

CITY COMMISSION
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
Tuesday, July 23, 2013

WORKSHOP

ACTION MINUTES

The City Commission will conduct a Special WorkShop at 4:00 PM prior to their Regular scheduled meeting for the following:

1. Discussion/Review – FYE 2013 4th Quarterly Report
2. Discussion/Review – FYE 2013-2014 Final Budget

Mayor Mulcahy welcomed everyone to the Budget WorkShop.

City Manager Fuentes stated the first item of the WorkSession is the 4th Quarterly Report, and stated for June 30th these are the final numbers closing last year's fiscal year, and explained the various funds...the budgeted revenues, and the expenditures.

He stated he wants to commend all the department heads and staff because they were able to stay within their approved budgets.

City Manager Fuentes explained the Special Revenue Funds; Fire Protection, Recreation, Corrections, Law Enforcement, Lodgers Tax, Environmental, Street, and DWI, and also explained the revenues, and expenditures.

He explained the Capital Projects revenues and expenditures. And explained the Enterprise Funds, and stated the Utility Office is separate, and explained the revenues and expenditures, and stated the reason for the big unrealized revenue...and as you all may recall during the middle of the fiscal year the Commission authorized staff to split the Joint Utility Fund, and track all these individual Enterprise's separately, and stated when we split up all these funds...in previous years the Utility Office was actually collecting all the GRT for water, wastewater, solid waste and so forth, and it was in turn paying that to the State so when we split those we also had to allocate the right amount that belonged to water, wastewater and so forth so they're actually accounted for in the right Enterprise Fund so that is why you see a huge realized revenue there.

City Manager Fuentes stated if you look under the expenditures you see \$105,000 amount...and realize that the Utility office is basically the administrative support for all the Enterprise Funds...it's the billing clerks, and so they don't bring in any revenue so basically all the other funds pay in...transfer money in to support that operation. And looked at the next Enterprise Fund the Electric Division Water, Wastewater, Solidwaste, and explained the revenues and expenditures.

He went on to explain the other funds; Golf Course Fund, Cemetery, Airport, Debt Service, and indicated the Debt Service is used to pay some of our debt, and explained the revenues and expenditures. And the Internal Service Fund explained the revenues and expenditures, and that this is the fund used by the fleet services department.

City Manager Fuentes stated overall all the departments stayed within their budget despite some of the reporting that has been done about going over budget and over spending, and indicated that is clearly not the case...and that is misleading statements that are being made. And referred to some bar graphs for the General Fund Revenues showing the different categories the major categories. Next bar graph – Prior vs. Current GRT Month & YTD Comparison, next one – Prior vs. Current Lodger's Tax Revenue – Month & YTD Comparison, and referred to the chart comparing different fiscal years of the GRT Revenue by Month.

He stated the next couple of slides – Revenues Actual/Qtr. Budget FYE 13 YTD, and The General & Enterprise Fund Expenditures 4th Qtr. % FYE 13, and stated all of the

departments were able to stay within their approved budgets, and showed the same detail showing it in bar graphs...And referred to the GRT By Category FYE YTD.

And I also included in this final report is the detail of all of this information, and this is our system generated report that has all the individual line items which shows the same information; budget, revenue for the month...actual for the whole year, and the unrealized revenue, and the percentage so all the information was derived from this report for both the revenue and the expense report. And indicated this covers the last fiscal years end of the fiscal year quarter report, and I would like to emphasize that all funds were within the approved budgets, and again I have to thank staff and department heads for staying within those approved budgets, and stretching the dollar as much as possible...and of course we have a new fiscal year that we're moving in to.

Mayor Mulcahy – It's a great year we have a 22 million dollar budget, and came in \$113,000 under. And I would also like to compliment staff for the fact that even though we were 8% below in revenue we came in under budget again 18%. We have a good staff I'm proud to be a part of a well balanced budget like this...so well done.

At this time City Manager Fuentes explained the Final 2013-2014 Fiscal Year Revenue & Expenditure Budget for the City of Truth or Consequences. And went on to explain the budget changes such as updated ending cash balances, revisions to revenue projections, updated grant balances, revisions to personnel, additional transfers IN/OUT, and other adjustments/revisions, and summarized the most significant changes in the various departments and/or funds when compared to the approved preliminary budget.

A complete copy of this Financial Report FYE 2013 is available from the Office of the City Clerk during normal working hours.

At this time City Manager Fuentes went over the Final 2013-2014 Fiscal Year Revenue & Expenditure Budget for the City of Truth or Consequences. And started with the General Fund, and our ending cash balance for the General Fund was \$943,000, and previously we estimated we might be around 700... again the majority of the money that comes in here is money that you will see that is tied in to the police department GRT which some of it will be transferred out, and we will show that in here as well, and some of it will stay because of the expenditures for last fiscal year. And we are estimating this year to receive about \$3,843,176 and the net of the transfers will be \$1,478,680, budgeted expenditures \$429,329 with an estimated ending cash balance of \$567,000, and that DFA as you all are aware requires a Reserve under the General Fund...so that Reserve comes out to \$436,000...that is 1/12, and that is 1/12 of your budgeted expenditures so that leaves an available ending cash balance of \$130,000, and as you all may recall in the Preliminary Budget the Commission wanted the goal to have at least \$100,000 in the ending cash balance, and we maintained that and added a little bit more, but again this is available money should there be any un-anticipated needs during the coming fiscal year.

City Manager Fuentes explained the Revenues of the General Fund. And went on to explain the changes in the Final Budget. (Complete copy of the Final Budget for FY-2013-2014 is available from the Office of the City Clerk during normal working hours.)

He discussed the Effluent Pond at the Golf Course, and showed some pictures of the fresh water pond, and indicated this is the pond that we have 3 wells, and that only two of them are working, and this pond is used to water the golf course, and that two pumps for this pond are down, and stated that is the reason for the request. And what we're trying to do here...part of the plan is, and that we need immediate resolution of having sufficient water supply to the fresh water pond because the request that we submitted through Jesus, and his efforts contacting the State of transferring effluent water to the fresh water pond actually expires on the 26th...and it was only

for a certain amount of time while we drain this pond to be able to use it...instead of just draining somewhere they allowed us to transfer it over to this pond, but that's coming up soon, and we need to be able to have an immediate at least a temporary source of water while we work on this effluent pond, and that's the reason for that immediate request of look...we need to use some of these funds to be able to fix those 2 well pumps so we can provide fresh water. And hopefully through a cooperatively effort with the golf course manager of changing a little bit of the watering system if he can use just the water that's supplied here to be able to water the golf course during the period that we maintain or we fix the pond here.

City Manager Fuentes stated this is an issue that has been going on for several years, and this is an issue that require that level of attention, and that level of commitment because the cost of trying to address the issue here is gonna be quite substantial.

He stated of all of these funds we have a beginning cash balance \$7.7 million dollars, and we have investments of 2 million...we have 17 million of anticipated revenue, and we have 19 million dollars in expenses...and again most of those come from all of these capital projects that we have...for an ending cash balance of 7.8 million dollars so all of these funds as you can see here...none of these funds can be in the negative so they all have some positive ending cash balance which DFA expects. And we estimate at \$130,000 left, and one of the other items here is we did take into account part of the increases, and the expenditures in the General Fund was the increase that we anticipate as a result of the pool being opened now that the cover hopefully will be completed within the next couple of weeks.

City Manager Fuentes stated we did budget under this Final Budget we only have 4 budgeted 4 part-time positions, and that's what we're advertising right now, and indicated we do have a 5th position...but they are part-time positions, and next fiscal year we will see the cost of that operation will be, and obviously we anticipate that it is going to increase so going into the new fiscal year...again the challenge to staff is with this lean budget we need to not only maintain within the lean budget, but we also have to probably stretch the dollar further, and be more creative and do more with less, so definitely we do anticipate additional increases and expenses going into a new fiscal year.

Mr. Terry Vanderverter came before the Commission with comments regarding the \$1.00 fee for the golf course and the golf course in general.

Ms. Claudia Reames came before the Commission with comments regarding the failure of the two pumps and the effluent pond, and the fund for the \$1.00 fee.

City Manager Fuentes came before the Commission, and stated part of what is included in here in the lodgers tax...again the Geronimo Trails is a partner in the NM Coop application...the City is funding and basically the Geronimo Trails serves as almost like an unofficial Visitors Center, and we are allocating \$3,500 to Geronimo Springs in the budget in the final...we're allocating \$3,500 for Geronimo Trails, and stated they are going to have to match that and do some fund raising for anything else...so that was the question that was being asked...and that's included in the final budget under the lodgers tax.

Ms. LaRena Miller came before the Commission to explain what they do, and that they are open 360 days of the year, and are staffed with volunteers for 2,514 hours a year which at \$10.00 an hour would be \$25,000 a year in...in-kind services that we're giving to the City to promote tourism. And reported some stats.

CITY COMMISSION
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
Tuesday, July 23, 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, July 23, 2013 at 6:04 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. Mike Kertesz, 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 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 Fuentes stated he would like to postpone Item D-4.

“Mayor Mulcahy moved to pull-out Item D-4 off the Agenda.”

Seconded by Commissioner Kertesz.
Motion carried unanimously.

COMMENTS FROM THE PUBLIC: Mr. Cary “Jagger” Gustin came before the Commission with comments.

Mr. Lawrence Rogers came before the Commission with comments.

Ms. Adriana Wolf, Executive Director MainStreet Truth or Consequences came before the Commission with some updates on the bench project, and waste receptacles have been installed in four intersections along with some lovely planters, and stated Main & Broadway are looking up. And that the old benches that were removed are at the High School AG Shop getting new wood...thanks to the City’s help and the YCC kids, and stated those will be re-installed along other locations along Main & Broadway, and we thank the Healing Waters Trail, the City of Truth or Consequences and the YCC kids as well as our many volunteers for getting that project done.

She reported on the Young Da Vinci’s...and that the project is up and going, and that they are near completion so thank you guys for your funding of that Public

Art, and that the un-veiling will be August 17th, and more details will be to follow. And reported that MainStreet Truth or Consequences has received national accreditation this year, and it was a very exciting time for us, and we received the prestigious award this year along with 12 other MainStreets in New Mexico...so thank you guys of your continuous support of MainStreet.

Ms. Carole Wheeler came before the Commission and read from a publication that was recently issued by Social Security, and provided a copy.

CONSENT
CALENDAR:

Mayor Mulcahy stated we have several items under the Consent Calendar – City Commission Minutes – Special – June 17, 2013, Golf Course Advisory Board Minutes – June 12, 2013, Recreation Advisory Board Minutes – July 1, 2013, Airport Advisory Board Minutes – June 27, 2013 (**Removed from Agenda**) and Resolution #06-13/14 – Affirmation – Resolution #40-12/13 Budget Adjustment.

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

Seconded by Commissioner Whitehead.

Commissioner Green stated under the Golf Course Advisory Board minutes they talk about 7 suggestions in the box...all were read and no action was taken, and I’m wondering if it would be advisable for us to ask the Golf Course Advisory Board for those suggestions so we can have a sense of what the golfers are looking for...and what their needs are so we have a better understanding of an asset.

And under the Park ‘N’ Rec Advisory Board, and I notice that Manager Fuentes is talking about the pool...there wasn’t a quorum...but lifeguards as the City cannot pay all Winter for lifeguards, so the public will have to step in, and perform as lifeguards, and I would like the manager to address the possibility of the liability of the City doing that at some particular point as we move forward.

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 Kertesz responded Aye to a Roll Call Vote
Commissioner Richter responded Aye to a Roll Call vote

Motion carried unanimously.

Mayor Mulcahy stated the next item on our Agenda as amended is Item D-4; Airport Advisory Board minutes.

City Clerk Penner stated the reason I asked the City Manager to remove these is because the date of the minutes reflect June 27, 2013, and that is incorrect, and that the Airport Advisory Board minutes are actually July 3, 2013, and that is the reason I asked that they be deleted from the agenda.

“Mayor Mulcahy moved to postpone the Airport Advisory Board minutes until our next meeting for approval.”

Seconded by Commissioner Green.
Motion carried unanimously.

OLD BUSINESS:

DISCUSSION/ACTION – RESOLUTION #01-13/14 – OPEN MEETINGS RESOLUTION – MARY PENNER, CITY CLERK –

City Clerk Penner stated this item was postponed from our last agenda, and it was the recommendation of the Commission that it be sent back to staff for

review with our City Attorney, and indicated the biggest change in this Resolution is the requirement now from law that requires that the notice for the Agenda be available 72 hours prior to the meeting from 24 hours...and that is the biggest change in this Resolution.

City Attorney Rubin stated he agrees.

“Commissioner Green moved approval of Resolution #01-13/14 – Open Meetings Resolution.”

Seconded by Commissioner Kertesz.

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 Kertesz responded Aye to a Roll Call Vote
Commissioner Richter responded Aye to a Roll Call Vote

Motion carried unanimously.

DISCUSSION/ACTION – APPROVING THE ABANDONMENT OF THE AIRPORT WEATHERBOX IN FAVOR OF THE WESTERN NEW MEXICO AVIATION HISTORY MUSEUM – BILL SLETTOM, COMMUNITY DEVELOPMENT DIRECTOR –

Mr. Bill Slettom, Community Development Director came before the Commission, and stated since we last met and discussed this the Mayor and the Mayor Pro-tem have toured the FSS building...that stands for Flight Service Station. And stated the buildings were built in 1951, and Mr. Mayor I’m gonna turn it over to you for your opinion about the condition of the compound out there and the weatherbox.

Mayor Mulcahy stated they did go out to take a look at the buildings and they are very interesting to the point of Mr. Gustin’s saying they would make an interesting stage, and certainly have good footprint of what this sort of facility looked like. He stated it has a couple of vertical towers, and has a large light at the top...a beacon, and that they were impressed with the facility.

He stated there was a couple of old pieces of equipment...a neat map that I think we should retain here in town if it’s the will of the Commission, but I think we’re better served to send the weatherbox, and maybe even the weather machine if they want that, and get due credit from that museum.

Commissioner Whitehead stated I’m in agreement with Mayor Mulcahy.

Commissioner Kertesz – What is the status of this map...is it a wall map...is it preserved in some fashion or do we have to do something to it.

Mayor Mulcahy – It’s a big 5x4 map of the whole Western United States...and what’s unique about it you pull a key a little plane where out of the middle of it which is the center of TCS the Airport the Municipal Airport, and you move that thing to a spot on the map like Denver...and there’s a weight over here that goes up and down, and you read off the side of the weight a nautical distance.

“Mayor Mulcahy moved the donation of that weatherbox to the Airport in Grants.”

Seconded by Commissioner Whitehead.

City Attorney Rubin – And I just want the minutes to reflect again...as I said at the last meeting that we made the determination that the weatherbox has **no**

monetary value to the City...so therefore there is no problem with the anti-donation clause.

Mayor Mulcahy – I will ask for an amended motion if I may to make sure that we're not violating anti-donation.

Mr. Slettom – I might add that we are abandoning it in favor of a 501-C3 organization.

“Commissioner Whitehead moved that we amend the motion to donate the weatherbox...that there is no value to the City, and we will be donating it to the Grants Milan Airport Museum.”

Seconded by Commissioner Kertesz.
Motion carried unanimously.

DISCUSSION/ACTION – RESOLUTION #03-13/14 – ADOPTING FEES, DEPOSITS AND REGULATIONS FOR USE OF THE CIVIC CENTER – JUAN FUENTES, CITY MANAGER –

City Manager Fuentes stated this is a revised Resolution from the previous meeting, and as you may recall there was additional language requested under the first paragraph it was amended it states for Tier 2. And stated this was language that was suggested by Commissioner Green:

Any non-profit or governmental entity will receive a 50% reduction in fees. All other organizations holding an event that lasts at least two days with a minimum of 50 attending who stay overnight will be eligible for a 50% reduction in fees...and the rest stays the same.

“Commissioner Green moved approval of Resolution #03-13/14 – Resolution of the City of Truth or Consequences City Commission for Adopting Fees, Deposits and Regulations for Use of the Civic Center.”

Seconded by Commissioner Whitehead.

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

Motion carried unanimously.

PRESENTATIONS: POWER POINT PRESENTATION – STORM WATER DRAINAGE MANAGEMENT – VAN CLOTHIER, PRESIDENT – STREAM DYNAMICS, INC. –

Mayor Mulcahy stated that Mr. Van Clothier would not be here tonight so he would be making this power point presentation.

He stated Van Clothier is a gentleman who is quite renowned at least locally in the Southwest as a Water Harvesting expert, and stated water harvesting is a function where we can divert some of the flow...and only some of the flow to try to reduce at least to some degree situations that we all experience, and showed some pictures in the downtown area when it rains and our streets flood in the different areas, and indicated the water comes down the hill, and we have a particular problem, and we have another problem in that it is not an easy solution because in order to put in storm drains we're gonna have to mess with our own hot water in that district...so we want to try to find an easier alternative to control some of this or remediate some of this.

Mayor Mulcahy stated he went to a conference, and met Van and we talked about this, and he has since come to town and met with Commissioner Green and I, and we walked around to take a look at this project, and we suggested that we have him come to town, and give us some actual real time advice of what we might do that would reasonably allow us to not have such a bad problem with the sand bags in front of Bullocks...and up and down the streets...it rains hard and it rains fast...and it all goes downtown...and it's a real problem for us. And showed several pictures, and problems with dirt roads that become those conduits.

And what Mr. Clothier is proposing is he will come to town, and spend two days, and he will look at our situation and instruct City staff in ways that might allow us at a very low cost to divert some of this water before it comes all the way downtown into some of our vacant properties or some of the properties that people want it to go into but creating green spaces. The key is in all of this it is never intended to stop the water...the water goes and it overflows and it continues on its course...when you try to stop water using any of these methods its disastrous...you can't do that so we're still gonna have the flows what we might have is a little bit less.

Mayor Mulcahy – So here is what we would approach the Commission about is possibly doing, and that is we do what are called curb cuts at our natural rivers, and I'm gonna propose to the Commission in later action that we might be able to fund a couple of visits by him and see if we can get something going.

POWER POINT PRESENTATION – AIRPORT USERS – BILL SLETTOM, COMMUNITY DEVELOPMENT DIRECTOR & STEVE SPAW –

Mr. Steve Spaw, Airport Attendant came before the Commission with a power point presentation regarding Airport Users. A complete copy of presentation is available at the Office of the City Clerk during normal working hours.

NEW BUSINESS: DISCUSSION/ACTION – ATTORNEY CONTRACT SERVICES, STEVE SAGE FOR MUNICIPAL COURT – BEATRICE SANDERS, MUNICIPAL JUDGE –

City Attorney Rubin stated about a month ago the City Commission approved a couple of public defender contracts for the Municipal Court, and this is a third one for Mr. Steven Sage, and that he has already been serving as a public defender for the last several years for the municipal court. And this is the contract for 2013-2014, and it is identical in form and content to the contracts that you approved last month with the corrections we made at that time, and recommends approval.

“Commissioner Green moved approval of the contract for services for FY 2013-2014 for Steven L. Sage for a public defender.”

Seconded by Commissioner Whitehead.
Motion carried unanimously.

DISCUSSION/ACTION – RESOLUTION #05-13/14 – ADOPTING FYE – 2013/2014 – FINAL BUDGET – JUAN FUENTES, CITY MANAGER –

City Manager Fuentes stated the Resolution before you will adopt the Fiscal Year 2014 Budget as presented during the work session, and that this is a standard resolution that will be forwarded along with a copy of the budget to DFA for their approval.

Mayor Mulcahy stated he would like to thank you for putting together a balanced budget, and helping the infrastructure of the City.

“Commissioner Green moved approval of Resolution #05-13/14 – Adopting Fiscal Year 2013-2014 Final Budget.”

Seconded by Commissioner Green.

Commissioner Green stated a suggestion...and that the Mayor has commented as well as the manager on what a phenomenal job each department has done coming in under budget, and I would like the Mayor to couch a letter that we all sign and send to every member of staff of the City of Truth or Consequences that we are aware of the sacrifices that they have made to bring this budget in under budgeted, and we appreciate what they're doing.

City Manager Fuentes – Thank-you, and I think that is a good suggestion...and the credit does go to staff...the department heads and their staff.

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 Kertesz responded Aye to a Roll Call Vote
Commissioner Richter responded Aye to a Roll Call Vote

Motion carried unanimously.

DISCUSSION/ACTION – RESOLUTION #04-13/14 – IMPOSING DISPOSAL FEES FOR RESIDENTIAL/COMMERCIAL HAULERS AND ROLL-OFF FROM SIERRA COUNTY CONVENIENCE CENTER –

Mr. Leonard Carrillo, Sanitation Director came before the Commission, and stated at the last Commission meeting Commissioner Richter made a proposal to waive the fees for C&D at the landfill. And I did research on our contract with NMED, and they suggested that we do a special clean-up day...an amnesty day or waive fees for a short period of time at the landfill so it is in our contract with NMED.

He stated we are not receiving very much C&D at the landfill at this point and time...we're between 15 to 35 yards per week, and that we are matching that same C&D at the Collection Center but in smaller loads...half loads one yard at a time, and we're trying to work on getting a roll-off with the County, and that he has a meeting with them sometime next week to set up a roll-off at the Collection Center so we can take C&D...small C&D loads from the Collection Center to the landfill, and I will let you know when that meeting happens, and what we're gonna do.

City Manager Fuentes stated I think the recommendation to proceed and move forward with this amendment of the Resolution because it was adopted by Resolution with item #5 as the additional language, and stated it was taken to the Public Utility Advisory Board, and they did approve it, and made a recommendation to proceed and move forward to this point. And stated it will help us fill in that last cell with C&D, and with the adoption of this Resolution we would like the Commission to authorize staff to proceed and provide for this waiver of fees for this effort.

“Mayor Mulcahy moved adoption of Resolution #04-13/14 – Imposing Disposal Fees for Residential/Commercial Haulers, and for the Roll-Off from the Sierra County Convenience Center, and to include #5.”

Seconded by Commissioner Green.

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

Motion carried unanimously.

DISCUSSION/ACTION – PROPOSAL FOR STORM WATER DRAINAGE MANAGEMENT – VAN CLOTHIER, PRESIDENT – STREAM DYNAMICS, INC. –

Mayor Mulcahy stated you were provided with a letter from Mr. Van Clothier requesting \$1,000 for the first week to overview and take a look at the situation, and come back for 1 or 2 days to see what the results are, and work with staff to do that, and he and the City Attorney talked about solidifying a contract, but as far as the Commission is concerned we could probably authorize it if you're willing to an amount no greater than \$2,500.00.

City Attorney Rubin – You and I talked about that, and I understand the letter does set forth what he's planning on doing, but it would be helpful if we had a formal contract that would solidify what you just said.

Commissioner Green – What I'd like to do if we can do this is vote on a dollar amount, and then let legal work it out with yourself and the manager, and Mr. Clothier to...and to Commissioner Richter's point to exactly...what are we buying here, and I want to put a cap on up to.

“Commissioner Green moved that the City of Truth or Consequences engages Stream Dynamics, Inc., to come up with a Scope of Work to mitigate some of the flooding problems that we are experiencing downtown, and that contract will have a dollar limit up to \$2,500.00 to be made available for the project.”

Seconded by Commissioner Kertesz.
Motion carried unanimously.

DISCUSSION/ACTION – DESIGNATION AND APPOINTMENT OF BILL SLETTOM, COMMUNITY DEVELOPMENT DIRECTOR AS ASSISTANT CITY MANAGER, PURSUANT TO SECTION 2-99 – JUAN FUENTES, CITY MANAGER –

City Manager Fuentes stated the presentation by Steven Spaw, and that this is the first time he has seen it and I'm very impressed, and I want to compliment him on the presentation, and that it speaks to the staff we have the quality of Steve, Bill, Leonard...all of the...Joe and everybody else, and I want to compliment them.

And stated one of the things...and in my request tonight is that Bill has been instrumental in helping out in various projects, and pursuant to City Code 2-99...the City Manager is required to authorize and designate somebody as assistant. He stated in times when the manager is absent then he can be delegated to assist in that position.

City Manager Fuentes stated as you all are aware in the last couple of years Mary Penner has served numerous times as interim...as we all know this was the last fiscal year that Mary served, and we're definitely going to miss her...and her last day is the end of August, and stated Mary has been very instrumental in the City as a whole, and also in the City Clerk's office, but honestly we have employees that are committed to serving the City, and I feel that Bill in his position has been instrumental in helping and working on all of these projects. And that tonight

I'm asking the Commission to appoint Bill as the Assistant City Manager, and indicated he will still serve as the Community Development Director but obviously he would have the ability to assist me in other areas, and as a representative in the numerous boards that we have for all these advisory boards, and some of these meetings we have to attend.

Commissioner Kertesz – Is this a promotion and a salary increase...what are we talking about.

Manager Fuentes – I will definitely recommend part of a merit allocation that was included in there along with everybody else, and obviously I would make a certain recognition of those additional duties.

Commissioner Kertesz – Is there any limitation of the authority he would have...compared to your authority.

Manager Fuentes – The limitation would be what I would delegate only...case by case, and there may be a special project that I might ask him to go ahead and take the lead completely.

Commissioner Kertesz – Would it in order to ask if we could have a job description for this added responsibility.

Manager Fuentes – I don't want to create a separate position...the intent is not to be creating a separate position.

Mayor Mulcahy – As I see this...and correct me if I'm wrong but this is your ability to put more leadership on the ground as necessary.

Manager Fuentes – Yes...that is correct.

“Commissioner Green moved approval of the designation and appointment of Mr. Bill Slettom, Community Development Director as the Assistant City Manager.”

Seconded by Commissioner Whitehead.
Motion carried unanimously.

DISCUSSION – REGARDING: CITY ADVISORY BOARDS – MAYOR MULCAHY –

Mayor Mulcahy stated I asked that this be on the agenda, and that we're using a lot of City staff on advisory boards and boards where the issues ultimately come here anyway. And mentioned some of the boards: Industrial and Economic Development Advisory Board is still on the books...there's no such thing, Convention and Entertainment Board...is there such a thing.

And help me understand I've never seen a report from the Public Arts Board is that a board that...

City Manager Fuentes – Yes that is a board but it doesn't meet regularly, and one of the major reasons for that board is to consider a project when we allocate every year in the approval of the budget an allocation from the lodgers tax for a public arts project. And stated last year they met, and we allocated the money for a fountain at the Triangle Park which has already been purchased, and is going to be installed with the approval of the final budget.

Mayor Mulcahy referred to the Lodgers Tax...we have not a lot of money, and we give it out once a year.

Commissioner Green – I think Lodgers Tax meets more than once a year, but I

think first before we go down that road we might want to take a look at the Act...I believe...I might be wrong...the Lodgers Tax Act requires a board...a Lodgers Tax Board, and it has to be 2 people from the lodging, 2 people from a tourist related business, and 1 public person at large.

Mayor Mulcahy - We have a contract with a pro at a golf course, and the board there is well versed in what is going on out there, but I think we should be looking at the recreational aspects, and maybe thinking consolidating that into the Recreation Board, and giving them more authority because it's just a single contract with a pro, and the pro is a part of that board. And I think we need advice that is for the benefit of the whole city, and not necessarily a sounding box for the pro or necessarily a group...I golf and I want to keep it the way I like it...we need to look beyond that.

Mayor Mulcahy - So let me throw that out there...if there is any conversation I can tell you that I haven't gotten a lot of advice from the Golf Course Board because they...I've had to listen to the public...the wider public, and listen to City staff, and look at a contract that says; A, B, C. And I don't want to take away the need for the public to be involved in the golf course, but I would see that better served maybe as a larger part of the Recreation Board.

Commissioner Kertesz - I think the interest between the Recreation Board and the Golf Advisory Board is really quite separate. I think their interests are too diverse to comingle. And as an opportunity to look at that what if you brought the two groups together in a meeting and see if there is any...

Mayor Mulcahy - I want to open it up...I don't want it to be this closed group of people.

Commissioner Green - I think we need better lines of communication between City staff...the Commission and the golf course, and stated it is our asset...all the citizens asset, and it is owned by the City...especially since the city is pouring money in to it, and I think it behooves us to support the Advisory Board, but to have better communications, and I can see the tension between that board and City staff.

Mayor Mulcahy - Maybe look at the by-laws because I would like to see more diversity. And I'm getting the impression that some of the boards have a sense that they have more authority than they do because by law state very clearly it comes here.

Discussion only.

REPORTS:

CITY MANAGER -

City Manager Fuentes had an update on the pool cover project, and indicated there is quite a number of pieces of equipment at the site. And reported they have started on replacing the filter system, and that there is electrical work being done, and the latest information we are hoping that the additional equipment will be shipped soon, and that they are trying to coordinate the installation of the equipment that is already out there with the delivery of the cover itself. And stated it is moving forward, and that we're still looking at mid-August for hopefully the cover up.

Mayor Mulcahy - When you say the cover up...do you mean the pool open?

Manager Fuentes - I mean the actual cover...the bubble itself. And in regards to actually opening the pool we have been advertising for 4 positions; for 2 head lifeguards and 2 lifeguards, and as of yesterday we had not received applications.

He stated we are moving forward on making progress on the Nuisance

Ordinance, and stated he already covered this during the budget meeting about my discussions with DFA in regards to the State Appropriation money so hopefully by the end of the month we will have a letter from the State with clear guidance as far as when that money will be made available.

City Manager Fuentes stated there was a list of items that Commissioner Kertesz provided me for updates, but at this time I do not have sufficient information to be able to respond to those, and I will be responding to all of the Commissioners on those particular items.

City Attorney Rubin stated that I have completed my rough draft of the Dangerous Building Ordinance, and the Nuisance Ordinance, and I expect that Juan and I will be getting together within the next few days to go over them, and should have them by the next City Commission meeting.

COMMISSIONERS -

Commissioner Kertesz stated in case anybody hasn't heard the Spaceport Authority has been approved, and got a green light from our State Government to obtain a 20.8 million dollar private loan for Spaceport Welcome Center...two welcome centers.

Mayor Mulcahy – Thank you for bringing that to the table...I think there is two questions I have that I think we need to ask...over and over again, how do you break that up, and then the second is where in the welcome center over near Wal-Mart is the part of the building that demonstrates, and shows all the local assets that we have...because I've seen the tour...and I didn't see any pottery, music or any hot springs, and I'm not trying to be skeptical, but I know that in many ways this has become a black box, and I think we have to for the good of the community, and the most polite and diplomatic way have a good understanding of what's involved in the dollars over here, and what's involved inside that building as far as the whole purpose of that building was to display our local assets and give them a second something to do.

Commissioner Richter – No report.

Commissioner Green stated having some cake at the library with Mary and Pat Wood I was talking to Pat O'Hanlon, and I want to congratulate the Friends of the Library are running a Summer program, and indicated from June 5 - July 10 the activities were story time, crafts, book reading, story-telling programs, Land of Enchantment Route 66, drum performance lessons, and stated there were 299 children that attended the program, and what amazed me...136 adults attended the program. And reported these monies are raised by the Friends of the Library, and he did not know that program existed.

And stated I took someone out...talking about the golf course, and that I had a friend of mine visit, and we went to the golf course...and let's just say...you got to be kidding me I mean come on guys let's pick off the peeling paint, and get a spray gun which we probably own...let's paint the building.

Commissioner Green stated we have money for public art...let's put a call-out for public art, and beautify that building for literally \$500.00, and have artist's paint murals of our Southwest...of our town until we have enough money to build a new structure.

Mayor Mulcahy stated we could also...the problem is that the appearance of the building is the structure itself...we can paint it and make it look nice, but we can't put a roof on it because I'm told the 2nd floor is the roof, and stated that golf course needs a clubhouse that at least can serve and do the things that we need to do with that facility.

Commissioner Green – To follow-up on Commissioner Kertesz's 20.8 million

dollars...it looks like it's getting closer, and to the Mayor's point...yes that area for talking about Sierra County and Truth or Consequences our assets...now from what I've been given to understand has become about talking about New Mexico, and marketing New Mexico so we are gonna get less, and less, and less...and unless we are vocal, and meet with Christine Anderson and meet with the powers that be we're gonna end up getting zilch on this deal.

And stated it talks about what the Mayor what was talking about initially how important code enforcement is, and if their gonna go out and borrow 20.8 million dollars, and build a 25,000 sq. ft. structure out at Spaceport, and a 7,500 sq. ft. structure in T or C they never mentioned 3 facilities...they only mentioned 2, and stated if they're gonna put money into Hatch until that Southern road is passable and usable...we have got this small window of opportunity...we know how the buses are gonna go we kinda figured out what their routes are gonna be, and that's where we should be putting our effort and energy, but we should have special emphasis on the roads that these tourists are gonna travel, and the buses that are gonna travel, and I think the clock is totally ticking, and I wanted to give you an update on the discussion that Commissioner Kertesz, Manager Fuentes and I had with Follow the Sun Tours.

He stated we had a conference call with Christine Anderson, Aaron Prescott and everyone else that's been mentioned, and Mark & Rose Bleth, and we brought out the point that they were operating without a business license here in T or C for the last two years which they did pay their \$35.00 so now they are legal, and indicated we do have some issues that we are still working with them on, and have offered them a pick-up place at City Hall which has shade, benches, and ADA bathrooms, and stated on their web-site as of Friday the Truth or Consequences people who want to go for a tour of Spaceport America are being picked up in a parking lot in front of IGA...that is un-acceptable, and they are treating our citizens and our guests as 2nd-class citizens, and I don't understand why they haven't responded to our offer, and an interim location for pick-up.

Commissioner Kertesz – Will you add about the comment about the reduced price for...

Commissioner Green – Yes...this is really incredibly upsetting. And that part of the deal because as a pay back to the citizens of Sierra County on our self-imposed GRT was a special reduced rate for Sierra County residents of \$25.00, and it's called the Sierra Express, and Dona Ana citizens have a \$35.00 fee called the Dona Ana Express...that's not even on their web-site, and there was a member of staff I believe who wanted to go out there made a phone call, and what you had to do was to over to Elephant Butte to their location, and sign up there. He stated you had to go 6-8 miles to do something that you should be able to on line, and these are some of the points that we will be addressing this week with Spaceport Authority, and voicing our concerns, and all I want them to do is be fair and reasonable for the citizens of Truth or Consequences and Sierra County.

Commissioner Whitehead – No report.

Mayor Mulcahy stated to Commissioner Whitehead...I want to thank you for working with Mr. Morgan on some of his concerns last week. And pointed behind him the web-site for any updates on the Geothermal Study.

He stated I would like to move forward with the Commission on the animal shelter project.

RESPONSE TO
PUBLIC
COMMENT:

None.

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. Buckhorn Property.”

Seconded by Commissioner Whitehead.

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

Motion carried unanimously.

OPEN MEETING:

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

CERTIFICATION:

“Commissioner Green certified that only matters pertaining to: 1. Purchase, Acquisition or Disposal of Real Property 10-15-1H(8) a. Buckhorn Property was discussed in Executive Session, discussion ensued and no vote was taken.”

“Commissioner Green moved that the City Commission accept the agreement for conveyance of real property to accept the offer that the Brannon’s, and the City entered into to authorize the City Attorney to follow-up to notify the Brannon’s of our decision tonight to follow-up on that, and any legal documents that have to be drafted that he will take care of that, and to include Title Insurance, on the property for the City.”

Seconded by Commissioner Kertesz.

Motion carried unanimously.

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

MARY PENNER,
CITY CLERK

