

CITY COMMISSION
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
Tuesday, December 10, 2013

WORK SHOP
ACTION MINUTES

TIME & PLACE: The Truth or Consequences City Commission of the City of Truth or Consequences in the County of Sierra, and State of New Mexico met for a Work Shop, in full conformity with the law and ordinances of said Commission in the Commission Chambers of said City on December 10, 2013 at 5:00 P.M.

Mayor Pro-tem Sandra Whitehead opened the Work Shop; explaining the items to be discussed in the Work Shop included:

1. An Ordinance relating to discharge or disposal of geothermal waters from the hot springs aquifer system; providing alternative methods for the discharge of geothermal waters; requiring a City permit for the discharge of geothermal waters to facilities owned and operated by the City; and providing for fees to cover City expenses incurred for the collection and treatment of geothermal waters discharged to facilities of the City.
2. An Ordinance relating to domestic water wells; repealing the moratorium on drilling of new domestic water wells; requiring a municipal permit for new domestic water wells; and imposing limitations on the number and location of new domestic water wells to ensure protection of geothermal ground water resources.

Mayor Pro-tem Sandra Whitehead turned the meeting over to City Manager Juan Fuentes.

City Manager Fuentes noted this was just a follow-up Work Session from our last meeting, on the two proposed Ordinances; stating that John Appel would be on the phone again for the discussion, and noting Mr. Appel would be going over the discussed changes proposed in the previous meeting. City Manager Fuentes also noted we had two people in the audience from the New Mexico Environmental Department present tonight; John Rebar and Daniel Valenta, they are on hand to discuss any questions we may have. City Manager Fuentes broke to call Mr. Appel. Manager Fuentes noted that John Appel would be going over the proposed changes, noting the Ordinances would be projected on the screen with corrections in red.

2. An Ordinance relating to domestic water wells; repealing the moratorium on drilling of new domestic water wells; requiring a municipal permit for new domestic water wells; and imposing limitations on the number and location of new domestic water wells to ensure protection of geothermal ground water resources.

Mr. Appel noted that the most logical to start with the Ordinance relating to domestic water wells, this Ordinance does two or three things; First it would repeal the Moratorium on drilling new domestic water wells, which is presently in place, and it's going to require a permit from the City of Truth or Consequences for any new domestic water wells drilled within the City; that will be true in both the hot water aquifer and the thermal aquifer and other domestic wells in other areas having water that is not thermal. The main reason for this is because of the study done by New Mexico Tech. One of their comments was you really need more data, you really need to get a handle on how many wells there are, where those wells are located; how much water those wells are pumping; as opposed to how much water they might be able to legally pump. The primary effects of this Ordinance are that anyone who wants to drill a new well in the City of T. or C., after getting a permit from the State Engineer, would also have to get a permit from the City of Truth or Consequences, subject to certain conditions, one of which is that in general, we anticipate that no more than one domestic well will be permitted on any particular property. There may be exceptions for larger properties, which we will discuss later. Generally the State Engineer will not allow more than one domestic well on any property in any case, so that's not going to be a problem. Nothing that we're also going to require metering of all new domestic wells. We have suggested that meters should be on wells within the thermal aquifer area and as well as outside.

Mr. Appel continued noting that regarding the changes to be made, there are none in the "whereas", looking at section 14-116; section (c); we suggested the amount of one hundred dollars for the application fee. In the next sub section (d) we added "or New Mexico licensed well driller" as someone who could prepare those plans. Sub-section (f) in response to comments made in the previous meeting, the question was raised what happens if the City fails to act within the 30 days, we added "if the utility manager fails to act within thirty days after submittal of the application the application may be deemed to be approved and the applicant may proceed with the proposed installation. Also in the same sub-section; we added "an applicant whose application is denied for any reason, or who is otherwise aggrieved by the decision of the utility manager, may appeal with the municipal clerk within thirty days from the date of the utility manager's decision.

In sub-section (f) we added that the state have has "both" a temperature greater than ninety degrees Fahrenheit "and" a concentration of total dissolved solids.

For sub-section (g) speaks of only the geothermal waters, we have changed it so both sections will apply, item (1) after the last work session we questioned what if they have more than one lot, we added "for purposes of this Section 14-116, two or more adjacent lots or parcels of land in common ownership shall be considered a single lot or parcel.

Sub-section G4- we made a minor change related to metering, we anticipate that metering will be required within the aquifer. The suggestion was "with high total dissolved solids content". Mr. Appel stated those were the changes as he had them and stood for questions.

Attorney Jay Rubin noted he felt in page 3, paragraph section (f) it should read "shall" instead of "may".

Mr. Appel agreed.

Attorney Rubin noted that in the same section, it should read City Commission, as that I Show our code reads.

Commissioner Green noted that on section 14, subsection c, it doesn't say how long that permit is good for, a restriction to when the person has to apply for another permit.

Mr. Appel noted he thought it would be something the State Engineer permits states; but stated that he will check it.

Commissioner Green noted on page 4, subsection 4 – what happens if they don't do that; referring to annual reports.

Mr. Appel noted it would be a violation of the Ordinance; we could put a clause in there saying that the permit could be suspended and until they bring it up to standard.

City Manager Fuentes noted the City did already have that; he asked Attorney Rubin to address the issue.

City Attorney Rubin noted that we have penalties and provisions through Municipal Court, noting the penalty provision.

Mayor Pro tem Whitehead opened for input from the audience.

George Szigeti asked which title or who would be considered the utility manger, and questioned who in the City had that type of expertise...

John Appel noted that would be something the Commission should address.

City Manager Fuentes noted he felt the appropriate person would be the Waste Water Treatment Director; he also spoke regarding the fees.

Mr. Szigeti spoke of existing wells, and the possibility of more than one lot.

Mr. Appel noted that the Ordinance only deals with new wells, existing wells.

One of the things we want to monitor is water temperature and solidity; it would be to our benefit if City staff could take samples and monitor the health of the system.

Mr. Appel thought that was a good idea and a provision was in the Ordinance for that, noting he would look at the Ordinance. He noted it was in the other Ordinance and should be added in this one as well.

Klaus Written approached and spoke asking if there has there been a meeting date for the State Engineer or Environment Department present. He also spoke of problems of

additional wells on properties.

1. An Ordinance relating to discharge or disposal of geothermal waters from the hot springs aquifer system; providing alternative methods for the discharge of geothermal waters; requiring a City permit for the discharge of geothermal waters to facilities owned and operated by the City; and providing for fees to cover City expenses incurred for the collection and treatment of geothermal waters discharged to facilities of the City.

John Appel noted this Ordinance was relating to the Discharge or Disposal of Geothermal waters that are derived from the hot springs aquifer system; and there are three ways this can be done. This is an effort to supplement the existing City and State Regulations.

Mr. Appel explained the proposed changes in the second Whereas, he added a technical specification by adding "or locations". On the second page, item (b) he noted two word changes "both": and "and" instead of or. On Page three, item E, he added the fee of one hundred dollars. In item E.1.), he added "as long as the property for which the permit issued does not change ownership during that period, and will be" In item E.2.) he added "one hundred twenty dollars for each point of discharge to the Hot Ditch from a private residence, and an annual fee of three hundred sixty dollars, and "bathhouse or other commercial facility." In item E.4. "Permits for discharge to the Hot Ditch are personal. If a property is sold or otherwise transferred to a different owner or owners any permit issued to the former owners becomes void and the new owners shall apply for a permit within one month following the change of ownership:. Mr. Appel stood for questions.

City Manager invited John Rebar for a broad overview of the NMED.

Mr. Rebar, with the NM ED Ground Water Quality Bureau, noted he wished to go over some of the regulations covered under the NM Water Quality Act 20.6.2, it is specifically for discharge. He spoke regarding the permitting; Mr. Rebar explained that the forms are available on line through the NMED for discharge. Mr. Rebar explained the permitting process. Noting the Ground Water Quality Bureau website has the applications on line for discharge. Mr. Rebar explained the Bureau takes the information and makes a determination if a permit is required. Mr. Rebar explained the different situations which would require a permit; also noting that all the appropriate information was available on line through their website. Mr. Rebar noted some of the required information for the application process; and the requirements involved for permitting.

Mr. John Appel broke in and asked to be excused to attend another meeting.

Mr. Rebar explained the discharge permit, some of the events regarding a permit; he spoke of notifications posted in the newspapers. This requires plans and specs be submitted to them for any project.

Mayor Pro-tem Whitehead explained Mr. Rebar would be allowed to speak a few minutes more, and then we must start our regular meeting.

Commissioner Kertesz asked how the NMED coordinates with the City.

Mr. Rebar stated the discharge permit would be issued to the City, and then the technical review could begin.

Commissioner Green asked if the City was notified in this case.

Mr. Rebar noted yes, the Department notifies the City, there are notifications placed in the paper. The City will be on the interested parties list for notification.

City Manager Fuentes noted the paperwork that states that the City is notified.

Mayor Pro-tem Whitehead asked for public comment.

Kathy Clark approached and asked about the public notice.

Mr. Rebar stated yes, and you can be added to the interested parties list regarding the project, and then you would be contacted.

CITY OF TRUTH OR CONSEQUENCES
TUESDAY, DECEMBER 10, 2013
REGULAR MEETING

The Mayor Pro-tem and the City Commission of the City of Truth or Consequences in the County of Sierra and State of New Mexico met for regular meeting in full conformity with the law and ordinances of said commission in the city commission chambers of said city, on Tuesday, December 10, 2013, at 6:05 p.m.

**PRESIDING
OFFICER:**

The meeting was called to order by Mayor-Pro-tem Sandra Whitehead, who presided, and Judy M. Harris, Deputy City Clerk acted as Secretary of the meeting.

ATTENDANCE:

The following Commissioners were reported present:

Hon. Sandra Whitehead, Mayor Pro-tem
Hon. Steve Green, Commissioner
Hon. Jeff Richter, Commissioner
Hon. Mike Kertesz, Commissioner

Also present:

Juan Fuentes, City Manager
Jay Rubin, City Attorney
John J. Rebar Jr, Environmental Scientist
Daniel Valenta, New Mexico Environment Department
Kevin Bassalleck, Affordable Solar
Judy M. Harris, City Clerk

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

CEREMONY: Mayor Pro-tem Sandra Whitehead called for fifteen seconds of Silent Meditation.

Mayor Pro-tem Sandra Whitehead called for the Pledge of Allegiance with Commissioner Steve Green leading the Pledge

APPROVAL OF AGENDA: Mayor Pro-tem Sandra Whitehead head noted the items on the Agenda, asking for a motion to approve.

Commissioner Steve Green noted he wished to delete the draft minutes from the Public Utility Board, the Draft Minutes form the Planning and Zoning Commission from 9/3; and the draft Minutes for the 1st of October, also from the Planning and Zoning Commission.

Seconded by Commissioner Kertesz.

Motion carried unanimously.

COMMENTS FROM THE PUBLIC: Klaus Wittern approached the podium and commented regarding the Work Shop information, hoping to have more time in the Regular Meeting to address the Commission.

Howie Tucker, Golf Pro, approached the podium and encouraged the new Police Officers to visit and play at the City Course.

CONSENT CALENDAR: Mayor Pro-tem Sandra Whitehead called for a motion to approve the Consent Calendar.

Commissioner Steve Green moved to approve the Consent Calendar, with removal of all draft minutes.”

Seconded by Commissioner Mike Kertesz

PRESENTATIONS:

POLICE DEPARTMENT:

Chief of Police Priscilla Mullins presented Officers of the Truth or Consequences Police Department; noting service and accomplishments.

DOWNTOWN MASTER PLAN:

Assistant City Manager/Community Development Director Bill Slettom introduced a PowerPoint presentation on the Downtown Master Plan.

(Information provided for the Record.)

Mr. Slettom stated that last week the first meeting was attended well, noting that they went through approximately half of the Agenda, and would meet again next week.

Commissioner Mike Kertesz asked what the wording in the scope of work Asset Inventory consisted of.

Asset Inventory part of the Downtown plan is a survey of built assets and cultural assets downtown.

Commissioner Green asked about the meeting coming up the 16th, wondering if notifications were sent out, and if the survey could be put in the paper.

POLY-CART PHASE I:

Sanitation Director Leonard Carrillo explained they had received 500 of the poly-carts, noting they came disassembled as far as the tires and the axels. We started assembling them, and then the Bountiful Alliance came and helped assemble them. He noted they had gone house to house, taking inventory of how many homes, where to place the carts, noting they spoke to many residents. Noting December 16th they would start distribution on Arrowhead going towards Rodeo Arena. Mr., Carrillo noted they were going to document houses with addresses and number the carts, so carts can be accounted for. Mr. Carrillo noted that this would enable them to keep track of the poly-carts and better serve when residents moved or relocated. Mr. Carrillo noted residents that wished more than one poly-cart would be able to have more than one, they would be numbered. Residents would be made aware of the prices; and noted the start dates and removal of dumpsters from the area. If residents wished to keep dumpsters, it would be allowed, the resident would have to pay the fee for the dumpster.

Commissioner Kertesz asked what happened when someone left the area how does the new owner receive service.

Mr. Carrillo noted they were working with the Utility Department with removal for those who moved and placement for new residents, in coordination with the Utilities.

(Information provided for the Record)

OLD BUSINESS:

Mayor Pro-tem Whitehead noted next was *Proposed Ordinance for Publication: An Ordinance relating to discharge or disposal of geothermal waters from the hot springs aquifer system; providing alternative methods for the discharge of geothermal waters; requiring a City permit for the discharge of geothermal waters to facilities owned and operated by the City; and providing for fees to cover City expenses incurred for the collection and treatment of geothermal waters discharged to facilities of the City.*

City Manager Fuentes asked the Commission to address both Ordinances at once as was done in the Work Shop.

Mayor Pro-tem noted the second *Proposed Ordinance for Publication: An Ordinance relating to domestic water wells; repealing the moratorium on drilling of new domestic water wells; requiring a municipal permit for new domestic water wells; and imposing limitations on the number and location of new domestic water wells to ensure protection of geothermal ground water resources.*

City Manager Fuentes noted that there were still questions from the Public and requested they be allowed to speak.

Kathy Clark, Charles Motel, approached with her concern with the Ordinance for Discharge. She noted her worry was that Commercial Properties would be required to have a permit and the fact that in five years they would have to re-apply. Ms. Clark noted and questioned the charges being proposed. Ms. Clark's other concern was ditch testing for grey water and questioned if administrative criteria was ready or being worked on.

City Manager Fuentes noted no they had not been working on that.

Klaus Wittern asked to be able to submit written questions for review and discussion at a different time. He asked if there was a target date for publication.

City Manager Fuentes noted additional comments and depending on how the Commission felt about moving forward, noting it would be brought back in the January meeting.

Mr. Wittern noted his concern was mixing commercial with residential waters, and felt it was not good public policy, noting contamination would be hard to detect. He strongly urged the Commission to attempt to separate the two, which would extend the life of the hot ditch for some time. He noted the City needed to know the potential amount of

discharge to the system.

George Szigeti approached and agreed with Mr. Wittern about combining the Commercial and residential, noting how hard it would be to measure the discharge. He questioned the two gentlemen from NMED, under certain circumstances a permit would not be required, what would those circumstances be?

Mr. Rebar, NMED, answered that it would depend if the proposed discharge met with any exceptions. He noted technical analysis of discharge.

Mr. Szigeti asked about his concern with the hot ditch connections, noting grandfather wells and now allowing new connections.

With no further questions, Mayor Pro-tem Whitehead turned the discussion over to City Manager Fuentes.

City Manager Fuentes noted that to make sure we covered everything, we might check if there are any further questions on the second Ordinance

Jay Rubin noted questions and changes on the Ordinance regarding the Moratorium.

City Manager Fuentes noted several suggestions that had been made.

Commissioner Green questioned that the Moratorium is set to expire; and if we had the time to bring this back with the expiration coming.

City Manager Fuentes noted February 28, 2014, and we do have time.

Commissioner Green questioned if we had enough time to answer the questions raised prior to the expiration of the Ordinance, he also noted that we need to do this right, if we have to change this and bring this back later with questions answered it would be better.

City Manager Fuentes noted the Commission had time to find the answers and bring this back before the expiration of the Moratorium.

Mayor Pro-tem Whitehead asked for further questions.

Commissioner Richter had two comments on the Ordinance for the Discharge of geothermal waters. He thought they needed to remember, on both of these Ordinances, why we are doing this, we had a study done to protect our resources, and what we are trying to do is to qualify the demand on resource and find a diversion, on how much water is being put out. Commercial user's charges, noting that it wish to base the charges on the discharge.

Commissioner Green wished a point of clarification on page two, regarding the degradation of water to be disposed. He questioned if reading or testing would be done to

make that decision.

City Manager Fuentes deferred the question, and will find the answer to that.

Mayor Pro-tem Whitehead noted the two Proposed Ordinances and asked the Commission if they wished to do them one at a time.

City Manager Fuentes asked the Commission to postpone both items, and bring them back at the next meeting, January 14th.

“Commissioner Steve Green moved to postpone both Ordinances, one relating to the Discharge and one relating to Permitting.”

Seconded by Commissioner Mike Kertesz.

Motion Carried unanimously.

Amended Election Resolution March 4, 2014 Election

City Clerk Judy Harris explained the Amended Resolution was due to a mistake in the date in item F. Absentee Voting; noting the change of date from March 4th to the corrected date of February 28, 2014 for applications for absentee ballots to be completed and accepted by the Municipal Clerk.

“Commissioner Steve Green moved to approve Amended Resolution #15 13/14, in English and in Spanish.”

Seconded by Commissioner Mike Kertesz.

Mayor Pro-tem Whitehead called for a Roll Call Vote.

Hon. Sandra Whitehead responded Aye to a Roll Call Vote.

Hon. Steve Green responded Aye to a Roll Call Vote.

Hon. Jeff Richter responded Aye to a Roll Call Vote.

Hon. Mike Kertesz responded Aye to a Roll Call Vote.

Motion Carried Unanimously.

Recommendation by Golf Course Advisory Board for Restrooms at the Golf Course;
City Manager Fuentes noted this was brought up in the last meeting with a recommendation from the Golf Course Advisory Board. He noted that Howie Tucker, the Golf Pro was in the audience.

Howie Tucker, Golf Professional approached and asked if there were any questions from the Commission.

Commissioner Mike Kertesz asked about the costs provided in the bids.

Mr. Tucker noted this was a portable toilet, and the Golf Course would do the hook ups and foundation.

Commissioner Kertesz noted the high costs, and asked if it was the only handicapped toilet at the Golf Course.

Commissioner Green noted that the contract calls for payment up front, asking if the Company was investigated prior to acceptance.

City Manager Juan Fuentes noted we can make progress payments, we do not pay in advance, and we can make progress payments, but the City does not pay in advance.

Commissioner Steve Green asked if the funds were coming out of the one dollar fund.

Mr. Tucker answered that this is coming out of the Golf Advisory Board funds

Commissioner Richter asked about set up.

Mr. Tucker noted his staff would be doing most of the work, except the foundation.

City Manager Fuentes noted that the Public Works Department would be assisting with the foundation, and all the funding was coming from the Capital Improvement fund.

“Commissioner Steve Green moved to approve the project with the bid to go to Porta-John Industries”.

(Information provided for the Record)

Mayor Pro-tem Whitehead noted and thanked City Employees in the audience.

NEW BUSINESS: *Resolution #17 13/14 Budget Adjustment*

Finance Director Leo Silva approached and explained the two Budget Adjustments, noting the first was the one just spoken about, the \$19,000 for the Golf Course Restrooms; he noted the second was a Fire Department Grant awarded to them for equipment in the amount of \$115,000. Mr. Silva stood for questions.

“Commissioner Green moved for approval of Resolution #17 13/14 Budget Adjustment.”

Seconded by Commissioner Mike Kertesz.

Hon. Sandra Whitehead responded Aye to a Roll Call Vote.

Hon. Steve Green responded Aye to a Roll Call Vote.

Hon. Jeff Richter responded Aye to a Roll Call Vote.

Hon. Mike Kertesz responded Aye to a Roll Call Vote.

Motion Carried Unanimously.

Authority to Proceed issuing required professional service for Electric Utility Distribution System.

City Manager Juan Fuentes noted the purpose is to issue an RFP to Improve the Infrastructure of the City. He noted a previous study was done in 2003. Explaining items still needed to be done regarding the study. Manager Fuentes noted that we are working with the engineers on the water systems and water study report, we also did the Solid Waste, and what we are doing is looking at the needs of the system for improvements, noting the funds are available for the study. Manager Fuentes noted that Gil and Ed from the Electric Department were here in the audience to address any questions from the Commission.

Commissioner Mike Kertesz addressed the executive summaries asking where we are on the list of deficiencies.

Gil Avelar Electric Department answered the Commission had the list of deficiencies.

Commissioner Richter asked about the differences of deficiencies, asking about dollar amounts on some of the deficiencies.

Gil Avelar and Ed Williams, Electric Department, answered that it depends, but some of the deficiencies had been done, but with the change of times, they needed to be updated; and answering several questions and noting that some items had been fixed.

Commissioner Green questioned cost from 2003.

Gil Avelar replied it was about ten grand.

City Manager Juan Fuentes noted it could be between \$150,000.00 and the cost of the water study, noting that the study was over 10 years old, and we are attempting to improve the system, and plan phases and what improvements are needed.

Ed Williams noted that the system has grown in the 10 years, and needs have changed.

Commissioner Jeff Richter questioned several items in the old study and the costs involved.

Gil Avelar answered several items in questions and noted some of the items had been addressed and some where only partially addressed.

Ed Williams also addressed several items, and explained various reasons that changes in times had created the need for updating the study.

Commissioner Green noted deficiencies and questioned items and costs of the 2003 Study.

Gil Avelar and Ed Williams both noted some of the instances that questions had been raised, and how isolation of several problems had made them consider updates to the system, noting this study would address those and other problems.

City Manager Juan Fuentes noted that this study would enable us to better plan the long term look of the system, the costs could be similar to the water study.

“Commissioner Steve Green moved to approve the request for the RFP to proceed with the Study.”

Seconded by Commissioner Mike Kertesz.

Mayor Pro-tem called for the vote.

Motion Carried Unanimously.

Interconnect & Net Metering Program

Mayor Pro-tem Whitehead noted the subject matter and called Electrical Department Supervisors Gil Avelar and Ed Williams both approached the podium.

Mr. Avelar explained that the City had requested that WH Pacific look at the Metering possibilities for the City in light of the fact that solar had wanted to be put in the City and we told them we didn't have a way to meter them properly, so looking to the future we asked them to look at the study and we came up with this solution that is before you today.

Mr. Avelar noted that we can install the metered system that WH Pacific came up with; what we do know is we only have one system up in the City and this is what we propose to do.

Mayor Pro-tem Whitehead asked the Commission if they had questions.

Commissioner Kertesz noted since we have a partner who provides us electric, which is Sierra Electric Co-op, would it be a good idea to pass this through them.

Ed Williams noted he did not feel this needed to go to Sierra Electric Co-op for this, as it did not deal with what they provide; when it comes to the Solar Farm it would make a difference then, for generation.

Gil Avelar noted that they are well aware of this proposal, and they didn't not have any problem with it.

Commissioner Richter noted items in the Contract which noted the Customer is responsible for the actual cost of the interconnect, what does that amount to, money wise and then material wise.

Both Mr. Avelar and Mr. Williams asked George Szigeti to approach and explain his costs, as he has the only system so far.

Mr. Szigeti noted when they put in their system in they had to upgrade the service connection from the pole, as he recalls, he noted it depended on the distance to the pole, his cost was about \$150.00, which may differ in newer homes, as updates may not be needed. He stated it is not a huge cost.

Commissioner Richter questioned indemnification and insurance costs, is it on homeowners insurance or is it a different coverage.

Mr. Szigeti noted it depended if it was under 10kw or over 10kw, and he was not sure which section that was under.

City Manager Fuentes noted that we had Kevin Bassalleck with Affordable Solar Energy who would speak on the next item on the Agenda, but perhaps he could answer some questions regarding this.

Kevin Bassalleck spoke about the process and language and that they were familiar with the work of WH Pacific and the State; noting it would cover safety issues, and the technical specifications were covered under the building codes. As for cost, it would depend on if it's residential or commercial, requirements of upgrades needed or not, he explained some interconnection costs were based on the size of the interconnect project.

Commissioner Green asked about item 6 regarding interconnect and noted it was optional, was that an oversight.

Mr. Bassalleck considered but was not sure of the answer in that instance.

City Manager Fuentes noted this was a recommendation to the Commission to act on

approval of the Interconnection and new Metering Program. as recommended by staff, and also by the Public Utility Advisory Board.

“Commissioner Steve Green moved to approve the two documents, Interconnection and New Metering Program for both, one which covers 10kw and the other over 10kw with the exclusion of the word optional next to the word indemnification.

Seconded by Commissioner Mike Kertesz.

Mayor Pro-tem Whitehead called for the vote.

Motion Carried Unanimously.

Interconnection and Net Metering Application Wal-Mart Solar Project

Mayor Pro-tem Whitehead noted the subject matter and asked Gil Avelar, Electric Division to approach.

Mr. Avelar noted documents which were in front of the Commissioners, he noted several items which needed to be addressed and he stated he didn't know if that had happened, but otherwise we are good to go.

Mayor Pro-tem Whitehead asked the Commission if they had any questions

Commissioner Mike Kertesz asked about whether Sierra Electric Co-op was aware and had they reviewed this agreement, and if they had any concerns.

Mr. Avelar stated they had spoken to them and was not sure if they had reviewed the documents, noting they did not have any problems.

City Manager Fuentes noted Mr. Basset in the audience, who was in charge of this project for Wal-Mart; he noted that also the Commission had previously amended the Code in an earlier meeting, so we could proceed with the project, in the Code it requires they come before the Commission for approval.

Mr. Bassalleck spoke of the application form, noting it was the same form that Electric Companies and others used. Noting they would be obligated under the State to be involved in the process. Noting that he believed that in the agreement, it stated The safe for used for up to 10mw is familiar to the Co-op and the State, to allow that system. It states the technical requirements and screening process, which identifies cost to interconnect the systems, it identifies upgrades needed.

Commissioner Mike Kertesz asked about the primary disconnects.

Mr. Basset answered yes; they would provide that, we would provide the meter for the construction as well. All of our systems interconnect is on the customer side and all is regulated and provided through the Code.

Commissioner Green noted he had no questions but stated that, if approved, the City will be the only one in the State of New Mexico to have this project, noting that the only one with a Solar covered parking at Wal-Mart. As the project moves forward it would be prudent to advise our public relations, Griffin and Associates of this project, because it is phenomenal marketing and advertising for the City.

City Manager Juan Fuentes noted that City Staff was recommending approval of the project, so that we can proceed with the technical aspects of the project with Wal-Mart.

“Commissioner Steve Green moved to approve the Interconnection and Net Metering application for the Wal-Mart Solar Project.”

Seconded by Commissioner Jeff Richter.

Mayor Pro-tem Whitehead called for the vote.

Motion Carried Unanimously.

City Economic Development Coordination

Mayor Pro-tem noted the subject matter and requested Commissioner Green present.

Commissioner Steve Green stated he wished to give a history on where we are right now; as the Mayor, John, has moved on, and was the Director of SCEDO, and we are getting a lot of press on SpacePort and when the inquires come in we handle the ball and proceed in a professional manner; Commissioner Green noted the amount of press the City has received.

Commissioner Green noted the visit by Virgin Galactic to the Airport, since nothing was said about the visit, Commissioner Green had gone to the Airport only to find out that Mayor Mulcahy had been in attendance, but had not said anything about the visit. Noting we must not be top driven. The second one, Virgin Galactic had a tour and used the facilities at the Civic Center and was run by invitation only, if the Mayor was a party to, If John had spoken up the Commission could have made arrangements to prepare gift baskets, telling why they should come here, He also noted they brought in coffee and food items, from Las Cruces, noting there would have been many here who would have been able to provide services. Commissioner Green noted his wish to put together an Economic team, so we are ready when that phone call comes in we are ready and will follow up on that and share it with the Commission. He noted he wished to put together a team, who is going to field the phone call, who will show the potential customer around

the City, who's going to be the responsible person and share it, who is going to be the one to show the demographics, we have a year and a half, and the preparation time is now. . Stating he wished to put together a team, two commissioners, because if there are three they have to worry about a quorum, working with the go to person on staff. What are our strengths and what are our weaknesses. Noting he would volunteer to be on that team, but we all need to consider who would be on the Committees. He requested that the City Manager put it on the January meeting.

Commissioner Mike Kertesz asked about the two Boards, the Economic Committee and the Citizens Advisory Board.

Commissioner Green noted one was the Economic Development and the other was a Citizens Advisory Board which had a start date and an end date. Commissioner Green asked again to have this on the January meeting.

Commissioner Mike Kertesz asked that Staff look at the positions that John Mulcahy had served on, so we may redistribute them.

Commissioner Green noted that he thought he was on the JPC and he was the City's representative to SCEDO, noting that SCEDO was not longer a consideration as they had disbanded. Commissioner Green asked City Manager Fuentes if that was correct. Another thing Commissioner Green thought each of the Commissioners should consider reporting anything going on that they were aware of, so to enlighten the Commission as a whole.

Mayor Pro-tem Sandra Whitehead noted she wished for more notice when something of importance was to occur in which she needed to attend, giving more notice to prepare, including all the Commission needed to have notice in advance of any event.

REPORTS:

City Manager: Reported that the City had received the Certificate of Occupancy, for the Swimming Pool, from Municipal CID, noting the emergency gate needs to be installed then the final walkthrough would be done, and would hopefully have a date for the grand opening. Manager Fuentes noted they received approval from New Mexico Department of Finance and Administration to dispose of or demolish the of the mobile home trailers, staff will be doing that soon. Manager Fuentes noted concerns of a resident regarding the trees being removed at the Civic Center, he supported staff's recommendation of the removal of the tree; noting staff did their job as they were supposed to, and he supported their position in their decision to remove the tree.

Attorney Jay Rubin – No report.

Commissioner Mike Kertesz – No report.

Commissioner Jeff Richter: Reported that he and City Manager Fuentes had met with Karen Webber, the Program Director at Western New Mexico at the Gardner Learning center, noting that pursuant with the MOU with WNMU regarding goals, and how they were preceding, their goals and if they are meeting the goals of the Community, to be better aware of their goals and if they were meeting the needs of the Community. One of the things that came out of that meeting was that they have about 60 enrolled in the University, and they are working on 25 GEDs right now. One of their goals is to possibly offer a BA in Business Administration; they did say is the program was to meet the needs of the Community, whatever they may be. Right now they want to offer some community education classes which would have some heavy instances of math and writing, one other thing the community has asked for is classes in customer service, noting we are lacking employees with customer service.

Commissioner Steve Green noted Commissioner Richter's report and expanded on the Customer Service training, noting the need for training. Commissioner Green wished all a good Holiday's. He thanked those who put together the 340 Poly-Carts last week; he noting they would do the balance of 110 tomorrow. He requested from Staff, not to have anything brought before the City Commission that comes from a City Board that they have not had the privilege to read the minutes first, Commissioner Green spoke of the Boards making decisions. Put on Agenda for January 14th, a moratorium on new Billboards, and he wished to take a look at the variance, for future discussion. Wants to call Caroline Windsor for information on the tour which went to SpacePort what they learned what they heard and come here to tell the Commission what was learned. Commissioner Green noted he attended ribbon cutting, in Las Cruces for the new inter-terminal Bus, for the South Central Regional Transit District. As a comment he noted the City Web site is not serving us well at all, noting money constraints, he stated we have got to upgrade the City's website, to serve us better.

RESPONSE TO
PUBLIC
COMMENT:

None

EXECUTIVE
SESSION:

Mayor Pro-tem Sandra Whitehead moved that the meeting be closed for Executive Session pertaining to:

1. Purchase, Acquisition or Disposal of Real Property 10-15-1H(8)
Related to Disposition of Real Property – Cook Street

Seconded by Commissioner Steve Green.

Hon. Sandra Whitehead responded Aye to a Roll Call Vote.

Hon. Steve Green responded Aye to a Roll Call Vote.

Hon. Jeff Richter responded Aye to a Roll Call Vote.
Hon. Mike Kertesz responded Aye to a Roll Call Vote.

Motion Carried Unanimously.

OPEN SESSION: Mayor Pro-tem Sandra Whitehead stated that the Commission was now in Open Session.

“Commissioner Steve Green certified that only matters pertaining to:
1. Purchase, Acquisition or Disposal of Real Property 10-15-1H(8)
Related to Disposition of Real Property – Cook Street

Was discussed and no action taken.”

“Commissioner Steve Green moved to authorize Staff to move forward with disposal of property on Cook Street to interested party, offer to sell property on Cook Street.”

Seconded by Commissioner Mike Kertesz.

Mayor Pro-tem Sandra Whitehead called for the vote.

Motion Carried Unanimously.

ADJOURNMENT: “Commissioner Mike Kertesz called for Adjournment.”

Motion Carried Unanimously.

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

CERTIFICATION: PASSED AND APPROVED this _____ day of _____, 2014, on a motion duly made by Commissioner _____, seconded by Commissioner _____, and carried.

ATTEST:

Sandra Whitehead, Mayor Pro-tem

JUDY M. HARRIS, CITY CLERK

