes...Mr. Mayor & Commissioners and members of the public it was great news the City was notified that Leonard Carrillo...and we have members of the Bountiful Alliance, and that one of the members submitted Leonard’s name as a potential nomination for Recycler of the Year. And we were very pleased to be notified that Leonard was recognized by the NM Recycling Coalition as Recycler of the Year, and we are very pleased to inform the public,

and the Commission of Leonard's accomplishments. And that last week Commissioner Green, George Szigeti and Charles Flink joined us to attend the Coalition Conference in Albuquerque to participate in his recognition, and wanted to recognize him publicly for all his hard work at the Collection Center, as well as his staff was there to support him.

Commissioner Green stated the ceremony started at 9:45 in Albuquerque, and we walked in at 9:47, and he had already been given his award, and English Bird who is the Executive Director of the NM Recycling Coalition called us over...and said that's okay you drove 300 miles to honor Leonard...we're gonna do it again, so they did the ceremony again. And a more deserving award could not have been bestowed upon anyone that I know of.

And I would like to recognize my Co-Chair of the Recycling Committee...George Szigeti, and I received a call from Charles Flink...and stated Leonard is doing a phenomenal job, and there is this opportunity to nominate him for the Recycler of the Year, and I said how does that happen, and he indicated it happens on the computer, and I talked to the other committee members, and they absolutely thought it was justified and deserving...so Charles thank you, and recognized some of the committee members present, and stated this is a partnership between a non-profit organization and the City. And as I said in Albuquerque the award goes to Leonard but it's really, and we talked about this...it's his staff that made him look good. So for all those members of his department we congratulate you as well...it's everyone's award.

There was someone from the audience that stated she would like to give recognition to Lou McCall and Crystal Shaw because they are the ones that got all this recycling started...and then Leonard and the City ran with it.

COMMENTS
FROM THE
PUBLIC:

Fire Chief Paul Tooley came before the Commission, and stated he provided you with a packet and some VIP Passes, and that they will be hosting the 89th Annual NM State Firefighter's Conference tomorrow at the Civic Center, and invited them to participate.

Nadine Perkins and Laura McDonald from the Sierra Health Council came before the Commission to invite them to join them regarding a Transportation Conversation that will be held next Wednesday, June 19th at the Civic Center from 11:00 am to 1:00 pm.

Ms. McDonald stated that Mary Stoecker is a Health Council Member, and a Health Promotion Specialist will be presenting a Grant Counties Journey to Public Transportation System. And stated the reason they are hosting this is that in Sierra County there are 12,000 residents live in about 4,000 square miles or 3 people per square mile, and that most services and businesses are located in Truth or Consequences which require some residents to travel up to 50 miles one way to attend for basic needs. And there is no public transportation with in or in the outlying areas of Sierra County, and Ms. Stoecker is going to present how they were able to get public transportation in Grant County.

Chief Mullins and Captain Morgan came before the Commission, and stated during fiscal year 2012-2013 the T or C Police Department utilized, and took full advantage of the contractual services offered by Region VII. And the Narcotic Operations, Warrant Services and other felony arrests in 2012-2013 produced enough stats to enable our department to receive increases in overtime monies from Region VII for this upcoming year. And I'm proud to report that our department received the highest amount allotted for overtime and confidential funds this year due to the amount of work, number of stats, and using all the money that was allotted to us.

She stated we are currently making plans to put this overtime money to good use for next fiscal year...so thanks to our detectives and patrolmen for all the hours they worked over their 8 hours shift to make this possible.

Ms. Malissa Cordell with the T or C Police Department came before the Commission, and stated April 27th was the National Take Back with the DEA, and the 28 sites in the State there were 1,700 lbs. collected throughout the State, and the City of T or C had a total of 53.825 lbs. that were turned back in to DEA. She stated that exceeded the total weight of the first three take backs that we participated in which was at 52.79 lbs. so total contribution right now for the community, County, and T or C is 138.71 lbs. of prescription narcotics.

Mr. Audon Trujillo came before the Commission, and read a letter from Mr. Richard Garcia regarding the Golf Management job, and other issues.

Mr. Terry Vandevanter came before the Commission on behalf of the Golf Course Advisory Board to invite everyone to the Golf Course Advisory Board meeting tomorrow at 2:00 pm at the City Golf Course, and that they will be reviewing the \$1.00 fund, and provided information to the Commission.

Ms. Sophia Peron came before the Commission with comments regarding the Public Nuisance Ordinance, police and crime.

Ms. Carole Wheeler came before the Commission to thank the City for our great recycle facility.

**CONSENT
CALENDAR:**

Mayor Mulcahy stated we have three items under the Consent Calendar – City Commission Minutes – Regular – 5/14/13, Accounts Payable Report – May 2013 and DAIC Monthly Report – May 2013.

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

Seconded by Commissioner Kertesz.

Mayor Mulcahy had some questions regarding the Accounts Payable Report...Mr. City Manager, and stated we spent almost a half a million dollars more this month than we did a year ago, and if I look at it, it looks there is a couple of categories that eat all that up. One of them is streets...did we spend a lot more money on streets this year...\$223,000 vs. \$80,000 last year.

Manager Fuentes – That is correct, and explained the City is currently using the NMFA loan for the street improvement projects.

Mayor Mulcahy – 2nd item; CDBG is \$250,000, and none last year.

Manager Fuentes – Most of those big items are related to the projects that we have just finished, and stated the CDBG is related to the electrical project that was just completed in Williamsburg to the service center near the City yard.

Mayor Mulcahy – Recreation was \$39,000 vs. 6 last year.

Manager Fuentes – Without looking at the specific line item...again we’ve had some purchases for equipment with the loan other activities in the solid waste, and we have some expenses related to the solid waste department, and the airport as well had some expenses because of the Taxiway B improvements, and all the grants that we’re receiving, and we’re spending. And in some of the capital projects they will be listed in the upcoming final budget, and you will see those grant balances included in there...so you’ll have a better idea of what the activity has been this past year, and what the activity is going to be for this next year, and that some of those will be on going.

Motion carried unanimously.

NEW BUSINESS: CONTRACT – WITH MOTOROLA SOLUTIONS –

Chief Mullins and Captain Morgan came before the Commission, and stated the item before you is to consider approving the contract with Motorola Solutions for maintenance and support of our mobile data terminals for FY 2013-2014. And in January 2011 through the JAG Grant and in conjunction with the grant that we received with SCRDA we were able to purchase the mobile data terminals for the patrol units, and in order to ensure the upkeep, maintenance and support of the MDT's the contract with Motorola requires a renewal, and that it is required every year.

She stated it is imperative to the officers that these MDT's function properly so regular maintenance, programming and support is required to ensure that they function. And in 2012 the SCRDA Grant concluded, and so did our JAG Grant so the cost of the contract for 2013-2014 is \$2,041.00 which we have accounted for within the department budget for the upcoming year.

"Commissioner Green moved approval of the contract with Motorola Solutions for Maintenance and Support of Mobile Data Terminals for remainder of FY 2013-2014 in the amount of \$2,041.00."

Seconded by Commissioner Richter.
Motion carried unanimously.

MOU BETWEEN COUNTY OF SIERRA, SIERRA COUNTY SHERIFF'S OFFICE & CITY OF T OR C FOR PARTICIPATION IN THE T OR C IRT –

Chief Mullins and Captain Morgan came before the Commission, and stated this item is for consideration and approval, and the T or C Police Department is proposing membership with the Immediate Response Team of the Sierra County Sheriff's Department for one member, and if approved the establishment of the IRT, recognizing the benefit to the community. She stated the inclusion of the Sheriff's Office Deputy with the Immediate Response Team will do two things: Increase interagency relations and cooperation, but more importantly it's to provide the Legal Liability Protection for their deputy, and more important the legal protection for the T or C Police Department, and the City of T or C in case something happens to their deputy.

"Commissioner Green moved approval of the MOU between the County of Sierra, The Sierra County Sheriff's Office, and the City of Truth or Consequences Police Department for Participation in the Truth or Consequences Immediate Response Team."

Seconded by Commissioner Kertesz.
Motion carried unanimously.

CONTRACT SERVICES – MUNICIPAL COURT –

City Attorney Rubin stated these are standard contracts that we use every year for Public Defenders for the Municipal Court. And that Isabel Jerabek and Steve Kortemeier have served as Public Defenders for several years, and they both do a good job. He stated I think the contracts are favorable towards the City because you're paying \$650.00 per case which I think is very reasonable, and also on page 2 the contractor is going to hold us harmless from all other costs including possible expert witness testimony...so I think it's in our interest to sign these contracts.

Commissioner Kertesz – Both contracts on the 2nd page I'm a little confused by the wording it says...All work shall be performed on a time and material basis, in any event total compensation to be paid under the agreement shall not exceed \$26,000 in total...which seems to contradict with the first page.

City Attorney Rubin – Why do you say that...why do you think it's contradictory?

Commissioner Kertesz – Maybe you can explain...it says not exceed \$650.00 per case, and then it says...All work performed on a time and material basis; shall not exceed \$26,000.

City Attorney Rubin – I think that means over the course of the whole year in other words they get paid per case...\$650.00 per case, and as the contract says it will not exceed \$26,000 for the whole year.

Commissioner Kertesz – I think that needs clarification because it's not clear to me. And asked what if this goes to a higher court, and it requires bringing in the same people...these Attorney's to testify is that part of the \$26,000 or is that beyond that.

City Attorney Rubin – Actually the contract believes only applies to Municipal Court, and I think it says somewhere in the Scope of Work...it's actually only Municipal Court.

Commissioner Kertesz – The \$26,000 I think needs clarification.

Mayor Mulcahy – I agree with Commissioner Kertesz.

City Attorney Rubin – If you want to take out that phrase...All work shall be performed on a time and material basis; in any event.

“Commissioner Green moved approval contracts for legal services for Isabel Jerabek, and Stephen Kortemeier contract as presented...Part 1 under Compensation and Method of Payment that on the 2nd page that...All work shall be performed on a time and material basis; in any event that it should be stricken, and starts the new sentence...Total compensation to be paid.”

Seconded by Commissioner Kertesz.
Motion carried unanimously.

BUDGET ADJUSTMENT FY-2013 – RESOLUTION #38-12/13 –

City Manager Fuentes stated there is a Resolution with summary of the budget adjustments, and explained the adjustments. (Complete copy available at the Office of the City Clerk or the Office of the Finance Director.)

“Commissioner Green moved approval Resolution #38-12/13 – Requesting Budget Adjustments in the Revenue and Expenditure Budget for FY 2012-2013.”

Seconded by Commissioner Kertesz.

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

Motion carried unanimously.

AUTHORIZATION TO DEPOSIT, WITHDRAW AND/OR RE-INVEST BALANCE AMOUNTS OF MATURING CD'S –

City Manager Fuentes stated the 1st CD that I would like address...as I touched on the solid waste...we have a CD in the amount of \$568,978.49 that is maturing, and staff is requesting to withdraw that CD, and deposit it into our checking

account of the solid waste. And that this CD will be used for payments of any expenses related to the closure of the landfill, and it is dedicated only for that purpose, and part of our obligation with the State Environment Department.

R&R Sewer – That CD is also maturing in the amount of \$192,477.63, and in the action form it recommends for rolling it over with no additional funding, however further consideration, and discussing some of the needs in the Waste Water Department we would like to request that \$50,000 be withdrawn from this CD for some concrete beds, and explained those concrete beds will be used to have more capacity of the sludge that has to be dried, and that is being turned over into compost/manure, and that will allow us to process more of that in less time.

R&R Water – This is the reason for the power point presentation for this item, and the reason for staff requesting additional \$50,000 to be withdrawn from the CD. And explained the situation that we're having at the Cook Street Pump Station, and I will have Jesus describe the need for some improvements at that station. And at this time showed pictures of the equipment that is need of repair. He stated he had obtained quotes.

Manager Fuentes – Stated the estimated quotes that we have could range between 80-120, but we're only requesting 50, and again this is part of the water fund, and there is some ending cash balance that we may have to use for this project, and if approved this funding will be deposited into the ending cash balance of the water department, and in the final budget we will be able to allocate some of these funds for this capital improvement.

The last CD is the Pledge State, and that is our debt service CD, and staff is requesting to roll-over and re-new the CD in the amount of \$532,175.75.

City Manager Fuentes stated one of the options that we'll be looking at for the new fiscal year is to participate with the NM State Treasurer Local Government Investment Pool, and indicated when we invest with the State Treasurer we can access that money with-in 24 hours with no penalties.

“Commissioner Green moved to authorize the City Manager to deposit, withdraw, and/or re-invest balance amounts of maturing CD's for the R&R Sewer, Solid Waste, R&R Water & Pledge State accounts.”

Seconded by Commissioner Richter.

“Commissioner Green moved approval for authorization with the understanding that they'll be \$50,000 left out on the R&R Water CD, and \$50,000 left out on the R&R Sewer CD.”

Seconded by Commissioner Richter.
Motion carried unanimously.

SOLID WASTE COLLECTION CENTER – SEALED BID, EVALUATION & REJECTION –

Ms. Pat Wood, Procurement Officer came before the Commission, and on May 23rd at 2:00 PM the bids were opened for the Truth or Consequences Collection Center Concrete Deck Motor Truck Scale Installation. She stated we received one bid at that time from Rusty's Weigh Scales & Services in the amount of \$136,042.00.

She stated a recommendation by Gordon Environmental our engineers, and that when the bid was open there was no bid bond...we did not receive a bid bond, so a recommendation is being made to reject the bid, and go out for bid again.

Ms. Wood stated they have re-advertised, and that the new bid will open on June

18th at 2:00 PM.

“Commissioner Green moved to reject the bid for the weight scale at the Collection Center from Rusty’s Weight Scales & Services because of non-compliance by the bidder not having a bid security with-in his bid.”

Seconded by Commissioner Kertesz.
Motion carried unanimously.

T O R C POOL – CHANGE ORDER #1 –

City Manager Fuentes stated you have some background on the request for change order #1 related to the pool cover project, and also included the letter from the NM Environment Department as well as a spreadsheet from the contractor, and the engineer estimating the items, and the cost related to those items which total \$20,214.00 w/o GRT.

He stated the contractors are working on the pool, and the change order is recommended for approval to meet the requirements stated in the letter, and the request tonight if the Commission feels comfortable is to authorize staff for approval not to exceed \$30,000, and the reason staff is making that recommendation as we get closer to the time frame having to get this project complete we want to be able to proceed, and move forward so with this change order #1 hopefully we won’t foresee any other issues. And stated we do have funds available for the change order.

“Mayor Mulcahy moved approval the movement of \$30,000 the opportunity of \$30,000 to the City Manager’s signature for this project.”

Seconded by Commissioner Green.

Commissioner Green since the money has to be spent by July 30th is there a realistic date that pool might be used this Summer...is that a possibility.

City Manager Fuentes – The State would like the City to encumber those funds, and be as much as possible into the project so we can submit the final request, however the Contractor has a certain time frame to get it completed, and I don’t want to give a definite date...because as you know things happen.

Motion carried unanimously.

LOUIS ARMIJO PARK RESTROOMS – CHANGE ORDER #1 –

City Manager Fuentes stated you have change order #1, and this change order is a result for upgrades due to an electrical inspection...as well as some vandalism that occurred at the construction site.

Mr. Don Armijo came before the Commission, and explained the box is out of date, and some re-wiring that has to be done, and there was some vandalism that occurred on the meter box, and the meter loop, and that the GFI’s were split open, covers were broken off, and all this has to be replaced and re-done. And the amount of the change order is \$5,296.66.

Commissioner Green asked if we had security cameras at the park...I thought we did.

Manager Fuentes – We do there are some at Ralph Edwards Park, but I don’t believe there are at this park.

“Commissioner Green moved approval of Change Order authorizing Manager Fuentes for Change Order #1 for the Louis Armijo Park Restrooms in the amount

of \$5,296.66 which includes GRT.”

Seconded by Commissioner Kertesz.
Motion carried unanimously.

APPROVAL & AUTHORIZATION – EXECUTE, SIGN & SUBMIT DOCUMENTS FOR FEDERAL ASSISTANCE UNDER USDA/RUS –

City Manager Fuentes stated the request tonight is to authorize staff to submit and execute all the documents necessary for an application with USDA Rural Utility Services for the Waste Water Treatment Plant Improvement Project, under that PER for the Waste Water Treatment Plant estimates improvements to be around \$9 million dollars. And we are looking for several funding sources not only from USDA/RUS, but we’re also looking at the State’s Colonias Program, and the Clean & Water State Revolving Loan, NMFA so multiple sources to try and finance this project.

He stated Bill Slettom, myself and staff have been working on the application for USDA, and that it is quite an extensive application, and that it does require some RFP’s for example with the engineer which will be coming soon to the City Commission, and stated this application is due next month so we want to be able to proceed and move forward under the Colonias Program.

Commissioner Green stated he is really pleased that staff jumped on this, and went pro-active.

“Commissioner Green moved for authorization for City Manager Fuentes to execute, sign and submit documents related to an application for Federal Assistance Under USDA/RUS.”

Seconded by Commissioner Richter.

Mayor Mulcahy stated he would ask the City Manager to keep us apprised of all the applications that are going out on your signature.

Motion carried unanimously.

BLIGHT & CODE ENFORCEMENT PROGRAM –

Mr. Bill Slettom, Community Development Director came before the Commission, and what he is going to address tonight is found in our City Code, Chapter IV, Buildings and Building Regulations in particular Article IV which describes Dangerous Buildings, Section 4-226, Section 4-277 – Repair, Vacation or Demolition, Section 4-228 – Nuisances, and Section 4-233 – Emergency Cases, and explained each of the Sections, and how the matter can be resolved, and presented a power point presentation. A complete copy of presentation is available at the Office of the City Clerk, Building Inspector or Mr. Bill Slettom.

CONSIDER NUISANCE CODES & ENFORCEMENT –

Commissioner Kertesz stated he has been examining our codes for about 4 months, and found them to be scattered, confusing and poorly worded. And stated there is also reference to a zoning law...and we don’t even have one.

He stated he began examining the Aztec NM Codes, and found a Nuisance Ordinance that I think is very fitting for application, and that in a single chapter it addresses blight, and other issues such as motor vehicles, weeds, alleys, junk, trash and refuse, dangerous and un-safe structures, and that it is all categorized in one place and can be easily adopted. And provided a copy in your packet.

City Attorney Rubin stated he compiled a two-page letter, and what I tried to do is match up the Aztec Code with our own code, and that you're talking about 3 different sections, one is motor vehicles which is in their Article II, Article III is their weeds, alleys, junk, trash and refuse control, and Article IV is their dangerous and unsafe structures, and provided information from our own City Code, and I would invite the Commission to go through that at your convenience, and tell me what sections you like, and what we might consider adopting from the City of Aztec.

He stated what I tried to do on the 2nd page is give you a quick bird's eye view of what I'm saying, and indicated that the Dangerous Buildings might be the most important one to look at. And that I like the City of Aztec's procedure that they follow in their codes, and when you deem a building to be dangerous, and they are contemplating removing that building...their code of ordinances actually more closely reflects the State Statute than what our City Code does so I commend Aztec for having that, and I think actually that would be a good model for us to start looking at.

City Attorney Rubin stated what they do there is they have the main hearing in front of the City Commission which is what the State Statute does, and I think we should take a look at it.

Mayor Mulcahy stated I read through this, and I personally agree that the Dangerous Buildings was an excellent ordinance in Aztec, and that it is pretty plain and simple. And I kinda would read that our Dangerous Building is our biggest issue because it's our most obvious problem...I think.

Commissioner Kertesz stated there is also a description in here that are not allowed, and we need to look at that because I don't think our weed problems are the same, and I do like the code, and there is a lot more to it.

City Attorney Rubin...Commissioner Kertesz I agree, and I think it would be appropriate to have this codified in one section. And another Aztec does is they are very clear about this, and any time they are involved of any type of weed removal or litter removal, or junk cars they tell them they're gonna put a lien on the property, and that is something that we have in a couple of places...but still we're not very clear so I agree that would be another thing we could look at to improve.

"Commissioner Kertesz moved to instruct City Manager, and staff to re-do and integrate these codes...the Aztec Codes for Nuisance with our existing codes to come up with a revised code including a penalty list to be imposed for infractions...and bring this to a review in front of the Commission for review and adoption on or before a date which I have arbitrarily suggested...September 9th if that seems reasonable...so before I finalize the motion I'd ask the City Manager what he thinks about the date."

Manager Fuentes – We can definitely aim for September 9th in working with City staff and our City Attorney, and as we proceed forward we'll update the Commission.

Seconded by Commissioner Green.
Motion carried unanimously.

AUTHORIZATION TO PROCEED DEMOLITION OF OLD FIRE HOUSE BLDG. –

City Manager Fuentes stated he would like to give a slide presentation, and you were provided a copy of the Smith Engineering report that reviewed the structural evaluation of the old fire house, and that there were a number of issues, and presented some slides provided by the Mayor who visited the site this weekend,

and it clearly shows the dis-repair, and condition of the old fire house, and at this time showed some different slides on the condition of the building, and a number of issues with this building.

He stated not only is this building in dis-repair but it also creates a public safety issue, and staff is requesting authorization to proceed, and demolish this building, and one of the reason we'd like to be able to move forward on this project if approved, and not only for the City in looking at all the facilities but for the community because we have a short time frame that NMED has given us for extending the use of the landfill for C&D.

Manager Fuentes stated right now is an opportunity for using the capacity for C&D material, and in speaking with our Public Works Director Don Armijo he feels the majority of the work can be done in-house.

“Commissioner Green moved authorization to proceed with the demolition of the old fire house building located at #1 Date Street.”

Seconded by Commissioner Richter.

Mayor Mulcahy stated if we're really serious about blight, and that one of our citizens made a point tonight about it...we ought to start in our own backyard.

Motion carried unanimously.

WELCOME CENTER TOURS –

Commissioner Kertesz stated at the last two Commission meetings I recommended to our Commissioners that they consider some action for the Spaceport Bus Tours that are now departing, and returning to Elephant Butte with no mention or travel into T or C. I asked a friend to obtain a copy of the request for proposal and contract for the bus tours on the Spaceport Authority, and they responded.

He stated it's important because there are advertisements out in the public, and the internet...Spaceport Tour Company moves to Elephant Butte, and another one talking about Spaceport in Elephant Butte...nothing about T or C, And indicated the contract between Follow the Sun Tours, and NM Spaceport Authority clearly states...tours will initially originate and terminate in Truth or Consequences NM expanding later to Albuquerque and Las Cruces...there's no mention what so ever of Elephant Butte, and we're losing this revenue.

Commissioner Kertesz stated he provided copies of these documents to our City Manager and City Attorney, and I think our City Attorney agrees that we may be a 3rd party beneficiary to this agreement...and I defer to his comments.

City Attorney Rubin – You are correct we're not a party to the contracts, but however we are mentioned in the contracts...it's clear from the contracts that the contracting parties attended to benefit other parties...which is us...then that 3rd party may have a cause of action.

“Commissioner Kertesz moved that we assign a 3-person committee, and I volunteer, and I'm sure Commissioner Green would be interested, and perhaps Manager Fuentes to meet with NM Spaceport Authority Ms. Christine Anderson ASAP, and to strongly encourage enforcement of the language in this agreement including the 3rd party beneficiary issue.”

Seconded by Commissioner Green.

Commissioner Green - #1 I agree with Jay even to a stronger degree...we are an injured party there is no question about it in my mind. And if the tours come out

of Elephant Butte against a signed contract no one is gonna get off at Exit 75 or Exit 79 to go to Elephant Butte...they're gonna go to Exit 83 if they are coming up from the South, and they are gonna get off at Exit 83 if they are coming from the North. And if they don't come in to our community...certainly we are injured because they are not gonna buy gas here, or go in to our restaurants, or stay overnight so coming from the private sector...Follow the Sun Tours I understand has property, owns a home in Elephant Butte, and if he wants to keep his equipment over there...God Bless Him, and if he wants to open up a business over there...God Bless Him, however that is in direct violation of a contract that be signed, but I think all we're asking Spaceport Authority to do is to enforce a contract that they are a party to that they have signed.

Commissioners Green/Kertesz/Richter voted Aye
Mayor Mulcahy abstained.
Motion carried.

REPORTS:

CITY MANAGER –

City Manager Fuentes reported that the City is moving forward with Consensus Planning for the Downtown Master Plan Project, and the representatives from Consensus Planning met with the folks from MainStreet, and that they are starting to form a Steering Committee, and I'd like to announce if anybody from the public is interested in being part of the Steering Committee to please contact the Clerk's Office, and we have some forms that can be filled out, or they can also contact Bill Slettom or Adrianna Wolf the MainStreet Executive Director.

He would also like to announce that tomorrow the NM Water Trust Board will be meeting in Santa Fe, and hopefully we will hear some news on our application for an Asset Management Plan, and a PER on our water system. And that on Thursday the Colonias Board will be meeting in Las Cruces, and hopefully our application will be considered for funding for the Waste Water Treatment Plant Project.

City Manager Fuentes also reminded the Commission on the Special Meeting Monday the 17th in regards to lodger's tax, and the sub-recipients.

CITY ATTORNEY –

City Attorney Rubin stated he is pleased to announce that the City has reached a conditional agreement with the owners of the property located at 307 Main Street to resolve a City lien on said property. And indicated the City has a lien in the amount of \$18,216.84 that was generated from the cost of removal of the structure and materials from the property, and that the landowners have made an offer to deed the property to the City in exchange for us releasing the lien, and the City is now in the process of obtaining an appraisal for the realty to ensure that it's in the City's best interest to accept the offer.

COMMISSIONERS –

Commissioner Kertesz – No report.

Commissioner Richter – No report.

Commissioner Green - Kinda nice Thank-you's...Thank you to the MainStreet Board for producing the Hot Springs Festival, and thanks to staff for helping in being part of that. And wanted to bring to everyone's attention we have some painted planters downtown, new garbage receptacles, and new benches, and stated that was partially done by YCC labor, and part of the grant that Manager

Fuentes worked with Merry Jo Fahl on the Healing Water's Trail, and that there was some money left over, and that money showed up working with MainStreet downtown...so thank-you Healing Water's Trail. And wanted to thank Chief Tooley, and the Volunteer Fire Department for the upcoming conference, and that it does generate GRT, and exposes our community coming in from all over the State.

Mayor Mulcahy stated next Tuesday I'm chairing the Rural Economic Development Commission in Albuquerque, and that they are trying to put together legislation to support economic development in rural areas getting ready for next January.

And that next Friday is the vertical launch of the school programs, and that all the school kids go out and watch their science projects go up, and stated last year there were 800 kids, and 25 school districts represented...we're represented this year, and they are actually going to take the cremains of our fellow Mayor/Commissioner from Hatch Mr. Nordyke up to space, and he thinks that is fitting as he was way in front of the whole Spaceport thing for years and years.

RESPONSE TO
PUBLIC
COMMENT: None.

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

APPROVAL: PASSED AND APPROVED this _____ day of _____,
2013 on motion duly made by Commissioner _____,
seconded by Commissioner _____, and carried.

JOHN A. MULCAHY, MAYOR

ATTEST:

MARY PENNER,
CITY CLERK